

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

18th July 2006

DSDS6 PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING THREE STOREY DWELLING CRESCENT HEAD
FILE T6-06-52 DJW {Folio No. * }

SUMMARY:

Reporting that council has received a Development Application for alterations and additions to an existing three three-storey dwelling which requires the support of a State Environmental Planning Policy 1 and compliance with councils' D.C.P.22 Local Housing Strategy's performance objectives.



DESCRIPTION:

Applicant: Chris Jenkins Design
Subject Property: Lot 327, DP754441, 4 Stewart Street
Crescent Head
Zone: 2(a) (Residential "A" Zone)

Proposed Development

The proposal is to build alteration and additions to an existing three storey dwelling on the subject allotment. [\(Appendix C\)](#)

Siting

The site contains an existing three storey dwelling situated on the southern side of Stewart Street. The front boundary width is 17.7m with a site area of 834.7m.

The land is very steep and falls to the north 13.5metres over a distance of approximately 50metres, a slope of 27%.

Heads of Consideration

The proposal has been examined having regard to the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979.

Kempsey Local Environment Plan 1987(KLEP)

The building heights within various residential and commercial zones are controlled by Clauses 24 and 25 of Kempsey Local Environmental Plan 1987. In respect to residential zones, buildings are restricted to two (2) storeys with a topmost floor ceiling level of not more than 6.2 metres above natural ground level unless the slope of the site exceeds 10% in which case the height is increased to 7.2m with an overall ridge height of 9.2metres.

State Environmental Planning Policy 1 Objection (SEPP1)

The Development Application has been accompanied with an SEPP 1 objection objecting against the 2 storey height limits and may be summarised as follows: - [\(Appendix D\)](#)

1. This statement serves as a formal objection to Clause 24(1) of Kempsey LEP1987. It is submitted that the circumstances of this particular development render compliance with the development standard as unreasonable and unnecessary for the following reasons.
 - a) The existing dwelling house is three storeys in height on its northern and western elevations.
 - b) The site is very steep – it falls approximately 13.5 metres south to north, from Dulconghi Street to Stewart Street. Vehicular access would have significant visual impact when viewed from below therefore garaging for the building is located in the basement level of the proposed house. The major extensions to the house occur on its southern side. They have been designed to step-up with the topography. Because they are in effect hidden by the bulk of the building on the northern side of the site, they will be hard to see from the north, and have little impact on the amenity of the locality.
 - c) The proposed dwelling additions are consistent with the surrounding developments and the more elevated parts of Crescent Head Village. Several developments in the vicinity are three storeys in height and are much more prominent than the proposed development.
 - d) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 and the objectives of the 2(a) residential zone.
 - e) The proposed additions would have minimal impact on the amenity of the locality.

- f) The variation to the development standard will not result in any adverse environmental, social or economic impacts.

Planning Comment

The dwelling has been architecturally designed to provide minimal impact on the streetscape and adjoining neighbourhood.

The dwelling's natural ground to ceiling height limit of 7.2metres has been exceeded; however, the natural ground to ridge height of 9.2metres has been met.

A site analysis has been carried out which demonstrates minimal impacts on the adjoining neighbours and streetscape. [\(Appendix C\)](#)

The proposed dwellings' rear elevation will be that of a single storey building when viewed from the rear properties which will have little impact on their amenity.

The proposed garage, staircase and store area will have a cut height of approximately 4.34 metres in the south east corner reducing to zero on the western elevation. This is subject to a Geotechnical Engineer's design and certification. The cut area is screened by the existing and proposed additions external walls,

The dwelling has been redesigned in consultation with council to meet the performance objectives of DCP22.

DCP No 22 - Local Housing Strategy

The proposal is required to comply with the following requirements of DCP No 22 and not DCP Crescent Head because of time of lodgement prior to the introduction of Development Control Plan Crescent Head. The location of the proposal is contained within a defined low density area for which single dwellings only are permitted.

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

STANDARD	REQUIRED	PROPOSED	DEVELOPMENT STANDARD YES/NO	COMPLIANCE PERFORMANCE OBJECTIVE
Density Proposed	600m ²	834.7m ²	YES	YES
Front Setbacks	5m	3.66 & 6.285m	YES Existing primary Boundary setbacks	YES
Side Setback	0.9m, 1.5m & 2m	0.9m, 1.5 & 2m	YES	YES

Rear	1.8m	> 1.8m	YES	YES
Car Parking & Access	1 covered space	3 covered spaces	YES	YES
Private Open Space	25m ²	>25m ²	YES	YES
Landscaping	195m ²	>195m ²	YES	YES
Height Existing Three Storey dwelling	7.2m	8.9m Underside of raked ceiling	NO	YES
Solar Access	2hrs & 3 hrs Between 9.00am & 3.00pm	>2hrs & 3hrs	YES	YES
Privacy	Minimal loss of Privacy	Minimal loss	YES	YES
Cut and Fill	1.5m	4.3m to zero	NO	YES
Erosion and Sediment Control	Demonstrate control	To be provided with the Construction Certificate	YES	YES

Cut & Fill

Comment:

The applicant proposes to provide a 4.3m cut and retain the area with an internal retaining wall. This is considered satisfactory for the following reasons:

1. The cut area will not be visually evident externally when the building is completed.
2. The cut area will not have any adverse impact on the adjoining neighbourhood or street scape.
3. The cut area is to be certified and design by a Geotechnical Engineer.

Building Height

Comment:

The existing three storey building's pitched roof has been redesign with a skillion roof reducing the natural ground to ridge height to 9.15m. The proposed additions adjacent to the existing three storey dwelling have been redesigned to be provided with a natural ground to ridge height on the western elevation of 9.2m and a natural ground to ridge height on the eastern elevation of 6.65m. The natural

ground to top plate height on the western elevation exceeds the 7.2m height limit by 1.7m; however, this height variation is contained within the maximum overall natural ground to ridge height of 9.2m. This is considered satisfactory for the following reasons:

1. The height requirements meet the performance objectives of DCP22.
2. The existing and proposed alterations and additions and the proposed heights will have minimum impact on the adjoining owners and neighbourhood.

State Environmental Planning Policy 71 – Coastal Protection:

The proposed development is identified as being within the Coastal Zone. Council is required to consider Clause 8 matters in the SEPP two matters outlined below are to be complied with:

1. The development will comply with council's Energy Rating Assessment requirements.
2. The stormwater will be pre- treated before it leaves the site.

Section 79c (1) (e) - ADVERTISING

The proposal was advertised in accordance with Council's Policy with one (1) objection received. The grounds for objections may be viewed in [\(Appendix E\)](#) and summarised as follows: -

Objection	Planning Comment
1 The proposed alterations and additions should be assessed with planning intent of a new dwelling.	1 Alterations and Additions are not subject to the development standards described in DCP22 for additions and not DCP Crescent Head because of time of lodgement however, must meet the performance objectives.
2 The three storeys should be limited to the current building envelope for that particular section.	2 The dwelling has been redesigned to meet the performance objectives.
3 The building should be contained within the 6.2m building height requirements.	3 The existing three storey building height exceeds 7.2m. The requirements of sites exceeding 10% slope are 7.2m and an overall natural

		ground to ridge height of 9.2m which will be met.
4	The increase to the building bulk. Is excessive leading to a loss of visual amenity and village character.	4 The proposed development has been redesigned to comply with the performance objectives of DCP22.
5	The site is zoned 2(a) Residential Zone (low density) 2 storeys only are permitted in this zone.	5 An objection to Development Standard under the State Environmental Planning Policy No1.
6	Supporting information to our objection and basic anomalies in the design documents.	6 Council has reviewed the information and is satisfied that the application meets the minimum requirements for development assessment.

Conclusion

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy 1 Objection (SEPP 1) State Environmental Planning Policy 71 Coastal Protection and DCP 22 Performance Objectives and the circumstances of the case, it is recommended that the Council agree to support the SEPP 1 objection for the existing and proposed alterations and additions three (3) storey height.

REPORT IMPLICATIONS:

- ***Environmental***

From the information supplied to council, it is not anticipated that there will be any adverse environmental impacts from the proposed new alterations and additions to the existing dwelling

- ***Social***

That for the period of construction, the development will provide employment for local tradespeople and others employed in the building.

- ***Economic***

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 79C of the Environmental Planning and Assessment Act 1979, Kempsey Local Environmental Plan 1987 and Development Control Plan 22 – Local Housing Strategy.

RECOMMENDATION:

That Development Application T6-06-52 is approved subject to the following conditions:

- 1. Submit revised plans with the construction certificate indicating the following:**
 - The ridge height above the kitchen area being constructed at or below 35.2 AHD as indicated in red on the approved plans**
- 2. Details are to be submitted for approval for the disposal of the excavated material prior to the release of the Construction Certificate.**
- 3. Details of erosion control are to be submitted, approved and to be installed prior to commencing on site works.**
- 4. The cut excavation is not to exceed 4.3 metres in depth.**
- 5. The Design Engineer is to supervise the excavation works.**
- 6. 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.**
- 7. This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 8. 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.**
- 9. The 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 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.

10. 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.
11. A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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 retaining walls, reinforced concrete slab and structural steel work is to be submitted prior to the issue of the construction certificate.**
- b) **Geotechnical Engineer's report shall be submitted to council for the excavation prior top issue of the construction certificate.**
- c) **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.**
- d) **That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.**
- e) **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.**
- f) **Should the veranda, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the veranda, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of.**
 - (i) **Part 3.9.1 and 3.9.2 of BCA Housing Provisions of the Building Code of Australia.**

Note: Spacing of rails not to exceed 125mm.

- g) **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.

- h) Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- i) Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.
- j) Kitchen exhaust fans are to be ducted externally of the building or a recirculation hood type be provided.
- k) 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 AS3786 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.

- l) 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.
- m) The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.

- n) Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
 - o) Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
 - p) Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
17. The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard, e.g.:
- | | |
|-----------|---|
| Walls | light to medium colour |
| Roof | white |
| Wall | F.C+ R1.0 insulation |
| Roof | metal deck roof with Anticon insulation |
| Ceiling | R2.5 insulation |
| Hot water | solar electric, Heat pump or gas |
18. 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.
19. 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 Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
20. Roof waters 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.
21. 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 up site runoff around cleared and / or disturbed areas and areas to be cleared and / or disturbed.
 - b) Sediment control fences at the down slope 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.

- d) 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.
- 22. Survey Certificate is to be submitted upon completion of the roof framing to ensure that the ridge height is at or below RL 35.2 metres A.H.D. above the kitchen area.
 - 23. A survey certificate prepared by a registered surveyor being submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted at completion of floor slab formwork before concrete is poured.
 - 24. Submit plans and specification of the lift construction prior to the issue of the Construction Certificate.
 - 25. Submit engineering details of the pre-treatment storm water disposal system to comply with Clause 8 of SEPP71.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES