

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **19 DECEMBER 2018**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **MICHAEL GATES**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PLANS
3. REPRESENTATIONS
4. RESPONSE TO REPRESENTATIONS

HEARING OF REPRESENTORS **KEN MAY**
 HEARING OF APPLICANT **D'ANDREA ARCHITECTS**

DA NO.	:	<u>110/00614/18</u>
APPLICANT	:	<u>D'ANDREA ARCHITECTS</u>
LOCATION	:	<u>34 AND 34A ADELPHI TERRACE, GLENELG NORTH</u>
DEVELOPMENT PLAN	:	<u>2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>CONSTRUCT TWO SEMI-DETACHED DWELLINGS, INCORPORATING A THREE STOREY DWELING AND A TWO STOREY DWELLING, WITH THE NORTHERN DWELLING HAVING AN UNDER CROFT GARAGE AND THIRD LEVEL</u>
EXISTING USE	:	<u>VACANT LAND - RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>FOUR</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT BE GRANTED</u>

1. Site

The subject site is located on the eastern side of Adelphi Terrace, Glenelg north, 30 metres north of the intersection with Newhaven Avenue. The site is of a regular shape and comprises two allotments with a frontages of 9.15 metres and 9.14 metres, depth of 45.83 metres and a total areas of 418 and 419 square metres. The land division application that created the two allotments was approved in 2008. There has been a couple of previous applications for dwellings on the site, but the last of those was in 2009 and therefore all have expired. The site is currently vacant of any buildings or significant vegetation.

The subject site is located within the Residential Zone, but is not in a Policy Area. It is also noted that the site is located in a Residential Code area with many of the recent developments to the east of the site being approved under Schedule 4 of the Development Regulations 2008.

2. The Locality

The locality is an area that has seen a reasonable amount of recent development with older detached dwellings being replaced by semi-detached dwellings.

The locality is a mix of single and double storey dwellings and is entirely residential. The area has a reasonably high level of amenity with the wide street design, close proximity of open space including the river frontage directly in front of the site.

3. Proposed Development

The proposed development is for the construction of two semi-detached dwellings, with the southern dwelling being two storeys, and the northern side dwelling three storeys with an undercroft garage. Both dwellings will comprise of four bedrooms with an upper level balcony to the front.

The northern side dwelling includes an undercroft double garage and also has a large basement area and a store room. The northern dwelling also includes a small third level that will comprise a small kitchen area and an area that will look out to the west, with potential views of the ocean and Patawalonga River.

Both dwellings will be constructed with a flat roof hidden behind parapet wall. The external materials include feature store wall on the front façade, steel columns on the balcony, glass balustrade, and white rendered walls to the side elevations.

The dwellings will be setback 6 metres from the street to the upper storey balconies to complement the existing setback, with the undercroft garage setback 14.5 metres from the street. The northern dwelling has the upper storey setback 2 metres from the side boundary, whilst the upper level of the southern dwelling varies between 2 metres at the front, and 2.5 metres towards the rear. Both dwellings meet the rear setback requirements for the ground and upper level.

4. Development Data

For reference, the northern side dwelling will dwelling 1, and the southern side dwelling 2

DEVELOPMENT DATA		
Aspect	Proposed	Compliance
Site Area	Dwelling 1 – 419 sqm ² Dwelling 2 – 419 sqm ²	<u>Existing</u> <u>Existing</u>
Site Coverage	Dwelling 1 – 59% Dwelling 2 – 65%	<u>Does not Comply</u> <u>Does not Comply</u>
Private Open Space	Dwelling 1 – 26% Dwelling 2 – 20%	<u>Complies</u> <u>Complies</u>
Primary Setback Dwelling 1 - Dwelling - Garage - Average setback of adjoining dwellings	6.0m 14.5m 7.5m 6m	<u>Complies</u>
Primary Setback - Dwelling - Garage - Average setback of adjoining dwellings	6.0m 7.0m 6.0m	<u>Complies</u>
Side Setback - Lower levels - Upper levels	1m & 1.2m 2m (both)	<u>Complies</u> <u>Does not comply, requires 2.5 for wall heights of 6m</u>
Rear Setback - Dwelling 1 - Lower level - Upper level	7.8m 9.4m	<u>Complies</u>
Rear Setback - Dwelling 2 - Lower level - Upper level	5.3m 13.8m	<u>Complies</u>
Wall Heights - Dwelling (lower) - Garage	2.5m 2.9m	<u>Complies</u> <u>Complies</u>

5. Public Consultation

The application is a category 3 form of development as Section 38 of the *Development Act 1993* as three storey semi-detached dwellings are not categorised in either the Development Regulations 2008 or in the Development Plan. Representations were received from 4 of the neighbouring properties:

- J and A Morris 1/33 Adelphi Crescent, Glenelg North
- K May 14A New Haven Avenue, Glenelg North
- J Collett 2/33 Adelphi Crescent, Glenelg North
- M & C Lewis 16 Newhaven Avenue, Glenelg North

The representor's concerns include:

- Three storey nature of the dwelling
- Overshadowing
- Location of rainwater tanks on an easement

In response to the concerns raised the applicant has provided amended lowering the height of the dwelling, whilst also increasing a portion of the upper storey setback to the southern boundary so it is now compliant with a 2.5m setback for a 6m high wall.

The applicant has also provided a shadowing diagram showing overshadowing from the new dwellings. The applicant has also provided for comparison what the overshadowing would be from a single storey dwelling. It is noted that whilst there is additional overshadowing for a two storey dwelling, it is only on the roof of the adjacent dwelling to the south. There is no impact to the dwelling to the east.

The dwellings have also been setback further from the street as to complement the streetscape pattern and minimise impacts to the front yard of the neighbouring property to the south.

The applicant has also confirmed that obscure windows will be used on the upper levels to a height of 1.7m above floor level that requires with the requirements of the Development Plan.

6. Development Plan Provisions

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL ZONE AND POLICY AREAS – OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL

RESIDENTIAL ZONE	
Objectives	
1. A residential zone comprising a range of dwelling types, including a minimum of 15% affordable housing.	Complies
3. Development that contributes to the desired character of the zone.	Complies

RESIDENTIAL ZONE (Cont)	
Desired Character	
<p>The zone contains the majority of the city's living areas, which are of predominantly low-density suburban form, but within policy areas include medium-to-high density forms of housing on the coast, along key transport corridors and within Glenelg, as well as coordinated development opportunities within large institutional sites. The zone includes five policy areas, three of which cater for coastal development, one for the City's residential institutions (including Minda and Masonic Homes) and one for medium density development along the key transit routes of Brighton Road, Anzac Highway, Tapleys Hill Road and along sections of the Seaford railway transit corridor. Development outside of the policy areas will be suburban in nature and evolve in response to progressive infill development of existing individual sites and through consolidation of sites to form larger comprehensive redevelopment opportunities. Infill development outside of the Policy Areas will not compromise the suburban character but will progressively increase dwelling densities through unobtrusive small-scale developments. In this regard, infill development will have a comparable height, mass, scale and setbacks to that of existing dwellings in the relevant locality.</p> <p>The zone's primarily suburban character outside of the policy areas is defined by detached dwellings on individual allotments. Infill development in these suburban areas will contribute to the city's housing diversity through development opportunities that (in order of preference):</p> <ul style="list-style-type: none"> (a) increase dwelling numbers on allotments that have dual road frontages (b) provide low scale dwellings at the rear of large allotments with street frontages wide enough to accommodate appropriate sited and sized driveway access and landscaping (c) semi-detached dwellings, where site considerations permit. <p>Development outside of the policy areas will generally be single storey in height in the areas east of Brighton Road, and up to two storeys in height in the areas west of Brighton Road.</p>	<p>Complies</p>

RESIDENTIAL ZONE	
Desired Character (Cont)	
<p>Buildings will be both domestic and contemporary in design and character to support and reinforce the essentially suburban character through typical domestic design forms, low front fencing and landscaping. Landscaping will help define the public realm and private property boundaries, and substantial landscaped front yards will contribute to the locality, with the retention of mature trees. Development will have side and rear building setbacks that incorporate an access path on one side, with on-boundary built form limited in height, length and location to the equivalent of typical open carports or garaging. Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade. Development will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways. Undercroft car parking will also be avoided on flat sites and sites that slope down from the street level. Buildings will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street.</p> <p>Residential development outside of the policy areas will utilise materials and finishes that respond to the character of the immediate locality and utilise brick, stone and rendered finishes to provide visual interest to facades. Development will also incorporate architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms. Development will be setback and orientated to minimise impacts of the privacy of neighbouring residents.</p>	
Principles of Development Control	
<p>1. The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> • affordable housing • domestic outbuilding in association with a dwelling • domestic structure • dwelling • dwelling addition • small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> • child care facility • health and welfare service • open space • primary and secondary school • recreation area • supported accommodation. 	Complies
<p>6. Development should not be undertaken unless it is consistent with the desired character for the zone.</p>	Complies

Principles of Development Control (Cont)			
8. Dwellings and residential flat buildings, except where specified in a particular policy area or precinct, should not exceed the maximum heights shown in the following table:			
Location of the dwelling	Maximum wall height above natural ground level	Maximum height above natural ground level	
West of Brighton Road or Tapleys Hill Road	7 metres	Two storeys	Dwelling 2 – Complies Dwelling 1 has small roof top area as a third level
9. Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.		Complies	

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – RESIDENTIAL - COUNCIL WIDE – PRINCIPLES OF DEVELOPMENT CONTROL

Residential Development	
5. Residential development should be designed to ensure living rooms have an external outlook.	Complies
9. The vertical distance between any lower floor of a building and the natural ground level should not exceed 1.5 metres at any point to minimise the depth of excavation and/or height of filling of land,	Complies
11. Development should ensure that north-facing windows to habitable rooms (all rooms excluding bathrooms, laundries and hallways) of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 5 pm on the 21 June.	Complies
12. Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9 am and 3 pm on 21 June to at least the smaller of the following: (a) half of the existing ground-level open space (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres). Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.	Complies
13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.	Complies

Principles of Development Control (Cont)		
<p>14. Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following:</p> <p>(a) have a maximum total width of garage or carport openings of 6 metres or 50 per cent of the dwelling frontage width, whichever is the lesser</p> <p>(b) be located at least 0.5 metres behind the main face of the associated dwelling</p> <p>(c) where it is in the form of an enclosed double carport or garage, be setback at least 8 metres from the primary road frontage and incorporate one of the following:</p> <p>(i) two individual doors with a distance of not less than 300 millimetres between them</p> <p>(ii) double tilt-up doors with moulded door panels having a maximum width of no more than 5 metres</p> <p>(d) be constructed of materials that integrate with those of the associated dwelling, or pre-coloured treated metal.</p>	<p>Complies, garages exceed 50% of the frontage but is considered not to be dominant</p>	
Principles of Development Control		
<p>19 Except where specified in a particular zone, policy area or precinct or Residential High Density Zone, the main face of a building should be set back from the primary road frontage in accordance with the following table: Setback difference between buildings on adjacent allotments with frontage to the same primary street</p> <p>Up to 2 metres</p> <p>Greater than 2 metres</p>	<p>Setback of new building</p> <p>The same setback as one of the adjacent buildings, as illustrated below:</p> <p>At least the average setback of the adjacent buildings.</p>	<p>Complies</p>
<p>20 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to:</p> <p>(a) minimise the visual impact of buildings from adjoining properties</p> <p>(b) minimise the overshadowing of adjoining properties.</p>	<p>Complies</p>	

Principles of Development Control (Cont)																				
<p>21. Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> <th></th> </tr> </thead> <tbody> <tr> <td>Side walls with a height up to (and including) 3 metres at any point above the natural ground level.</td> <td>1 metre</td> <td>Complies</td> </tr> <tr> <td>Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.</td> <td>1.5 metres plus an additional 500mm for every metre in height above 4 metres.</td> <td>Does not comply, northern side dwelling has 2m, but impacts will be minimal, setback to southern side varies between 2m and 2.5m, considered acceptable</td> </tr> <tr> <td>Side walls greater than 6 metres at any point above the natural ground level</td> <td>2.5 metres plus the increase in wall height above 6 metres</td> <td>N/A</td> </tr> <tr> <td>Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level</td> <td>4 metres</td> <td>Complies</td> </tr> <tr> <td>Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level</td> <td>6 metres</td> <td>Complies</td> </tr> </tbody> </table>			Parameter	Value		Side walls with a height up to (and including) 3 metres at any point above the natural ground level.	1 metre	Complies	Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.	1.5 metres plus an additional 500mm for every metre in height above 4 metres.	Does not comply, northern side dwelling has 2m, but impacts will be minimal, setback to southern side varies between 2m and 2.5m, considered acceptable	Side walls greater than 6 metres at any point above the natural ground level	2.5 metres plus the increase in wall height above 6 metres	N/A	Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level	4 metres	Complies	Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level	6 metres	Complies
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<p>23. Side boundary walls in residential areas should be limited in length and height to:</p> <p>(a) minimise their visual impact on adjoining properties (b) minimise the overshadowing of adjoining properties</p>																				
<p>27. Carports and garages should be set back from road and building frontages so as to:</p> <p>(a) contribute to the desired character of the area (b) not adversely impact on the safety of road users (c) provide safe entry and exit (d) not dominate the appearance of dwellings from the street</p>																				
<p>38. Site coverage (the proportion of a site covered by ground floor level buildings and structures including dwelling, garage, carport, verandas and outbuildings but excluding unroofed pergolas and unroofed balconies) should not exceed the following values:</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> <th></th> </tr> </thead> <tbody> <tr> <td>Site with an area less than or equal to 300 square metres</td> <td>60 per cent</td> <td rowspan="2">Does not comply – 59% and 65%. Whilst proposal exceeds requirement, the site is in a Residential Code area that allows for up to 60% site coverage. Proposal is consistent with site coverage in the area. 65% site coverage is considered to be a minor departure above the 60% pattern of development in the locality.</td> </tr> <tr> <td>Site with an area greater than 300 square metres</td> <td>50 per cent</td> </tr> </tbody> </table>			Parameter	Value		Site with an area less than or equal to 300 square metres	60 per cent	Does not comply – 59% and 65%. Whilst proposal exceeds requirement, the site is in a Residential Code area that allows for up to 60% site coverage. Proposal is consistent with site coverage in the area. 65% site coverage is considered to be a minor departure above the 60% pattern of development in the locality.	Site with an area greater than 300 square metres	50 per cent										
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Principles of Development Control (Cont)	
<p>29. Site coverage should be limited to ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) vehicle parking (b) domestic storage (c) outdoor clothes drying (d) a rainwater tank (e) private open space and landscaping (f) front, side and rear boundary setbacks that contribute to the desired character of the area (g) convenient storage of household waste and recycling receptacles 	Complies
<p>31. Private open space (land available for exclusive use by residents of each dwelling) should be provided for each dwelling (including a dwelling within a residential flat building) and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from the internal living areas of the dwelling (b) generally at ground level to the side or rear of a dwelling and screened for privacy (c) to take advantage of but not adversely affect natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjoining sites (f) to have a northerly aspect to provide for comfortable year-round use (g) to not be significantly shaded during winter by the associated dwelling or adjacent development (h) to be shaded in summer. 	Complies
<p>32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:</p>	
<p>Site area of dwelling - 250 square metres or greater.</p>	
<p>Minimum area of private open space - 20 per cent of site area.</p>	
<p>Provisions Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p>	Complies
<p>33. Private open space should not include driveways, front yards (except where it is a group dwelling that has no frontage to a public road and the private open space is screened from adjacent dwellings), effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas and common areas such as parking areas and communal open space.</p>	Complies
<p>34 Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to:</p> <ul style="list-style-type: none"> (a) assist with ease of drainage (b) allow for effective deep planting (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings. 	Complies

Principles of Development Control (Cont)	
<p>(b) any upper storey window that directly overlooks habitable rooms (all rooms excluding bathrooms, laundries and hallways) of residential buildings that are within 15 metres from the vertical centre line of the overlooking window and beyond a 45 degree angle from the plane of the wall containing the overlooking window (as illustrated by the figure below) should be glazed in fixed obscure glass or have window sills a minimum of 1.7 metres above the upper floor level:</p>	<p>Complies</p>
<p>(c) any upper storey balcony should be located and/or designed to avoid directly overlooking the private open space of adjoining residential properties and into habitable rooms (all rooms excluding bathrooms, laundries and hallways) of other dwellings.</p>	

7. Summary of Assessment

The following assessment will touch on aspects of the application which require further discussion, specifically the issue of overlooking, overshadowing, and the height of the northern dwelling.

