

## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

8<sup>th</sup> March 2005

<b>DSDS2</b>	<b>RELOCATED DWELLING LOT 14 DP 263927 No. 85 LEITH STREET, WEST KEMPSEY FILE: T6-04-702 JGR</b>
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### **SUMMARY:**

A Local Development Application has been received for the relocation of a dwelling to the subject allotment for which objections have been received.



**Applicant:** I & R Keast  
**Subject Property:** Lot 14 DP 263927 No. 85 Leith Street, West Kempsey  
**Zone:** Residential 2(a)

### **Proposed Development**

The proposal is to refurbish a relocated dwelling and construct a free standing garage on the subject allotment.

### **History**

Council's officer inspected the dwelling in Port Macquarie on 23<sup>rd</sup> November, 2004. The cottage was deemed satisfactory for relocation subject to the lodgement and approval of a Local Development Application.

The adjoining property owner notified Council that the dwelling had been situated on the subject allotment on 13<sup>th</sup> December, 2004.

A search of Council's records indicated that Council had not issued Development Consent to the siting of the dwelling.

Subsequently Council issued a penalty notice to the owner for the unauthorised siting of the dwelling.

Plans for the relocated cottage were submitted to Council on 15<sup>th</sup> December, 2004.

The plans submitted were of insufficient detail and amended plans were requested on 11<sup>th</sup> January, 2005. Amended plans were received at Council on 8<sup>th</sup> February, 2005.

The plans were advertised and objections have been received regarding the proposed development.

## Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79C(1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevant to the proposal.

The proposal may be defined as "dwelling house" and is permissible with consent in the 2(a) (Residential) zone under Kempsey Local Environmental Plan 1987.

The proposal is not contrary to any State Environmental Planning Policy or North Coast Regional Environmental Plan 1988.

## DCP No. 22 – local Housing Strategy

The proposal has been examined in respect to the requirements of DCP 22 and the development was found to comply with all requirements.

## Public Exhibition

The application was advertised in accordance with Council's notification and advertising policy, with two (2) submissions received.

The objections have been summarised below. A full copy of the objection forms part of [\(Appendix C\)](#).

<b>Objection</b>	<b>Planning Comment</b>
1 The dwelling was placed on-site prior to a Development	1 Council took action against the owner of the land and

Application being lodged with Council

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| 2 | I object to the fact that I was given ten (10) days from 21 <sup>st</sup> December. This is ludicrous given the Christmas break and suggests an attempt to circumvent public consultation. | 2 | issued a penalty notice under Section 76A(1)(a) of the Environmental Planning and Assessment (EP & A) Act.<br><br>Nothing prevents Council from considering the Development Application submitted to formalise the placement of the dwelling.   |
| 3 | Building contains asbestos.  | 3 | Council's notification policy allows for ten (10) days from the date of the letter advising of the proposed development.<br><br>The application was re-advertised for ten (10) days from the 8 <sup>th</sup> February 2005 (a total of 20 days)<br><br>The applicant proposes to have the asbestos material removed from the dwelling which is to be clad with weatherboard. Work Cover require that an authorised Asbestos removalist undertake the removal of Asbestos if more than 200m <sup>2</sup> is to be removed.<br><br>The existing hardwood roof and subfloor frame has been inspected and is considered satisfactory. |
| 4 | There is no signage or security fence appropriate to a construction site.  | 4 | The applicant has been requested to provide a safety barrier around the dwelling and to provide a builders sign which is provided by Council at the site. A warning sign has been affixed to the front of the dwelling.   |

5	The plans are inadequate in detail.	5	The initial plans were inadequate; further plans were requested and subsequently readvertised. <a href="#">(Appendix D)</a>
6	The dwelling is not suitable for the area and impacts on the visual amenity of the area.	6	The structure, in its current state is certainly visually intrusive, however the refurbished structure with added verandahs and new cladding and colourbond roofing will not look out of character in the street where similar buildings exist. <a href="#">(Appendix D)</a> .  NOTE: Council development condition that building to be completed externally within three (3) months of approval.

### ***Report Implications:***

- ***Environmental***

***From information supplied to Council, it is not anticipated that there will be any adverse environmental impacts from the proposed dwelling subject to Asbestos Sheeting being removed in accordance with Work Cover guidelines.***

- ***Social***

***The proposal is considered for the period of construction, to provide employment for local tradespeople and others employed in the building industry.***

- ***Economic (Financial)***

***The proposal is considered to provide an economic benefit only for the period of construction.***

- ***Policy or Statutory***

*The application has been assessed under Section 79(c) of the Environmental Planning and Assessment Act, 1979, Development Control Plan 22 – Local Housing Strategy.*

**RECOMMENDATION:**

**A. It is recommended that Council approve of Application T6-04-702 subject to the following conditions:**

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 No portion of the verandah is enclosed without prior written approval obtained from Council.**
- 3 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.**
- 4 The dwelling and shed is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.**

**An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.**

- 5 The external facade of the building shall be completed within three (3) months from the date of this approval in accordance with the approved plan.**
- 6 A safety fence shall be erected around the dwelling.**
- 7 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of**

Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

- 8 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 9 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

Note: Clause 78 I requires that the toilet must be provided before any work is commenced.

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Your attention is drawn to the following requirements of the Building Code of Australia.

- (a) Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- (b) Should the verandah, patio or landing exceed 1 metre in height above the ground

then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience.

Such balustrade to conform with the requirements of the Building Code of Australia:-

- (1) D2.16
- (2) Part 3.9.1. and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

- (c) Riser and Going dimensions for stairs shall be in accordance with Clause D2.13 of the Building Code of Australia. In Class 1 and 10 buildings the following will apply:

Riser(R)		Going (G)		Quantity (2R+G)	
max	min	max	min	max	min
190	115	355	240	700	550

Note: Any openings between treads not to exceed 125mm.

- (d) Class 1(a) and 1(b) Buildings

An automatic fire detection and alarm system is to be installed in the building. Such system to conform with Specification E1.7 of the Building Code of Australia or be a smoke alarm system complying with AS 3786 or listed in the SSL Register of Accredited Products.

The system is to be provided with mains electrical power, have a stand by power supply and installed in each storey to comply with Clause E1.7 (NSW Variation). Details of location of the units are to be provided for approval prior to installation.

- (e) All glass in shower doors, shower screens, bath enclosures and associated windows

(the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.

- (f) The sub floor ventilation must comply with Part 3.4.1.2 a) b) c) d) e) f) and g) of the Building Code of Australia (Housing Provisions).
  - (g) Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
  - (h) Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 10 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.
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| Walls    | Light Colour |
| Roof     | Light Colour |
| Wall     | R1 Batts     |
| Roof     | Sarking      |
| Ceiling  | R2.5 Batts   |
| Hotwater | Existing     |
- 11 Building materials are not to be stored within the road reserve or any other public place.
- 12 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 13 Roofwaters are to be directed by means of sealed pipes to rubble drains 4000mm x 600mm x 600mm, located not less than 3 metres from the building. Details are to be provided with the plans for the required Construction Certificate.
- 14 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control

prior to work commencing on the site. The controls shall incorporate:-

- (a) diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
- (b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
- (c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

Protection of any kerb inlet pit located downstream of the site in accordance with Council's Engineering Guidelines for Subdivision and Development (Drawing No SW20).

Note:

- (i) Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
  - (ii) Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
15. Removal of any material containing asbestos is to be undertaken in accordance with the requirements of the Work Cover Authority of NSW.
- B. That the applicant's attention be drawn to Condition 5 requiring completion of the external façade within three (3) months of the date of approval, and that Council may consider the issuing of a further Penalty Infringement Notice if the condition is not met.
- C. That the objectors be advised of Councils decision.

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**R B Pitt**  
**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**