



KEMPSEY
Shire Council

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

11th April 2006

**DSDS7 DEVELOPMENT CONTROL PLAN – CRESCENT
HEAD LOCAL HOUSING STRATEGY
FILE: 145 GGL {Folio No. * }**

SUMMARY:

Reporting that the draft Development Control Plan – Crescent Head Local Housing Strategy has been exhibited with five (5) submissions received.



BACKGROUND:

At its meeting of 13th December 2005, Council resolved to place draft Development Control Plan - Crescent Head on public exhibition for a period of 28 days.

To assist in public awareness an information night was held on Tuesday 7th March 2006. The information evening was attended by Councillor Green and Crescent Head Review Committee Member John Bourke. No members of the public attended.

Public Exhibition

The draft DCP was exhibited for public comment from 21st February 2006 to 21st March 2006 with five (5) submissions having been received which may be summarised as follows: - [\(Appendix Q, Part 1, Part 2, Part 3\)](#)

Submission	Planning Comment
1 Insufficient advertising of the DCP and a 5pm meeting time is unacceptable.	1 The advertising of the DCP was carried out in accordance with the requirements of the Environmental Planning and Assessment Act. The DCP Review Committee members

2	Not enough consideration has been placed on energy efficiency for dwelling design.	resolved the time for the community meeting.	2	All dwellings are required by BASIX and the DCP to have optimum energy efficiency.
3	More detail on landscape and endemic species should be provided such as specifying trees that are endemic.	A landscape plan is required to be submitted with the development application and Council will determine the appropriateness of the species for the allotment.	3	Reference has been added.
4	Should refer to Council's Tree Preservation Order	Table of contents has been included.	5	Some wording has been changed to be clearer.
5	Format of the DCP is not clear needs a table of contents and numbering and to be more clearly worded.	Multiple dwellings are generally subject to the same controls as single dwellings.	6	Stricter compliance with multiple dwelling proposals needs to be included. Is a multiple dwelling proposal treated the same as a single dwelling?
6	Two hours of sunlight is totally insufficient.	The DCP has been amended to reflect current overshadowing provisions where no part of any primary private open space or living area is to be overshadowed for more than 2 hours on 22 nd June. This standard was derived from the Australian Model Code for Residential Development.	7	Shadow angle diagrams can be requested where overshadowing is deemed to be an issue.
8	How is overshadowing to be determined with applications lodged before or after June 22 nd in any one year.	The DCP adopts the provisions of DCP 36 which controls infrastructure related issues.	9	This DCP cannot be used to rectify existing drainage problems, but rather identify potential issues when approving new developments and put in place provisions to
9	Drainage from driveways is a constant problem and needs to be addressed.			

