



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

11th April 2006

DSDS9	REVIEW OF "HEIGHT OF BUILDINGS" POLICY C23:7 FILE: 126 RBP	{ Folio No. * }
--------------	---	------------------------

SUMMARY:

Reporting on proposed amendments to Council's "Height of Buildings" Policy.



DESCRIPTION:

Clause 24 of Kempsey Local Environmental Plan 1987 places height restrictions on buildings in the Shires residential zones.

Clause 24 provides that: -

- (1) The Council shall not consent to the erection, on land within Zones No 2(a), 2(b1), 2(c) or 2(v) of a building:
 - (a) which contains more than 2 storeys; or
 - (b) in the case of a building of 2 storeys, having a topmost floor with a ceiling level more than 6.2 metres above the level of the natural surface.
- (2) Subclause (1) does not operate so as to prohibit the Council from consenting to the erection of a 2 storey building of land where, because of the local topography, it is impracticable to erect a 2 storey building on the land in compliance with that subclause.
- (3) The Council shall not consent to the erection of a building on land within Zone No 2(b2) which contains more than 3 storeys.

Purpose of Proposed Amendments

Whilst the current policy clarifies how Council interprets the 6.2 metre height limit, it does not include any advice to applicants or

staff as to the criteria used for establishing the circumstances under which compliance with the limit would be deemed to be impractical.

The purpose of the amendments is to specify the criteria needed to be met to satisfy subclause (2). The amendments are also intended to simplify provisions relating to roof heights which are currently overly technical and do not set any overall maximum.

Proposed Amendments to Height of Building Policy

It is proposed to classify dwelling sites into level sites (with a slope less than 10%) and sloping sites (with a slope of 10% or greater).

The 10% threshold was determined as the slope at which compliance with the 6.2 metre limit has proven to be difficult to achieve, having regard to a survey of dwellings previously approved by Council.

It is proposed to determine slope on the basis of the natural ground surface within the proposed building footprint. [\(Appendix T\)](#)

(a) Sites with Less than 10% Slope

On slopes of less than 10% it is proposed to retain the existing 6.2 metre height limit.

Whereas the current policy provides for an additional rise of 1.7 metres to the underside of raked ceilings, there is no maximum applying to the roof structure above the ceiling.

It is proposed to simplify the current policy by allowing a maximum rise to the top of the roof from the external top plate of not more than 2 metres (i.e. an overall height of 8.2 metres). [\(Appendix U\)](#)

(b) Sites with 10% or Greater Slope

On slopes greater than 10% subclause (2) would be satisfied if: -

- A surveyors plan is provided demonstrating that the slope within the building envelope is greater than 10%.
- An additional allowance of 1 metre to the external top plate (i.e. 7.2 metres) is achieved.
- A maximum of 2.1 metres measured from natural ground to finish ground floor level of the proposed building.
- A maximum rise to the top of the roof from the external top plate of 2 metres is achieved. [\(Appendix U\)](#)

Report Implications:

- ***Environmental***

The proposed amendments will reduce the amount of excavation on steep sites thereby minimising impacts on slope stability.

- *Social*

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

The proposed amendments will clarify Council's interpretation for determining the height of dwellings.

RECOMMENDATION:

That Council adopt the revised Height of Buildings Policy C23:7 as detailed in the above report.

.....
R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES