



MINUTES

of

COUNCIL ASSESSMENT PANEL MEETING

Pursuant to the provisions of Section 82 of the Planning, Development and Infrastructure Act 2016

HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**THURSDAY, 19 FEBRUARY 2026
AT 6:00 PM**

The meeting commenced at 6:00 pm.

1 ATTENDANCE RECORD

1.1 Present

MR GEOFF PARSONS – PRESIDING MEMBER

Mr Aaron Curtis

Mr Paul Mickan

Ms Misty Norris

Mr Adam Squires

Also in attendance for the meeting:

Assessment Manager

Senior Development Officer - Planning

Development Officer - Planning

Development Officer - Planning

Program Manager Repurposing Assets

ICT Support Officer

Minute Taker

Mr Leif Burdon

Mr Oliver Luke

Mr Andrew Humby

Mr Jamie Hanlon

Mr Edi Bergamin

Mr Nathaniel Walters

Mrs Skye Nitschke

1.2 Apologies

Nil

1.3 Not Present

Nil

2 CONFIRMATION OF MINUTES**PANEL RESOLUTION****CAP600**

The Minutes of the Council Assessment Panel Meeting held 18 December 2025 be confirmed as a true and accurate record of proceedings.

CARRIED**3 APPLICATIONS WITHDRAWN**

Nil

4 DECLARATIONS OF INTEREST

Ms Norris declared a general interest in items 7.1. & 7.2 due to the City of Playford being the current owner of the subject land for both application and her status as an Elected Member.

Mr Squires declared a general interest in item 10.1 due to his involvement with the assessment of the application when an employee of the City of Playford.

5 APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD

Nil

6 APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

Nil

7 APPLICATIONS FOR CONSIDERATION - CATEGORY 1

Ms Norris left the meeting room at 6:04 pm in response to their declared conflict of interest.

The Presiding Member advised that item 7.2 will be brought forward.

7.2 DA 26002879 - LOT 144 JOHN RICE AVENUE ELIZABETH SOUTH - VARIATION TO APPLICATION 24042652 - EXTERNAL ARCHITECTURE, FENCING AND SIGNAGE AMENDMENTS TO CHILD CARE CENTRE**Representors:** Nil**Applicant:** Development Holdings Pty Ltd

PANEL RESOLUTION**CAP601**

It is therefore recommended that the Council Assessment Panel resolves to:

1. **DETERMINE** that the variation is not seriously at variance with the provisions of the Planning and Design Code.
2. **GRANTS** Planning Consent to vary the application by Development Holdings Pty Ltd to amend Development Application ID 24042652 and retain the following Reserved Matters and Conditions:

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016* (the Act), the following matters shall be reserved for further assessment to the satisfaction of the Council Assessment Panel, and sub-delegated to the Assessment Manager, for determination prior to the granting of Development Approval:

1. The applicant must submit an updated Stormwater Management Plan and supporting calculations that confirm the use of a single discharge point to Mark Road and specify the selected stormwater treatment and detention measures.
2. The applicant must submit an updated Landscaping Plan that identified verge upgrades works to John Rice Avenue and Mark Road, including the proposed retention or removal of any street trees on Mark Road.
3. The applicant must submit an updated Civil and Siteworks Plan that confirms final site and building levels, as well as the extent and method of battering adjacent to the Regulated Tree and Council street trees. Supporting arboricultural advice may be required where works are proposed within close proximity to the trees.
4. The applicant must submit evidence of compliance that identifies that mechanical plant equipment is:
 - to be located within the designated 'plant' room;
 - to be located away from the eastern boundary of the site;
 - where necessary, be fitted with acoustic attenuation treatments.

Conditions

1. The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application
2. The child care facility herein approved with a maximum capacity of 116 children.
3. The hours of operation herein approved are as follows:
 - Monday to Friday - 6:30am to 6:30pm
 - Saturday and Sunday - closed

Any variation to these hours of operation will require a further consent.

4. All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained. They must be maintained in good condition thereafter.
5. All off-street carparking spaces must be line marked, in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2.2009. The line marking, signposting and directional arrows must be maintained to a clear and visible standard at all times.
6. The planting and landscaping identified on the Landscaping Plan submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the child care centre. Such planting and

landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die must be replaced by suitable species.

7. Any lights on the subject land must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted.
8. The signage, herein approved, must not move, flash, blink or rotate in any manner.
9. All recommendations contained within the Environmental Noise Assessment Report by Sonus document reference S8264C3 dated October 2024, shall be implemented prior to occupation of the site, and complied with at all times.
10. Payment of an amount calculated in accordance with the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* be made into the City of Playford Urban Trees Fund in lieu of planting replacement trees. Payment must be made prior to the issuing of Development Approval.
11. Refuse collection be restricted to periods when the child care centre is closed, specifically:
 - Saturday - Between the hours of 7:00am to 7:00pm
 - Sunday or Public Holiday - Between the hours of 9:00am to 7:00pm

Condition imposed by Environment Protection Authority

12. A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability (in the form described by Practice Direction 14: Site Contamination Assessment 2021) is issued by a site contamination consultant certifying the land is suitable for the proposed use.