Overlooking

The proposal was initially lodged and notified to neighbours with details of the upper level windows not clear. Upon receipt of the representations, the plans were amended to note the inclusion of obscure glazing to a height of 1.7 metres above floor level. This meets the requirements of Residential Development Principle of Development Control 40 and therefore the development is considered to adequately maintain the privacy of the neighbours. A condition is included in the recommendation to further enforce this requirement

Height of the dwellings

One of the concerns raised in the notification process relates to the inclusion of a small third level to the roof of the northern side of the dwelling. The southern side dwelling meets the height requirements of the Development Plan, and whilst the neighbour to the south has raised objections to the two storey nature, it is considered acceptable for the locality and within the requirement of the Development Plan for this Zone.

The third storey will comprise of a small lift and stair area, kitchen area of 2.6m by 2.9m and an additional living area of 5m by 4.6m. In total the upper area measures 5m by 9m with a total area of 46sqm with wall heights of 2.7m. The area is set in 3.5 from the northern boundary and is set on the shared southern boundary. As demonstrated in the overshadowing diagrams, the inclusion of the third level does not result in any additional overshadowing. The impacts of the additional level will be purely that is visible. The floor will be setback 15 metres from the street, and 9 metres behind the second that will minimise the visual impact of the upper level from both the street and neighbouring properties.

Given the minimal size of the third level and that it is set significantly back from both the street and the second level, the visual impact is considered to be minor and will not unreasonably impact on the streetscape or the amenity of the locality.

Overshadowing

Several of the representations raised concerns relating to overshadowing from the two storey design. In response to the representations the applicant provided an overshadowing diagram showing the impact to the southern neighbour. Whilst the dwellings will overshadow the neighbour to the south, impacts are considered reasonable given the application has demonstrated how much impact single storey dwelling would have. The diagram also confirmed that there is no impact to the neighbour to the east.

Conclusion

The design of the two semi-detached dwellings is considered to be reasonable consistent with the pattern of development along Adelphi Terrace as to not negatively impact on the character of the streetscape. Whilst there are a few non-compliances with the proposal, these are considered to be relatively minor and will not unreasonably impact on the amenity of the locality. The upper level side setback to the southern boundary varies between 2 and 2.5 metres where the requirement is 2.5 metres. The amount of site coverage is relatively consistent with the locality and appropriate privacy measures have been included as to maintain the privacy of the neighbouring properties.

Whilst the proposal does include a third level in a Zone where the Development Plan specifies that dwellings should be limited to two storey, the top is of a modest size and appropriately located as to not be visually dominant in the locality.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal as amended on balance satisfies the relevant provisions of the Development Plan. The semi-detached dwellings are broadly consistent with the Desired Character of the Residential Zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.

8. RECOMMENDATION

- 1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.**
- 2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, and consideration of representations, the application is considered to be reasonably consistent with the relevant provisions of the Development Plan and that the Council Assessment Panel resolves to grant Development Plan Consent, to Development Application 110/00614/18 subject to the following conditions:**

PLANNING CONDITIONS

1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.
2. That stormwater shall be collected and connected to a 1000 litre (minimum per dwelling) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval. Furthermore, all stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.

NOTE: Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.

3. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
4. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
5. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
6. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
7. That no solid or liquid trade wastes be discharged to the stormwater system.
8. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tube stock. All such landscaping shall be established within 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
9. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site to the reasonable satisfaction of Council.

10. All upper windows other than on the street (western) elevations must have a minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres must consist of obscure glass and fixed shut.