145/2832/13 Mr D Robertshaw

Item 6.1 Attachment 1.1

Plans and supporting documentation

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7 February 2015

John Mason
Development Officer-Planning
City of Onkaparinga
PO Box 1
NOARLUNGA CENTRE SA 5168

Dear Mr Mason

Planning Appeal – Proposed Residential Flat Building containing five (5) dwellings at 11 Hyland Avenue Darlington (DA 145/2832/2013)

I refer to the appeals lodged with the Environment Resources and Development Court and confirm that the matter has been adjourned until Monday 2 March 2015 to enable the presentation of an amended proposal for the consideration of the Development Assessment Panel.

My clients have considered the reasons for refusal attached:

Decision Notification 040/1278/014 dated 29 September 2014

General Section

Design and Appearance

Objective Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

The locality is predominantly characterised by low density single and two storey detached dwellings that retain large setbacks and have large rear yards. The proposed dwellings are considered are too greater density for the locality and this coincides with built form that is incompatible with existing dwellings in terms of bulk and scale.

Principle 1: Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:

(a) building height, mass and proportion

The building mass of the residential flat building is considered to detrimentally impact the character of the locality. Further, this mass is exacerbated by the two storey height of the dwellings.

Interface Between Land Uses

Principle 1: Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

(b) traffic impacts.
The development will generate a volume of traffic which will negatively impact on the amenity of the locality and further exacerbate an existing traffic movement issue on Hyland Ave.

**Land Division**

**Principle 2**: Land should not be divided if any of the following apply:

(c) the intended use of the land is likely to require excessive cut and/or fill

The size, position and the floor levels proposed for the residential flat building require a large amount of fill at the rear of the allotment, which increases the building mass and scale of the development. The floor levels do not work well with the topography of the land.

**Principle 9**: Allotments should have an orientation, size and configuration to encourage development that

(a) minimises the need for earthworks and retaining walls

(c) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.

The residential flat building proposed does not work well with the contours of the land and this together with the overall bulk and scale of the building impacts the setting of the immediately surrounding locality, including views from the adjoining neighbours.

**Residential Zone**

**Objective 3**: Development that contributes to the desired character of the zone.

**DESIRED CHARACTER**

It is envisaged that the character, density and pattern of development across the zone will vary according to local conditions with lower densities and dwelling design that responds to the terrain, eco systems, vegetation and topography. There will be an emphasis on higher residential densities in locations in close proximity to shopping centres, public transport and public open space on land with moderate gradients and where impacts on native vegetation and the natural environment will be minimised

The residential flat building proposed does not respond well to the terrain and topography and this indicates that the density and bulk and scale of the development is not appropriate for this location.

**Principle 3**: Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.

The densities proposed are higher than and not considered compatible with the existing low density pattern of development in the locality.

The key issues appear to be that the:
- The site area of each allotment is less than the minimum stated for the Policy Area
- The provision of open space is less than minimum required for each allotment based on a minimum site area of 450 m²: and
- The proposed new dwelling is not in keeping with the design, scale, appearance and use of building design elements of character dwellings within the locality.
The applicant has considered the reasons for refusals and the keys issues arising from the refusal and has amended. Drawings 4 of 8 and 5 of 8 show, graphically the differences between the original scheme in Red and the current amendments. The key changes are:

- the overall height of the project has been lowered between 1.5 to 2.0 m by lowering the finished ground level of the development. These changes have also resulted in a reduction to the height and extent of retaining walls along the northern boundary and will enable the planting of trees and shrubs in natural ground.
- a reduction in the upper level floor area and change from the mansard roof profile to a steep pitched roof.
- The massing and bulk of the building further broken up by the introduction of balconies and single storey skillion roofs above the garages creating voids of between 3.0m to 6.0 metres to the upper story built form of the dwellings;

We submit an amended proposal for the Panel’s consideration as a basis of compromise responds to the reasons for refusal as follows:

**Land Use and Desired Future Character**

The Desired Character statement recognises that there are differences in the character of different parts of the zone and seeks new development to respond to the terrain, eco systems, vegetation and topography.

The proposed amendments achieve a development that better responds to the sloping terrain and topography of the local area and reinforces the stepping down pattern of development evident within the locality.

The Character statement further encourages high residential densities in locations in close proximity shopping centres, public transport and public open space.

The subject land is within walking distance of Flagstaff Hill Road, Main South Road and Marion Road all of which are main metropolitan arterials road and public transport routes. Public transport routes linked directly to the Adelaide CBD and regionally at the Marion Centre Interchange adjacent to the Westfield Marion Regional Shopping Centre.

The locality is also served with accessible public open space with Riverside Reserve, the Sturt Gorge Recreation Park and Science Park reserve and local and regional services and educational facilities.
The subject land is considered in suitable part of the zone and is a suitable site for higher density residential development. The amended proposal better responds to the local topography.

The amended proposal provides an opportunity to contribute to the provision of a diverse range of housing that will meet needs of all people.

Overall the land use being residential in nature is a supportable form of development within the Residential Zone.

Amenity and Visual Appearance of Built Form

The amended proposal has notably reduced the massing and bulk of the proposed building through the lowering of the site by approximately 1.5 metres and the reduction of the upper level footprint to create greater voids between the dwellings.

The reduction of the overall height of the development has enabled the retention of views for the southern neighbours over the roof and between the dwellings from their dwelling. While some loss of views in unavoidable the amended proposal will
minimise the impact of the development on the neighbours in terms of bulk, massing, scale and loss of views.

Summary

The amended proposal which incorporates a number of design changes in my view adequately addresses the concerns of the Panel and it sufficiently satisfies the quantitative and qualitative provisions of the Development Plan in particular the Desired Character and Objectives and Principles for the Residential Zone, in that:

• is of an appropriate design, bulk and scale and has been enhanced with the changes to height and built form of the upper level;
• appropriately addresses the contours of the site and the local topography;
• the proposed dwellings are consistent Desired Character of this area of the locality;
• will not unreasonably impact on the adjoining land owners by way of loss of views and overlooking; and
• it will compliment and enhance the visual amenity of the streetscape and the locality.

I trust that this response addresses the concerns of the Council's Development Assessment Panel. In my view, the amended proposal appropriately satisfies the relevant provisions of the Development Plan and warrants the granting of Development Plan consent.

Please do not hesitate to call me on 0413 743 405 should you wish to discuss this matter or require further clarification on any aspect of this proposal.

Yours faithfully

Lou Fantasia

Lou Fantasia MPJA KHS
Certified Practising Planner
EXISTING STONE WALL TO BE REPAIRED AND MADE GOOD

APPROX. CENTRELINE LEVELS

SHEET 1 OF 6

SITE LAYOUT PLAN:
SCALE 1:200

PROPOSED RESIDENTIAL DEVELOPMENT FOR: D. ROBERTSHAW
AT: No 11 HYLAND AVE., DARLINGTON

PLANNING APPLICATION ONLY

REFER TO SHEET 3 FOR AREAS:
NOTE:
SERVICES AND FEATURES LOCATED ON THIS PLAN ARE AS INSTRUCTED BY OUR CLIENT.
NO RESPONSIBILITY IS TAKEN TO ANY THIRD PARTY RELYING ON INFORMATION CONTAINED IN THIS PLAN.
NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND SERVICES.
IF EXCAVATION WORKS ARE REQUIRED ON SITE THEN FURTHER INVESTIGATION
MUST BE UNDERTAKEN INCLUDING USING "DIAL BEFORE YOU DIG".

MICHAEL GREAR SURVEYS
Licensed & Engineering Surveyors
1897 South Road
Belfield Park SA 5042
Phone 8366493
8/81 Parkinson St
Morphett Vale SA 5162
Phone: 8442340

11 HYLAND AVENUE
DARLINGTON
DETAILED AND CONTOUR SURVEY

DRAWN BY: P.M. ROBERTSON
REVISED BY: P.M. ROBERTSON 20/1/99

SCALE: 1:200
METRES

CONTOUR INTERVAL: 0.2m

DATE: 26/08/93

118
MATERIALS, COLOURS AND FINISHES:

ROOFING: COLORBOND ORES PROFILE MANSARD ROOF (PAINTED G сентон OR SIMILAR)
FASCIA, TRIM, CONVEXITY AND GUTTER: METAL FASCIA AND BARGE BUSHLAND OR SIMILAR
WINDOW AND DOOR FRAMES: WHITE POWDER COATED ALUMINIUM
MAIN WALLING: FACE BRICK SANDSTONE COLOUR TO ALL BEAR LOWER BRICK VENEER WALLING

