

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES SUPPLEMENTARY REPORT

10th May 2005

DSDS10 (SUPP)	PROPOSED TWO STOREY DWELLING – LOT 4 DP 1039514 NO 43 FRANCIS DIMOND STREET, ARAKOOK FILE: T6-05-62 DJW
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SUMMARY:

Reporting that a Local Development Application has been received to build a two storey dwelling which exceeds the maximum site coverage requirements of Development Control Plan No 22 for which an objection has been received.

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Applicant:	M Carvill
Subject	Lot 4 DP 1039514
Property:	No 43 Francis Dimond Street, Arakoon
Zone:	2(a) Residential Zone

Proposed Development

The proposal is to build a two storey dwelling on the abovementioned allotment. ([Appendix A2, Part 1, Part 2](#))

Siting

The site is a vacant allotment situated on the western side of Francis Dimond Street, Arakoon. The land falls steeply across the lot in a south north direction. Access to the property is via Francis Dimond Street. The property has street frontage of 20.22 m and a total site area of 498.4m².

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 relevance to the proposal.

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

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

DCP No 22 – Local Housing Strategy

The proposal is required to comply with the following requirements of DCP No 22.

The location of the proposal is contained within a defined low-density area in which single dwellings only are permitted.

An assessment of the proposal against the relevant standards of DCP 22 results in the following:

STANDARD	REQUIRED	PROPOSED	COMPLIES Y/N
Density Low	1 x 3 bedroom 400m ²	498.4m ²	Yes
Setbacks			
Side			
- North Elevation	1.5m	1.5 m	Yes
- South Elevation	1.5 m	3.5 m	Yes
Front	5 m	5.010m&6.568m	Yes
Rear	1.8 m min	3.010 m	Yes
Carparking	1 covered	2 covered spaces	Yes
Private open space	25 m ²	>25m ²	Yes
Landscaping	130m ²	>130m ²	Yes
Height	6.2 m	6.2 m	Yes
Solar access	Adequate	Complies	Yes
Energy Efficiency	15 points	15 points	Yes
Privacy	Adequate	Adequate	Yes
Cut and fill	1.5 m	<1.5 m	Yes
Long Walls	20 m	<20 m	Yes
Access	20%	20%	Yes
Site Coverage	149.2m ²	189m ²	No

Site Coverage

For South West Rocks only, DCP 22 sets maximum site coverage of 30% for low density areas.

The site coverage proposed is 37% which is considered acceptable in this instance for the following reasons:

- 1 The building will not affect the streetscape or neighbourhood when viewed from the Cardwell Street or neighbouring streets.

- 2 The proposed dwelling is compatible with the quality and style of the existing dwellings constructed in Cardwell Street.
- 3 The building design reflects the performance objectives of the special provisions for South West Rocks.
- 4 The site coverage of 30% was intended for control of dual occupancy footprints.
- 5 The proposed floor area is only 150m² with 39.1m² of open decks.

Section 79c(1)(e)- Advertising

The proposal was advertised in accordance with the Environmental Planning and Assessment Act 1979 and Council's Policy with one objection received. [\(Appendix A3\)](#)

Objection	Planning Comment
1 Stormwater discharging onto property.	1 Council has placed an additional condition (19) requiring details of stormwater and retaining walls to be provided prior to issuing of the Construction Certificate.

Applicants Submission

Supporting documentation from Mark Carvill has been provided for the low density site coverage non compliances to DCP 22. [\(Appendix A4\)](#)

REPORT IMPLICATIONS:

- ***Environmental***

There will be minimal environmental impacts from the proposed development.

- ***Social***

The proposed development would have minimal social impacts.

- ***Economic (Financial)***

There will be minimal economic benefit from the proposed development.

- *Directors Review*

As previously advised to Council, the 30% site coverage standard applying to low density areas in South West Rocks is unreasonable unless non-compliance would result in any unacceptable impacts.

The proposal meets the other requirements of DCP 22 and refusal based on non-compliance is considered to be unjustified in the circumstances.

It is noted that the land is only 498m² and that compliance would be unreasonable. It is proposed to review this requirement of DCP 22 and perhaps a threshold minimum lot size should apply.

RECOMMENDATION:

That Development Application T6-05-62 be approved 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 The building or portion of the building is not to be used or adopted for use as a residential flat building.**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
- 5 Two days prior to commencing work From 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.**

- 6 The two storey dwelling 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 complete 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.

- 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 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.**
- 9 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.**
- 10 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.

- 11 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 Structural Engineer's Details for footing, slab, structural steel with retaining walls are to be submitted prior to any work commencing on the building.
- b 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.
- c Drainage lines are to be located 600mm clear of the building.
- d The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.
- e 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:-

(2) Part 3.9.1. and 3.9.2 of BCA Housing Provisions

Note: Spacing of rails not to exceed 125mm.

- f 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)
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	max	min		max	min		max
min	190	115	355	240	700	550	

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

g Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.

h 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 (N.S.W. Variation). Details of location of the units are to be provided for approval prior to installation.

i Any sarking used in the roof of the dwelling must have a flammability index not more than 5.

j 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).

k Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).

l Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).

12 A Survey Certificate is to be submitted upon completion of the roof framing to ensure that the top plate is at or below 15.9 metres A.H.D.

13 A Survey Certificate is to be submitted upon completion of the slab form work to ensure the garages finished floor slab height is being constructed at RL 10.4 AHD

and the location of the building is in accordance with the approval issued.

- 14 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.

Walls	Light Medium
Roof	Light
Wall	Brick Veneer with sarking
Roof	Metal Deck (using Anticon)
Ceiling	R1.5 Insulation
Hotwater	Heat Pump

- 15 The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.

- 16 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Council's Sustainable Development Services Department for requirements before commencing construction.

- 17 Roofwaters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.

- 18 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.

19 The plans prepared for the required Construction Certificate are to include amended plans indicating the following:

- (a) Submit detailed engineers drawings of the proposed retaining wall construction and surface and sub surface drainage proposed on the northern side boundary.

20 Under the provisions of AS3959-1999 – Construction of Buildings in Bushfire-Prone areas, the site has been determined as a medium category of bushfire attack requiring level 1 construction.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES