

IN THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH
AUSTRALIA

No. 177 of 2017

BETWEEN

D'ANDREA & ASSOCIATES
Appellant

- and -

CITY OF HOLDFAST BAY
Respondent

ORDER

Judicial Officer:
Date of Order:

Commissioner Nolan
13 November 2017

THE COURT ORDERS that:

1. The appeal is upheld.
2. Development Plan Consent is granted for Development Application No. 110/01040/16 for five, two storey row dwellings located at 541 Anzac Highway Glenelg North, 5045, lodged by D'Andrea & Associates, subject to the following conditions:

2.1 That the development shall be undertaken in accordance with the following amended plans (marked Exhibit A) unless varied by any subsequent conditions imposed herein:

- D'Andrea & Associates, Sheet 01 of 02, Ground Floor Plan, Upper Floor Plan, Amended 04/10/2017; and
- D'Andrea & Associates, Sheet 02 of 02, Douglas Grove Elevation, Anzac Highway Elevation, Elevation 4, Elevation 3, Amended 04/10/2017.



2.2 That construction shall take place between 7 am and 7 pm 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 the 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 the Council.

- 2.3 That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.
- 2.4 That upstairs windows on the northern and western elevation of all residences shall have minimum window sill heights of 1.7 metres above finished floor level, or otherwise treated to obscure views to adjoining properties to the satisfaction of the Council.
- 2.5 That stormwater from each dwelling shall be collected and connected to a 1000 litre (minimum) 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 the 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.

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 the Council and will be at the applicant's cost.

- 2.6 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 the Council.
- 2.7 That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of the 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.
- 2.8 That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
- 2.9 That no solid or liquid trade wastes be discharged to the stormwater system.
- 2.10 Any change in levels along external site boundaries of 200mm or more shall be retained to suitable engineering standards and any fencing shall be erected on top of such retaining walls. Construction of all retaining walls shall be undertaken and completed prior to the commencement of construction of the dwelling(s) herein approved.
- 2.11 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 the Council.



DEPARTMENT OF PLANNING, TRANSPORT AND INFRASTRUCTURE
CONDITIONS

- 2.12 All vehicular access to/from the site shall be gained via Douglas Grove only. No direct vehicular access to/from Anzac Highway shall be permitted.
- 2.13 Access to/from the site shall comply with AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways'. The separation between the access for southern-most dwelling and the Anzac Highway/Douglas Grove junction shall be maximised.
- 2.14 The obsolete crossover on Anzac Highway shall be reinstated to Council standard gutter and kerb at the applicant's cost. This shall be completed prior to operation of the development.
- 2.15 Any fencing and vegetation along the Douglas Grove frontage of southern-most dwelling and the corner cut-off shall be open in nature or no taller than 1.0 metre tall in order to maximise sight lines between the Anzac Highway/Douglas Grove junction and the driveway to southern-most dwelling.
- 2.16 Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Anzac Highway. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.



DEPUTY REGISTRAR