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| <p>10 Endemic species could include Bitou bush.</p> <p>11 It seems that private open space can intrude on a set back as long as there is a decorative screen not less than 1 metre from the boundary, this essentially means that dwellings can come within 1 metre of a boundary. This could have adverse noise impacts on adjoining residents.</p> <p>12 What provisions exist for treatment of stormwater?</p> <p>13 No mention of allowable population density as holiday units is often shared to overcrowding.</p> <p>14 Council needs to be realistic about car parking requirements.</p> <p>15 Delete the 6.2m top plate height and leave at 7.9m or for steep roofs at 8.5m.</p> <p>16 Excavation should be greater than 1.5m if the application is accompanied by a geo-technical report.</p> <p>17 Check site densities as they could be a problem.</p> | <p>alleviate these.</p> <p>10 Endemic implies native to an area. Bitou bush is not.</p> <p>11 Private open space excludes buildings. Decks can be included, but these must comply with setbacks.</p> <p>12 SEPP 71 requires treatment of stormwater prior to discharge from site. This is covered under the heading "Stormwater Disposal".</p> <p>13 Council is currently investigating measures to control holiday letting within Crescent Head. This is being done outside the scope of this DCP.</p> <p>14 The Committee developed the requirements. Representation on the Committee included local development consultants, and the standards are considered reasonable.</p> <p>15 Clause 2 of KLEP 87 provides allowance of building heights where the topography of the allotment is steep, which will be incorporated into the DCP (see Height).</p> <p>16 The maximum cut and fill requirement was introduced to address the proliferation of slab constructions on steep slopes resulting in slope instability. Council would encourage a design modification if the 1.5m cut is exceeded. The plan allows for cuts in excess of 1.5 metres where the building is used to retain the cut.</p> <p>17 The site densities are considered appropriate.</p> |
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| <p>18 Definition of dwelling sizes might be a problem as extra large dwellings apply to modest size dwellings which will result in site coverage and car parking problems.</p> <p>19 There needs to be consistency between this draft and previous DCP strategies, particularly reduced density impacts on purchasers.</p> <p>20 Overall height of 7.9m reduces height from the DCP 22 by the depth of rafters and battens up to 300mm.</p> <p>21 No definition of steep.</p> <p>22 There is no maximum depth of excavation.</p> <p>23 There should be shadow diagrams submitted for every D.A.</p> <p>24 The medium and large site density controls are too low.</p> <p>25 The DCP should have a table of contents, index, numbering system, figures for maps and a section for definitions.</p> <p>26 A descriptive preamble should be included.</p> <p>27 The DCP should state medium- high density area can have a 3 storey height limit to 10m including basement carpark as agreed by the Committee 19 May 2005.</p> <p>28 Provide a schedule of other relevant Council Codes and Polices.</p> <p>29 Stormwater disposal is referenced to BASIX. This requires a brief explanation.</p> | <p>18 Definition of a dwelling size is defined by the floor areas or number of bedrooms. The committee considered these areas to be appropriate.</p> <p>19 Review of the DCP specifically seeks to better reflect local environmental constraints and setting new controls that reflect the committee's findings.</p> <p>20 See comment on height.</p> <p>21 See comment on height.</p> <p>22 1.5m is specified.</p> <p>23 A shadow diagram will be required if overshadowing is a concern with the development.</p> <p>24 Site densities are considered to be reasonable.</p> <p>25 Development Control Plan amended.</p> <p>26 Short preamble added.</p> <p>27 The committee subsequently amended this at its meeting of 23rd June 2005 to allow 3 storeys plus basement.</p> <p>28 The DCP does reference other Policies. More have been added to the Development Control Plan since exhibition.</p> <p>29 Dwellings are required by State legislation to be designed by BASIX prior to being submitted to Council.</p> |
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| <p>30 The information meeting held on the 7 March 2006 was poorly communicated to the residents of Crescent Head.</p> <p>31 Need examples of unique character.</p> <p>32 New DCP proposes decrease in dwelling yields where Council should be seeking to increase yields.</p> <p>33 Proposed DCP controls are too subjective.</p> <p>34 Seems to relate to land above Stewart and Korogora Street where redevelopment will be minimal.</p> <p>35 3 metre side setbacks are inappropriate. The existing compensatory setback arrangement should continue.</p> <p>36 Front setback should allow 1.5m encroachment as before.</p> | <p>BASIX is a complex solution to developing sustainable housing. It is best to simply refer to it rather than provide an explanation of its objectives within the DCP.</p> <p>30 The information meeting was advertised in the Argus in accordance with Council Policy.</p> <p>31 The DCP provides a list of desirable building features. This is considered adequate.</p> <p>32 Proposed dwelling yields are reduced on steeper sites, having regard to environmental issues. Densities are otherwise unchanged.</p> <p>33 It is difficult to provide objective controls to achieve a desired character.</p> <p>34 Character statement applies to all areas.</p> <p>35 Single storey is 1.8m. Compensatory setback provisions have been added.</p> <p>36 The Committee did not support the encroachment.</p> |
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Draft DCP Crescent Head

As a result of submissions received from the Exhibition period, the following amendments to the draft Development Control Plan are recommended.

Height

The draft DCP was exhibited with a top plate height of 6.2 metres with an overall height 7.9 metres whereas the current Policy provides for up to 7.9 metres to the underside of the ceiling fixed to a raked ceiling with no effective overall maximum.

The existing Policy also allows for exceedance of the 6.2 metre limit where the topography makes it impractical to comply, however no criteria are stated.

There have been ongoing problems with the interpretation of the height limit on steep sites. This is the subject of a separate report on this agenda. It is proposed to amend Council's "Height of Buildings Policy" to clarify the circumstances where steep sites allow a height greater than 6.2m specified in the LEP. The DCP has been amended to reflect this change.

Solar Access

To be amended to state: -

"Buildings should be designed to ensure no more than 2 hours of overshadowing of the living areas of adjacent dwellings and private open space areas, between 9.00am and 3.00pm on 22 June.

Other Changes

A table of contents has been added. Compensatory setback provisions added. The map on page 2 is to be extended to include the medium-high density area as described by the DCP. Requirement for application to include a streetscape analysis, deletion of floor space variation of 0.4:1 in low density area and other minor wording changes.

REPORT IMPLICATIONS:

- ***Environmental***

The DCP will provide more specific controls appropriate to Crescent Head, and are considered to improve environmental outcomes.

- ***Social***

The character of Crescent Head will be maintained through the development controls which will provide social benefits.

- ***Economic (Financial)***

Development controls provide certainty for developers and landowners. This will enhance the value of land and development and increase marketability.

- ***Policy or Statutory***

The Development Control Plan was exhibited for twenty eight (28) days. Under recent changes to the planning legislation, the DCP will need to be adopted before 30 April 2006.

Otherwise, it will need to await incorporation of all Councils Development Control Plans so that no more than one DCP applies to any parcel of land.

RECOMMENDATION:

- A** That Council adopts Development Control Plan Crescent Head (Local Housing Strategy). [\(Appendix R, Part 1, Part 2\)](#)
- B** That the people who made submissions be advised of Council's decision, and be provided with a copy of this report and adopted DCP.
- C** That Council writes to the members DCP Crescent Head Review Committee and thank them for time and input.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES