



COUNCIL ASSESSMENT PANEL

Minutes

for the meeting
Monday, 27 April 2026
at 5.30 pm
in the Colonel Light Room, Adelaide Town Hall



Minutes of the Meeting of the Council Assessment Panel

Held on Monday, 27 April 2026, at 5.30 pm,
Colonel Light Room, Adelaide Town Hall

Present -	Presiding Member -	Nathan Cunningham
	Panel Members -	Colleen Dunn, Councillor Eleanor Freeman and Julian Rutt
	Deputy Panel Member -	David Cooke
Apology/ies -	Panel Members -	Robert Gagetti

Opening and Acknowledgment of Country

At the opening of the Panel Meeting, the Presiding Member stated:

'The City of Adelaide acknowledges the Kaurna People of the Adelaide Plains as the Traditional Custodians of the land on which we meet today.

We acknowledge and honour their spiritual and cultural stewardship of this Country and recognise their deep and enduring relationship with its lands, waters, the sky, and all living things.

We pay our respects to Kaurna Elders past and present and recognise the important role of emerging leaders in sustaining and strengthening culture.'

1 Confirmation of Minutes

Decision

That the Minutes of the meeting of the City of Adelaide Council Assessment Panel held on 23 March 2026 be taken as read and be confirmed as an accurate record of proceedings.

2 Declaration of Conflict of interest

Nil

3 Applications assessed under PDI Act 2016 (SA) with Representations

3.1 1-7 Cairns Street, Adelaide

Representations listed to be heard

Representors:

- Elizabeth Rushbrook of 317 Wakefield Street, Adelaide withdrew their request to speak

Applicant:

- Sean Elliott and Matthew King of URPS and Mladen Zujic of Architects Ink on behalf of the applicant (present to answer Panel Member questions only)

Decisions:

The Council 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

The Council Assessment Panel resolves that:

2. Development Application Number ID 25035892, by Datay Pty Ltd is REFUSED Planning Consent for the following reasons:
 - City Living Zone PO 1.4 is not achieved as the proposed commercial activities are not of a scale and type to maintain residential amenity.
 - City Living Zone PO 2.3 is not achieved as the new building is not consistent with the valued streetscape characteristics of the area or prevailing built form characteristics.
 - City Living Zone PO 3.1 is not achieved as the building is not setback from the primary street boundary to complement the existing streetscape character.
 - City Living Zone PO 3.5 is not achieved as boundary walls are not limited in height and length to manage impacts on adjoining properties.
 - Design Overlay PO 1.1 is not achieved as the medium rise building does not demonstrate high quality design.
 - Design in Urban Areas PO 2.4 is not achieved as the development at street level does not maximise opportunities for passive surveillance of the public realm.
 - Design in Urban Areas PO 2.5 is not achieved as the entry points of the building and non-residential land uses at street level do not maximise passive surveillance from the public realm to the inside of the building at night.
 - Design in Urban Areas PO 3.1 is not achieved as soft landscaping and tree planting are not incorporated to minimise heat absorption and reflection, maximise shade and shelter, maximise stormwater infiltration and enhance the appearance of the land and streetscape.
 - Design in Urban Areas PO 12.1 is not achieved as the building does not positively contribute to the character of the local area by responding to the local context.

- Design in Urban Areas PO 12.2 is not achieved as architectural detailing at street level and a mixture of materials at lower building levels near the public interface are not provided to reinforce a human scale.
- Design in Urban Areas PO 12.3 is not achieved as the building is not designed to reduce visual mass by breaking up building elevations into distinct elements.
- Design in Urban Areas PO 12.4 is not achieved as boundary walls visible from public land do not include visually interesting treatments to break up large blank elevations.
- Design in Urban Areas PO 13.1 is not achieved as the development does not provide a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of the building.
- Design in Urban Areas PO 13.2 is not achieved as deep soil zones are not provided to accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi storey buildings.
- Design in Urban Areas PO 13.3 is not achieved as deep soil zones with access to natural light are not provided to assist in maintaining vegetation health.
- Interface between Land Uses PO 1.2 is not achieved as the development is not designed to minimise adverse impacts to adjacent sensitive receivers.
- Interface between Land Uses PO 4.1 is not achieved as noise emitted by the development unreasonably impacts on the amenity of sensitive receivers.
- Transport, Access and Parking PO 1.4 is not achieved as the development is not sited and designed so that traffic avoids queueing on public roads.

ADVISORY NOTES

1. Appeal Rights

The applicant has a right of appeal against this decision. 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 8204 0289).

3.2 42 Melbourne Street, North Adelaide

Representations listed to be heard

Representors:

- Robert Elphick of 17 Sussex Street, North Adelaide
- Jemma Elphick of 17 Sussex Street, North Adelaide (also appeared on behalf of Robert Elphick)
- Jamie Pettigrew of 13 Sussex Street, North Adelaide
- Emma Johnson of 101 Stanley Street, North Adelaide (not in attendance)
- Kym Tothill of 21 Sussex Street, North Adelaide
- Katelyn Priester of 22 Sussex Street, North Adelaide (not in attendance)
- Daniel Killey of 15 Sussex Street, North Adelaide
- Alex Moore of U14, 55 Melbourne Street, North Adelaide (not in attendance)
- Iain McQuin and Phil Weaver for Rodney Twiss of 38 Melbourne Street, North Adelaide
- Claudia Saccone and James Grogan of 59 Sussex Street, North Adelaide (not in attendance)

Applicant:

- Greg Vincent and Ken Body of MasterPlan on behalf of the applicant

The Council Assessment Panel resolves that Development Application Number ID 25024778, by Adelaide Development Corporation be DEFERRED to request the following further information:

- How proposal adequately mitigates visual impacts of building massing on adjacent residential development in the City Living Zone, particularly the 45-degree plane requirement in City High Street Subzone PO 3.1
- Reduction of direct overlooking of habitable rooms and private open space of adjacent residential properties as sought by Design in Urban Areas PO 16.1
- Ensuring driveway is designed to allow safe and convenient movement as sought by Design in Urban Areas PO 33.3
- Further details of landscaping adjacent the rear boundary, particularly in terms of maintenance and limiting impacts to neighbouring properties.

4 Applications assessed under PDI Act 2016 (SA) without Representations

Nil

5 Appeal to CAP for Assessment Manager's Decision Review

Nil

6 Other Business

6.1. Planning Policy Updates including Suggestions from Panel

Nil

6.2. Other Business raised at Panel Meeting

Nil

6.3. Next Meeting - Monday 25 May 2026

Closure

The meeting closed at 8.42 pm

**Nathan Cunningham
Presiding Member
City of Adelaide Council Assessment Panel**

Documents Attached:

Nil