

**CITY OF UNLEY**

**COUNCIL ASSESSMENT PANEL**

**Minutes of Meeting held Tuesday, 18 December 2018  
at 6.00pm in the Civic Centre, Unley**

**ACKNOWLEDGEMENT**

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

**PRESENT:**

Mr Brenton Burman (Presiding Member)  
Ms Nicole Dent  
Mr Roger Freeman  
Mrs Ann Nelson  
Mrs Jennie Boisvert

**APOLOGIES:**

**OFFICERS PRESENT:**

Mr Paul Weymouth, Assessment Manager  
Mr Andrew Raeburn, Acting Team Leader Planning  
Ms Chelsea Spangler, Planning Officer  
Ms Lily Francis, Development Administration

**CONFLICT OF INTEREST:**

Nil

**CONFIRMATION OF MINUTES:**

MOVED: Ann Nelson

SECONDED: Jennie Boisvert

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 11 December 2018, as printed and circulated be taken as read and signed as a correct record.

**CARRIED UNANIMOUSLY**

**ITEM 1**

**DEVELOPMENT APPLICATION – 090/51/2018/C3 – 21-23 EDMUND AVENUE, UNLEY  
SA 5061 (UNLEY)**

Mayor Michael Hewitson, Mark Kwiatkowski on behalf of Tina Photakis, George Photakis, Aalia Hope, Chris Mangatas, Harry Sinodinos, Helen Sinodinos, Kosta Sinodinos, Martha Damaskos, Nick Sinodinos, and William Sinodinos, Anne Wharton on behalf of herself, Michelle Wharton, Brigid Bruer and Hilary Bruer, Virginia Ward on behalf of herself and Vanessa Scoble, Edwin Mellors and Chris Mellors, Roslyn Islip on behalf of herself and Deane Kemp, Mary Rumbold on behalf of herself and FOCUS, Jasmine Sinodinos on behalf of herself and Antonios Litinas, Diana Naraniecki on behalf of herself and Peter Simmonds, Stewart Hocking of Masterplan on behalf of Nick and Michelle Giavis, Mary Kolusniewski, Jackie Burman, Jean Gill and Ernie Sorgini, representors and Ben Fitzsimons, supported by Tony Kelly, applicant, all addressed the panel regarding the above mentioned application.

MOVED: Jennie Boisvert

SECONDED: Ann Nelson

That Development Application 090/51/2018/C3 at 21-23 Edmund Avenue, Unley SA 5061 for 'Construction of integrated service station complex with associated fencing, landscaping, carparking and illuminated signage (including one 6m high pylon sign) and the removal of two (2) street trees along Duthy Street' is seriously at variance with the provisions of the City of Unley Development Plan and should be REFUSED.

That, in any event, Development Application 090/51/2018/C3 at 21-23 Edmund Avenue, Unley SA 5061 for 'Construction of integrated service station complex with associated fencing, landscaping, carparking and illuminated signage (including one 6m high pylon sign) and the removal of two (2) street trees along Duthy Street' is at variance with the provisions of the City of Unley Development Plan and should be REFUSED on its merits for the following reasons:

- The proposal involves a use of land (namely 23 Edmund Avenue) for a non-residential use despite it being currently residential in nature.
- The proposal is not constructing a detached dwelling of a street fronting format that displays the themes and styles of housing as desired by PA6.
- The design and appearance of the proposed service station is at odds with the prevailing character of the locality and desired character of the Zone and PA 6.
- The proposal involves the expansion of a non-residential use beyond an existing non-residential site that is not minor in scale and nature.
- The proposal gives rise to unacceptable interface impacts upon nearby properties with respect to visual impacts, but primarily with respect to light spill/glare, hours of operation and traffic generation.

**CARRIED UNANIMOUSLY**

**ITEM 2**

**DEVELOPMENT APPLICATION – 090/731/2018/C3 – 21-23 EDMUND AVENUE, UNLEY SA 5061 (UNLEY)**

Jasmine Sinodinos on behalf of herself and Antonios Litinas, Mark Kwiatkowski on behalf of Helen Sinodinos, Harry Sinodinos, Martha Damaskos and, Jean Gill, representors, and Ben Fitzsimons supported by Tony Kelly, applicant, addressed the panel regarding the above mentioned application.

MOVED: Roger Freeman

SECONDED: Nicole Dent

That Development Application 090/731/2018/C3 at 21-23 Edmund Avenue, Unley SA 5061 for change of use from service station and motor repair workshop to office and restaurant (including takeaway) and associated car parking is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

**DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:**

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The overall capacity of the restaurant shall be limited to a maximum of 20 seats at any one time.
3. The operating hours of the office and restaurant approved herein shall be between the following hours:

Office

- 8.30am to 5.30pm Monday to Friday

Restaurant

- 8.00am to 9.00pm Thursday and Friday
- 10.00am to 9.00pm on Saturday
- 10.00am to 9.00pm on Sunday

4. All goods and materials shall at all times be loaded and unloaded within the confines of the subject land. Delivery vehicles shall only access the site between the hours of 7.30am and 6.00pm Monday to Friday. Materials and goods shall not be stored on land delineated for use as car parking.
5. All solid waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in bins having a close fitting lid. The bins shall be stored behind the kitchen/restaurant building in the designated storage area and screened so that it is not visible from the street or adjacent residential properties. A screening device shall be erected prior to the operation of the restaurant.
6. The car parking layout shall satisfy the requirements of AS/NZS 2890.1-2004 Off-Street Car parking and AS/NZS 2890.6-2009 - Off-Street Parking for People with Disabilities.

7. Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
8. That the maximum size delivery vehicle to access the site shall be limited to Medium Rigid Vehicle (MRV) in accordance with Australian Standard 2890.2 - 2002 Parking Facilities, Part 2, Off-Street Commercial Vehicle Facilities.
9. That any redundant crossovers be closed and reinstated with kerb and water table, in accordance with Council requirements, prior to commencement of the development. Further details to be provided to the satisfaction of Council prior to issue of development approval.
10. That there is no amplified music played within the outdoor dining area for the restaurant.

**NOTES PERTAINING TO DEVELOPMENT PLAN CONSENT:**

- Advertising signs do not form part of this approval and a separate development application must be made to Council for any such signage that requires development approval.
- That signage be displayed to the reasonable satisfaction of Council showing the location of car parking for customers of the office and restaurant

**CARRIED UNANIMOUSLY**

**CLOSURE**

The Presiding Member declared the meeting closed at 8.07pm

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 22 January 2019

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**PRESIDING MEMBER**

**DATED**       /       /

NEXT MEETING

Tuesday, 22 January 2019