Advisory Notes

1. The applicant/owner/operator is reminded of the 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.
2. Any pruning or works required on a Council tree must be undertaken by Council's arborists. Please contact the Manager of Tree Services by email at treeseviceplan@playford.sa.gov.au or for immediate assistance on 8256 0333 to arrange.

CARRIED UNANIMOUSLY

- 7.1 25038778 - LOT 1 PRINCE CHARLES STREET, ELIZABETH - CONSTRUCTION OF A FOUR-STOREY TOURIST ACCOMMODATION BUILDING AND ASSOCIATED CAR PARKING, RETAINING WALLS UP TO 1.2M, LANDSCAPING, ADVERTISEMENTS AND REMOVAL OF FOUR (4) REGULATED TREES AND THREE (3) SIGNIFICANT TREES

Representors: Nil
Applicant: Emmett JV Pty Ltd

Mr Nick Emmett, applicant, responded to questions from Panel Members

Mr Michael Dickson, Future Urban, for the applicant, responded to questions from Panel Members

PANEL RESOLUTION**CAP602**

It is recommended that the Council Assessment Panel resolves to:

1. **DETERMINE** that the proposed development is not seriously at variance with the provisions of the Planning and Design Code.
2. **GRANTS** Planning Consent to the application by Emmett JV Pty Ltd C/- Future Urban for the Construction of a four-storey tourist accommodation building and associated car parking, retaining walls up to 1.2m, landscaping, advertisements and removal of four (4) Regulated and Three (3) Significant trees subject to the following Reserved Matters and Conditions:

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016* (the PDI Act), the following matters shall be reserved for further assessment to the satisfaction of the Council Assessment Panel, and sub-delegated to the Assessment Manager for determination:

1. The Applicant is to submit a comprehensive landscaping plan which displays the location and species of all plantings on the subject land, prior to the issuing of Development Approval.

Conditions

1. The development granted Planning Consent shall be undertaken and completed in accordance with the following stamped plans and documentation, except where varied by conditions below:
 - Architectural drawings prepared by Matthews Architects, project number 22084, dated 16/02/2026
 - Civil Design Report with associated calculations and drawings prepared by Tesseract International Consulting Engineers, job number 23-221, dated 06/11/2025
 - Civil Stormwater Management Plan prepared by Tesseract International Consulting Engineers, job number 23-221, dated 17/02/2026
 - Arboricultural report prepared by Tree Vision Arboricultural Consultants, dated 05/12/2025
 - Traffic Report prepared by MFY Traffic and Parking Consultants, dated 03/12/2025
 - Waste Management Plan prepared by WSP, Rev B, Dated 03/12/2025.
2. All stormwater resulting from the subject development shall be managed in an orderly manner and in accordance with the approved plans and documentation so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.
3. Waste disposal vehicles and general delivery vehicles shall only service the development between the hours of 7.00am and 7.00pm Monday to Saturday inclusive, and shall, at all times, be restricted to the confines of the subject land.
4. The waste storage areas and/or receptacles shall be screened so as to reduce their visual prominence when viewed from the surrounding locality.
5. The area set aside for the parking of vehicles shall be made available for such use and shall not be used for any other purpose.
6. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in

accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of Council prior to the occupation or use of the development.

7. Any redundant vehicle crossovers shall be reinstated with matching kerb and verge treatments to Council's standards and satisfaction.
8. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.
9. Graffiti shall be removed from any structure on the site, at the cost of the applicant or owner, within 7 days of the graffiti being placed on the structure.
10. Replacement trees must be planted within 12 months of completion of the development at the following rates:
 - if the development relates to a regulated tree—2 trees to replace a regulated tree; or
 - if the development relates to a significant tree—3 trees to replace a significant tree.

Replacement trees cannot be within a species specified under Regulation 3F(4)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017*.

11. Effective measures shall be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
 - Prevent silt run-off from the land to adjoining properties, roads and drains.
 - Control dust arising from the construction and other activities, so as not to, in the opinion of council, be a nuisance to residents or occupiers on adjacent or nearby land.
 - Ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site.
 - Ensure that all litter and building waste is contained on the subject site in a suitable covered bin or enclosure.
 - Ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of council, to the occupiers of adjacent land.

Conditions Imposed by Commissioner of Highways under Section 122 of the PDI Act

12. All access to/from the site shall be gained via Prince Charles Street only in accordance with the site plan produced by Matthews Architects, Project No. 22084, Dated 07/11/2025.
13. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2022 and AS/NZS 2890.6:2022.
14. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
15. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
16. The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.
17. The illuminated signage shall be limited to a low level of illumination so as to

minimise distraction to motorists ($\leq 150\text{cd/m}^2$).

18. The signage shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.

Advisory Notes

1. You are further advised that Building Rules Consent is required for the application pursuant to the *Planning, Development and Infrastructure Act 2016* (due within 2 years of the date of Planning Consent).
2. The developer is responsible for ensuring that building work is sited in the approved position. This may necessitate a survey being carried out by a licensed land surveyor. Allotment boundaries will not be certified by council staff; however, council may enforce removal of any encroachments over council land.
3. Whilst not administered by Council, the provisions of the *Fences Act 1975* may apply to any works proposed affecting boundary fences, including requirements for consultation and notification of adjoining owners. It is recommended that your obligations under the *Fences Act 1975* are confirmed prior to any works affecting boundary fences (existing or proposed).
4. In addition to the provisions of the Building Code of Australia relating to access for people with disabilities, you must comply with the *Commonwealth Disability Discrimination Act 1992*. Compliance with the Act is the responsibility of the property owner.
5. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

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).

Advisory Notes Imposed by Commissioner of Highways under Section 122 of the PDI Act

6. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5m in width from portion of the Main North Road frontage of this site for future upgrading of the Main North Road, Philip Highway and Yorktown Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all new building works located on or within 6m of the possible requirements. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is therefore required to all new building works located on or within 6m of the possible requirements.

The attached consent form and a copy of the approved plan/s and decision notification form should be provided to DIT (via dit.landusecoordination@sa.gov.au) for consent purposes.

7. In the event that traffic flows on the abutting roads are impacted during

construction of the development the applicant shall notify DIT's Traffic Management Centre (TMC) – Roadworks on 1800 434 058 or email dit.roadworks@sa.gov.au to gain approval for any road works, or the implementation of a traffic management plan.

CARRIED UNANIMOUSLY

Mr Squires left the meeting room at 6:32 pm.

Ms Norris & Mr Squires returned to the meeting room at 6:35 pm.

8 OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS

Nil

9 OTHER BUSINESS

9.1 STAFF REPORTS

Matters to be considered by the Committee Only

Matters delegated to the Committee

9.1.1 REVIEW OF DELEGATIONS BY THE COUNCIL ASSESSMENT PANEL

Responsible Executive Manager : Leif Burdon

PANEL RESOLUTION

CAP603

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 1 to the Report dated 21 November 2024 and entitled 'Instrument C - Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel') are hereby delegated 19 February 2026 to the City of Playford Assessment Manager subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the City of Playford Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the City of Playford Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in Attachment 1.

CARRIED UNANIMOUSLY

10 CONFIDENTIAL MATTERS

10.1 CHANGE OF LAND USE TO A TRANSPORT DISTRIBUTION FACILITY FOR THE PURPOSE OF SUPPORTING PRIMARY PRODUCTION, COMPRISING A WAREHOUSE, HEAVY VEHICLE PARKING OF UP TO 8 VEHICLES, CAR PARKING, DETENTION BASIN, FENCING AND LANDSCAPING.

Responsible Executive Manager : Leif Burdon

Mr Squires left the meeting room at 6:38 pm in response to their declared conflict of interest.

A. COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE FOR ITEM 10.1**PANEL RESOLUTION****CAP604**

Pursuant to Pursuant to Part 3, 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, provision is made for the exclusion of the public from the meeting in such situations, with the exception of:

- Assessment Manager;
- Senior Development Officer – Planning;
- Development Officer – Planning;
- ICT Support; and
- Minute Taker.

in order to consider in confidence agenda item 10.1 Part 3, 13(2)(a) of the *Planning, Development and Infrastructure (General) Regulations 2017* on the basis that:

- (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.
- (vii) matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.
- (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place.

This matter is confidential because this agenda item relates to an ongoing appeal between the appellant and the Council Assessment Panel (CAP). As an ongoing appeal, this is a confidential matter between parties and the public discussion of such matters has the potential to impact the appellants right to a fair trial and relates to ongoing litigation.

On the basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed in this instance; CAP consider it necessary to consider this matter in confidence.

CARRIED UNANIMOUSLY

The meeting went into confidence at 6:38 pm.

C. PROCEDURAL DECISION - COMMITTEE TO DECIDE HOW LONG ITEM 10.1 IS TO BE KEPT IN CONFIDENCE**PANEL RESOLUTION****CAP605**

Pursuant to Part 3, 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Panel orders that the following aspects of Item 10.1 be kept confidential, in accordance with the Panel's reasons to deal with this item in confidence pursuant to Part 3, 13(2)(a)(vi) & (ix) of the *Planning, Development and Infrastructure (General) Regulations 2017*:

- Report for Item 10.1
- Attachment(s) for Item 10.1
- Minutes for Item 10.1

other than where required to be released in the management of the Environment Resources and Development Court proceedings, at the discretion of the Assessment Manager.

CARRIED UNANIMOUSLY

The meeting re-opened to the public at 7:06pm.

Mr Squires returned to the meeting room at 7:07 pm.

11 POLICY DISCUSSION FORUM

Nil

12 CLOSURE

The meeting closed at 7:07 pm.