PROPOSED RESIDENTIAL DEVELOPMENT FOR: D. ROBERTSHAW
AT: No 11 HYLAND AVE., DARLINGTON

DRAWING No: FH-DR-41013

AERIAL VIEW OF SITE

PLANNING APPLICATION ONLY
SEPARATE ATTACHMENT

145/2832/13 Mr D Robertshaw

Item 6.1 Attachment 1.2

Panel agenda report 16 October 2014

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3.1 145/2832/2013 Mr D Robertshaw

Residential flat building comprising five x two-storey dwellings with garages, driveway, landscaping and retaining walls at 11 Hyland Avenue, Darlington.

Report author: John Mason, Development Officer Planning
Contact: Phone: 8384 0549
        Email: johmas@onkaparinga.sa.gov.au

Recommendation:
Attachments:
1. Site and locality plans (3 pages)
2. Application documents (6 pages)
3. Representations (12 pages)
4. Applicant’s response (7 pages)
5. SA Country Fire Service’s Report (4 pages)

Personal Representations:
Peter and Diane Neagle
Zhenfeng Zhu & Hongyun Ruan
Jacqueline Thomson

1. Summary of proposal

Owner of Land - Mr D Robertshaw
Zone - Residential
Form of Assessment - Merit
Public Notification Category - 2
Agency Consultations - SA Country Fire Service

1.1. Description of proposal

The applicant seeks to demolish an existing single storey detached dwelling with associated ancillary structures and to construct a residential flat building comprising five x two-storey dwellings with garages, driveway, landscaping and retaining walls.

The floor areas for each of the dwellings range from between 200 square metres to 211 square metres. Each dwelling has three bedrooms with a study on the second level and two allocated undercover carparking spaces. Dining, kitchen and lounge areas are located on the ground level.

The proposal incorporates a driveway that extends approximately 50 metres along the southern boundary. The width of the driveway for its length is six metres with landscape pods that protrude into the six metres.

Landscaping is proposed in the front setback area between proposed Unit 1 and the front property boundary, along the northern and eastern boundaries and in pods established on the driveway.
1.2. Description of the site and locality

The subject site is allotment 28 in Certificate of Title Volume 5185 Folio 708. The subject land is located on the eastern side of Hyland Avenue, Darlington and is approximately 1270 sq m in total area and has a frontage of 22.56 metres to Hyland Avenue. Current vehicular access to the site is gained from an existing driveway invert on the southern side of the subject land.

The subject land incorporates a moderate fall from its front (west) toward the rear (east) with a fall of five metres over 60 metres. The land adjacent to the east falls significantly down toward Brookside Drive which runs parallel with Flagstaff Road. The site does not incorporate any regulated or significant trees.

The locality is predominantly residential with a mix of single and two storey dwellings with a large reserve adjacent to 9 Hyland Avenue. West of the subject land and the prominent development in the locality is the Flagstaff Hotel on the corner of Flagstaff Road and Main South Road.

Generally, the locality is devoid of notable native vegetation such as regulated or significant trees, however, there are numerous medium sized trees in the locality of different origins.

2. Consultation

2.1. Public notification

Category 2: Notice of the application is given to adjoining property owners only, and the applicant may respond to any valid written representations received.

Representations:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Against</th>
<th>To be heard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mr P &amp; Mrs D Neagle</td>
<td>7 Hyland Ave</td>
<td>X</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Z Zhu &amp; H Ruan</td>
<td>13 Hyland Ave</td>
<td>X</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Ms J Thomson &amp; Ms F Clemente</td>
<td>1 East Way and 15 Hyland Avenue</td>
<td>X</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Mr L Ritta</td>
<td>9 Hyland Ave</td>
<td>X</td>
<td>No</td>
</tr>
</tbody>
</table>

Summary of Representations and Applicant’s Response:

Please note: Representors’ issues are shown in italics and the applicant’s response in standard dot-pointed text, being an excerpt taken from the applicant’s written response contained in attachment 4.

*The development is out of character with the locality in terms of density and bulk and scale.*

- The bulk and scale is minimised through the following:
  - Use of a ‘mansard’ style roof which reduces the massing of vertical walls.
  - Use of different building materials and finishes between lower and upper levels to reduce bulk.
- Punctuating the upper level through the use of dormer windows
- The introduction of voids between dwellings at the upper level.
- For the reasons above, the density, scale, bulk and height of the development are acceptable with respect to the local topography and relationship with nearby development.

Impact on the amenity of the locality through noise pollution, parking and traffic, potential flooding and overlooking.

- The provision of carparking spaces meets the requirements of the Development Plan with two undercover spaces provided for each dwelling with adequate turning area for the cars to enter and leave the site in a forward direction.
- Utilising the existing crossover to service all five dwellings will ensure no on-street parking spaces are lost and the development will not result in any significant increase in traffic movements.
- The total avoidance of overlooking is impractical, however, that which is considered unreasonable should be prevented. The upper level windows on the north, south and eastern elevations will be obscured to a height of 1700mm above the second storey finished floor level.
- Screens on the decks will minimise overlooking to the north, together with the use of landscaping.
- Generally, views are not owned and there are no guarantees that views from other developments will be maintained. In the matter between Hutchens & Anor vs City of Holdfast Bay & Anor, this issue was explored.
- There are no specific principles in the Development Plan that deal with the impact of loss of views. Other principles come into play with respect to bulk and scale, height, setbacks etc.
- The proposal is not a high noise generating use like a commercial or industrial development.
- Stormwater will be appropriately managed so as to not impact on adjoining neighbours. The stormwater management plan will meet council’s requirements.

Loss of value to property if the development was approved.

- Proposed values are not expressly a planning consideration.

Use of the dwellings for student accommodation

- Whether the dwellings are sold and owner occupied or let out is not a planning consideration unless each dwelling constitutes a boarding house or multiple dwelling.

Land slippage

- The proposed development is unlikely to increase the risk of land slippage. The foundations and footing system that will be used for the development will be designed by engineers using current best practice.

2.2. Agency consultation
SA Country Fire Service (CFS)

The CFS is supportive of the proposal subject to access, vegetation and water supply conditions being adhered with, which are directed to be imposed on any approval (attachment 5).

2.3. Internal Consultation

Design Services: Infrastructure

- Access and traffic movements supported
- Pre and post development calculations for 1 in 5 year ARI and 1 in 100 year ARI to be provided with a stormwater management plan. Only post development rates should be discharged to the street. Detention details should be provided.

Projects

- Supportive of the designs of the dwelling however, did request 3D modelling of the dwellings to understand how they would impact on the dwelling on 1 East Way, Darlington.

3. Assessment

3.1. Land Use

The proposal is to construct one residential flat building comprising five x two-storey dwellings. A residential flat building is defined by the Development Regulations 2008 as being:

A single building in which there are two or more dwellings, but does not include a semi-detached dwelling, a row dwelling or a group dwelling (these other forms of dwellings are also defined in the Development Regulations 2008).

In this case, the proposed building comprises five dwellings and the construction is such that the dwellings are retained in one building.

Residential flat buildings of one to two storeys in height are an envisaged within the Residential Zone as per PDC 1 of the Zone.

The applicant has confirmed that the dwellings are not to be used for student accommodation. This undertaking was sought early in the assessment of the application, as student accommodation is distinguished from other forms of residential development. This issue was explored in the Environment, Resources and Development (ERD) Court Matter between Morris vs City of West Torrens (2011) SAERDC 32.

The court held that student accommodation developments have smaller rooms and communal areas intended for social interaction. Further, a management regime, which includes limits on car ownership and noise, as well as rules to limit noise to avoid nuisance to other residents and neighbours should be provided, as will some form of on-site supervision.
3.2. **Character**

This development has an average allotment size of 250 sq m which meets the requirements of PDC 15 of the Residential Zone. Larger allotment sizes are sought where the average gradient of the land exceeds 1:10 which is not the case here, albeit there are parts of the allotment that are steeper than others.

The front setback of proposed Unit 1 achieves the required five metres for a lower order street. It is noted that this setback is behind the carport existing on 13 Hyland Avenue and forward of the setback of 9 Hyland Avenue, which is well setback. The position of the dwellings relative to the driveway is suitable, as it allows for turning movements for vehicles and the establishment of landscaping along both sides of it.

The dwellings achieve the required upper level side setback of 1.9 metres to the northern boundary, achieving 2.92 metres. The upper level side setback to the southern boundary is six metres which exceeds the 2.9 metre setback requirement to this boundary.

In terms of the streetscape impact of the proposal, it is noted that a two-storey construction is compatible with adjoining two storey development in the locality. However, the visual dominance of a two-storey development on this property will appear more dominant than others in the locality as the site is on the high side of the street and the topography of the land exacerbates the height of the building as well. That being said, the zone allows for two storey construction and the heights of the dwellings are well within the maximum height allowed of nine metres in the residential zone.

The proposal is not excessively bulky in its appearance, displaying the typical wall and overall heights expected of two-storey development. A reasonable attempt has been made to work with the topography of the land. Units 1 - 4 do not require more than one metre of fill, and Unit 5 requires fill up to two metres because of the steep drop off at the rear of the site. The impact of the high level of fill for unit 5 is softened by the extensive landscaping proposed between the dwelling and the eastern rear setback. The levels of Units 1 - 4 are reasonable. The ground floor balconies positioned at the northern rear of each of the dwellings work with the sudden drop off near the northern boundary.

Sufficient articulation of the building to all elevations has been provided to add visual interest to the proposal and break up extensive areas of walling in accordance with PDC 14 of General Section – Design and Appearance. In particular, the front façade of Unit 1 incorporates a mix of materials and the architectural theme is similar to that of dwellings within the locality. With the use of alternate materials, dormer windows and landscaping together with separation between the second storey levels of each the bulk of the development is addressed and the northern and southern facades present well.

The proposal incorporates some landscaping within the front setback of Unit 1 to the front property boundary. The landscaping proposed to the front, along the driveway, and the northern and eastern boundaries, is to soften and complement the appearance of the development. The Development Plan does not specify a minimum or indeed a maximum amount of landscaping required with the development, however, it does support a strip of landscaping adjacent to a common driveway servicing multiple dwellings.
The level of landscaping is consistent with the intent envisaged for this form of development, particularly given the landscaping surrounding the common driveway, and consistent with similar forms of development approved elsewhere in the Residential Zone.

3.3. Amenity

The density of housing is considered appropriate and noise increases that may result are anticipated and acceptable in a residential context.

Overlooking from the north facing second level Bedroom 1 and retreat windows are addressed with obscure glazing of the windows to a minimum height of 1700mm above the second storey finished floor level. This will prevent overlooking into the rear yard of 9 Hyland Avenue. Overlooking from the ground level balconies to the north is addressed with privacy screens, to also prevent overlooking into the rear yard of 9 Hyland Avenue. The south facing second level Bedrooms 2 and 3 windows are also to be obscured to 1700mm and this will prevent overlooking to the south, which is arguably resolved by the fence and difference in levels between the two properties.

The development will contribute to the visual amenity of the locality with regard to how the development will present to the street and the appropriateness of the chosen materials.

The Development Plan outlines that development should not unreasonably restrict views. The proposed two storey dwellings will restrict views from the single storey dwelling and side yard of 13 Hyland Avenue, however, these views are obtained due to the topography of the land and not because the dwelling has been designed to take advantage of them. If a two storey dwelling was orientated to the north on this property and its views were restricted by the development, then amendments should be sought and the proposal at variance with this requirement.

3.4. Private Open Space

The main private open space area for Units 2–5 is on decking at the rear of the dwellings which is accessible from a living area and achieves areas of approximately 18 sq m and there is an area equal to this at the rear of the decks. The requirement is 24 square metres for sites less than 300 sq m and these units achieve this requirement. The use of the decking is a good design response to the sudden drop of the subject land near the northern boundary.

Unit 1 has a wraparound courtyard which extends in front of the dwelling. The courtyard is accessible from a living area, meets the area requirement and is screened from the street.

The private open space is considered acceptable.

3.5. Carparking

The development provides 10 carparking spaces and two spaces for each three bedroomed dwelling. This adheres with the requirements of Table Onka/3 of the Development Plan.

There is no requirement for visitor parking to be provided with the development however, utilising one access to service the development ensures that two on-street parks are maintained in front of the subject land.
3.6. **Waste management**

The 22.56 metre frontage of the subject land is an ample extent of kerb available for bin collection.

Waste management for the site is considered to be functional and in accordance with Development Plan requirements.

3.7. **Stormwater management**

The applicant desires for this matter to be resolved after a planning consent is obtained.

Stormwater calculations and on-site detention will be required to slow the rate of discharge of stormwater into council’s infrastructure. This method will manage the stormwater effectively and not create issues for adjoining properties.

3.8. **Review of representations**

The concerns raised by the representors have been addressed in this report.

One of the representors cited concerns with noise generated from the proposed development. Whilst it is acknowledged that proposed dwellings on this allotment may lead to increased noise within the locality, the land is zoned residential allowing residential dwellings to be constructed. It is reasonable to assume that some noise may be generated into the future, however, the noise impacts are not deemed to be unreasonable in the Residential Zone.

The issue regarding loss of property value is not a planning consideration and the density of the development has been determined acceptable.

4. **Conclusion**

Two storey residential flat buildings are an envisaged form of development within the Residential Zone. This proposal is considered to be consistent with the quantitative measures for this type of development such as setbacks, private open space, driveway widths, vehicle manoeuvring and carparking. In addition, the building is considered to be sympathetic in its design, bulk and scale and with the existing dwellings in the locality, while representing a higher density of development than the majority of housing within the locality.

Landscaping has been provided which further assists softening the appearance of the building in keeping with the existing character of the locality. The landscaping is particularly relevant within the front setback and surrounding the common driveway.

The applicant has demonstrated sufficient compliance with the qualitative measures of the development plan in terms of overlooking and overshadowing.

Accordingly and on balance, the proposal is not considered to be seriously at variance with and sufficiently satisfies the provisions of the Development Plan and Development Plan Consent is warranted.
5. **Recommendation**

That the Development Assessment Panel:

1. **RESOLVE** that the proposed development is not seriously at variance with, and sufficiently satisfies the provisions of the Development Plan.

2. **RESOLVE** to **GRANT** Development Plan Consent to development application 145/2832/2013 for the demolition of an existing single storey detached dwelling with ancillary structures and the construction of a residential flat building comprising five x two-storey dwellings with garages, driveway, landscaping and retaining walls at 11 Hyland Avenue, Darlington subject to the following conditions and advisory notes.

**Planning conditions**

1. All development shall be completed and maintained in accordance with the plan(s) and documents submitted with and forming part of the development application except where varied by the following condition(s).

2. During construction and at all times thereafter, stormwater generated from the development shall be diverted away from all buildings, shall not pond against or near the footings and shall not be discharged or flow onto adjoining land. Where drainage is directed to the street water table, this shall be by way of a council approved stormwater drainage system.

3. The dwellings shall not be occupied until all necessary infrastructure has been provided to the site of the dwelling, including but not limited to a formed and sealed road and water-table, water supply and sewerage services, drainage/stormwater disposal and electricity services.

4. A stormwater management plan is required to be provided and endorsed by council’s engineers prior to development approval being granted.

5. The north facing Bedroom 1 and study room windows of units 1-5 and the south facing Bedrooms 2 and 3s windows, shall be permanently fitted with fixed and obscure glazing to a minimum height of 1700mm above the finished floor level, to the reasonable satisfaction of council prior to occupation of the development.

6. The northern elevations of the decks for Units 1 -5 herein approved shall be permanently fitted with a fixed screen eg close weave lattice, to a minimum height of 1700mm above finished floor level and capable of minimising overlooking into adjoining properties, to the reasonable satisfaction of Council prior to use of the structure/occupation of the development.

7. All plants, shrubs, trees and lawn and/or ground cover shall be maintained in good condition at all times. Any seriously diseased, dying or dead vegetation shall be promptly replaced to the reasonable satisfaction of council.

8. The driveway and car parking areas shall be paved or surfaced, drained and marked to accepted engineering standards prior to the occupation of the development and shall be maintained in good condition at all
times.

9. That effective measures 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, and
- ensure that all litter and building waste is contained on the subject site in a suitable covered bin or enclosure.

Notes

1. You are further advised that Building Rules Consent is required for the application pursuant to the Development Act 1993.

2. The proponent is reminded of Clause 23 under Part 6 of the Environment Protection (Noise) Policy 2007. The clause states that construction activity must not occur on a Sunday or other public holiday; and on any other day except between 7am and 7pm. Exceptions to this requirement are prescribed in Clause 23(1) b of the Environment Protection (Noise) Policy 2007.

3. The land owner/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.
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DEVELOPMENT NOTIFICATION FORM

South Australia - Regulations Under the Development Act, 1993 - Regulation 42

FOR DEVELOPMENT APPLICATION

DATED: 09-Oct-2013
REGISTERED ON: 09-Oct-2013

TO:
Mr D J Robertshaw
7 Lomond Cres
MORPHETT VALE SA 5162

LOCATION OF PROPOSED DEVELOPMENT

PROPERTY DESCRIPTION
Allot 28 DP 4794

PROPERTY ADDRESS
11 (Allot 28 DP 4794) Hyland Avenue, DARLINGTON SA 5047

CERTIFICATE(S) OF TITLE
CT-5185/708

NATURE OF PROPOSED DEVELOPMENT

Re-Notification - amended proposal - Residential flat building comprising five two storey dwellings with garages, driveway, landscaping and retaining walls

In respect of this proposed development you are informed that:

<table>
<thead>
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<th>NATURE OF DECISION</th>
<th>DECISION</th>
<th>NO. OF CONDITIONS</th>
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<tr>
<td>DEVELOPMENT PLAN CONSENT</td>
<td>Refused</td>
<td>Not applicable</td>
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<tr>
<td>BUILDING RULES CONSENT</td>
<td>Not yet determined</td>
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<tr>
<td>DEVELOPMENT APPROVAL</td>
<td>Refused</td>
<td>Not applicable</td>
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</tbody>
</table>

No work can commence on this development unless a Development Approval has been obtained. Please refer to the attached sheet(s) for Reasons for Refusal.

Date of Decision: 16-Oct-2014
Signed: ☐ Development Assessment Commission or Delegate
☐ Council Chief Executive Officer or Delegate
☐ Private Certifier
Date: ☐ Sheets Attached
CITY OF ONKAPARINGA

DEVELOPMENT APPLICATION NUMBER : 145/2832/2013
APPLICANT : Mr D J Robertshaw
LOCATION : 11 (Allot 28 DP 4794) Hyland Avenue, DARLINGTON SA 5047
PROPOSED DEVELOPMENT : Re-Notification - amended proposal - Residential flat building comprising five two storey dwellings with garages, driveway, landscaping and retaining walls

Reasons for Refusal

The Development Assessment Panel resolved to refuse Development Plan Consent as the development application it is considered to be at variance with the provisions of the Development Plan as follows.

General Section

Design and Appearance

Objective 1: Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

The locality is predominantly characterised by low density single and two storey detached dwellings that retain large setbacks and have large rear yards. The proposed dwellings are considered are too greater density for the locality and this coincides with built form that is incompatible with existing dwellings in terms of bulk and scale.

Principle 1: Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:

(a) building height, mass and proportion

The building mass of the residential flat building is considered to detrimentally impact the character of the locality. Further, this mass is exacerbated by the two storey height of the dwellings.

Interface Between Land Uses

Principle 1: Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

(h) traffic impacts.

The development will generate a volume of traffic which will negatively impact on the amenity of the locality and further exacerbate an existing traffic movement issue on Hyland Ave.

Land Division

Principle 2: Land should not be divided if any of the following apply:

(c) the intended use of the land is likely to require excessive cut and/or fill

The size, position and the floor levels proposed for the residential flat building require a large amount of fill at the rear of the allotment, which increases the building mass and scale of the development. The floor levels do not work well with the topography of the land.
Principle 9: Allotments should have an orientation, size and configuration to encourage development that:

(a) minimises the need for earthworks and retaining walls

(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.

The residential flat building proposed does not work well with the contours of the land and this together with the overall bulk and scale of the building impacts the setting of the immediately surrounding locality, including views from the adjoining neighbours.

Residential Zone

Objective 3: Development that contributes to the desired character of the zone.

DESIRED CHARACTER

It is envisaged that the character, density and pattern of development across the zone will vary according to local conditions with lower densities and dwelling design that responds to the terrain, eco systems, vegetation and topography. There will be an emphasis on higher residential densities in locations in close proximity to shopping centres, public transport and public open space on land with moderate gradients and where impacts on native vegetation and the natural environment will be minimised.

The residential flat building proposed does not respond well to the terrain and topography and this indicates that the density and bulk and scale of the development is not appropriate for this location.

Principle 3: Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.

The densities proposed are higher than and not considered compatible with the existing low density pattern of development in the locality.

Steve Tilbrook

AUTHORISED OFFICER

Dated: / /