

DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

14th December 2004

DSDS4 CLUSTER HOUSING
5-7 ELRINGTON AVENUE, WEST KEMPSEY
FILE: T6-04-623 DEC

SUMMARY:

Reporting that Council has received a Development Application for the demolition of two existing dwellings and the erection of 5 dwellings.

[\(Appendix M\)](#) Council has received fourteen (14) objections to the proposal.



Applicant: RESITECH (Department of Housing)
Subject Property: Lot 41 and 42 DP 23305
5-7 Elrington Avenue, Crescent Head
Zone: 2(a) (Residential "A" Zone)

REPORT IMPLICATIONS – STATUTORY AND POLICY

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 (EP & A Act) with the following matters considered to be of particular relevance to the proposal.

Kempsey Local Environmental Plan 1987

The subject land is zoned 2(a) (Residential 'A' Zone) under the Kempsey Local Environment Plan 1987. The proposal is permissible in the zone with the consent of Council.

The objective of the 2(a) zone is to 'provide areas for low density residential development'. Permissible densities are determined by assessment with Council's Development Control Plan 22 – Local Housing Strategy.

It is considered that the proposal is not contrary to the North Coast Regional Environmental Plan 1988 or any State Environmental Planning Policy.

Development Control Plan (DCP) No. 22 – Local Housing Strategy

The proposal has been assessed in accordance with the provisions of DCP 22:

STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Density 1 x 3-bedroom 4 x 2-bedroom	1290m ²	1551m ²	Yes
Setbacks	Front = 5m	5m	Yes
	Side = min 900mm for 1 st storey with min average 1.8m	Min 900mm with min average > 1.8m	Yes
	Rear = 1.8m	>1.8m	Yes
Car Parking	1 covered resident park per dwelling	1 covered resident park per dwelling	Yes
	1 visitor park to service 3 dwellings	2 visitor parks to service the development	Yes
	AS 2890.1		Amendment required*
Private Open Space	Min 25m ² with 4x4m (not >1 in 8) rectangle and primary area with solar access	>25m ² with 4x4m rectangle (not > 1 in 8) and primary areas with solar access.	Yes
Landscaping	455m ²	>455m ²	Yes
Height	6.2m with consideration of additional rise of 1.7m for raked ceiling	<6.2m	Yes
Solar Access	Min 3.5 star NATHERS	4-5 star NATHERS rating achieved	Yes
	Adequate solar orientation	Design has maximised solar access available	Yes
	Overshadowing (Section 4.7)	It is considered there will be no adverse impacts as a result of overshadowing	Yes
Privacy	Section 4.8 of DCP	Considered adequate	Yes
Cut and Fill	Max 1.5m	<1.5m	Yes
Infrastructure		Section 94	

		Contributions	
Erosion and Sediment Control		To be conditioned.	

* = see Planning Comment

Car Parking and Access

It is noted that amendments are required in order to achieve compliance with Australian Standard 2890.1 – Off Street Car Parking and Council's Parking Code so as vehicles exiting from the garages of units 4 and 5 can do so in a forward motion. It is considered that the turning area on-site can be increased to achieve this. It is recommended that Council seek the written agreement of the applicant to provide amended plans prior to construction, demonstrating that that compliance with AS 2890.1 and the Parking Code can be achieved. Works should not commence until Council is satisfied that the amended plans conform and has advised the applicant in writing.

Stormwater

Due to the sites topography, an easement is required to be established on a rear allotment to drain stormwater to Leith Street. It is recommended that Council request the applicant to provide written documentation demonstrating that the easement has been registered with the Lands Title Office, prior to commencing any works.

It is considered that Council's Stormwater system can cater for expected increase in flows on Leith Street

Public Exhibition

The proposal was advertised in accordance with Council's Advertising Policy with fourteen (14) submissions having been received. ([Appendix N - Part 1, Part 2 and Part 3](#)) The submissions can be summarised as follows: -

Submission	Planning Comment
1. The proposal is a poor representation of the Council's town planning, that a high density residential building could be placed within an area where there area only single dwellings	1. Council assesses the density of urban housing proposals under DCP 22. The proposal complies with the DCP's density requirements, with a surplus of 260m ² . The proposal is not considered to be high density housing or housing that is out of character with the existing and planned development in the locality. DCP 22 reflects Councils obligations to provide opportunities for higher density development where the land is unconstrained for such

	development in accordance with North Coat REP 1988.
<p>2. As this is a high rental area we have had many problems in the past, some being, stabbings, drugs, alcohol, dogs being bashed to death....the proposed complex will only bring more problems to the area.</p> <p>The proposal will increase antisocial behaviour, violence, drug induced skitzos, crime, garbage, swearing, lawlessness and undesirables.</p> <p>From personal observation, a great majority of the current local Dept. Housing tenants have little respect for other peoples property, lifestyles or moral values..... mini ghetto will be created by the proposal.</p>	<p>2. The majority of objections received relate to the assumption that antisocial behaviour and undesirable activity will increase in the area as a result of the proposal.</p> <p>It is considered that antisocial behaviour could stem from any manner of housing types, community areas and environmental factors. The assumption that the current proposal will lead to such activity is speculative.</p> <p>It is considered that the design is consistent with CPTED principles designed to reduce anti-social behaviour.</p>
<p>3. The proposal will lead to de-valuation of properties in the area.</p>	<p>3. The proposals impact on property prices in the area is speculative.</p>
<p>4. The proposal will negatively affect the areas character and ambience.</p> <p>The proposal will decrease my quality of life.</p>	<p>4. It is considered that the proposed single storey dwellings are consistent with the KLEP and DCP 22 and proposed landscaping would enhance the area.</p> <p>Refer to Planning Comment 1.</p>
<p>5. The proposal does not provide adequate open space and play areas.</p> <p>There will be no area for gardens, grass or trees.</p>	<p>5. It is noted that four of the dwellings are only 2-bedroom. All the dwellings comply with the private open space and landscaping requirements of DCP 22. Additional tenements are subject to Section 94 Contributions for Public Open Space.</p>
<p>6. Concern is raised that other ageing Department of Public Housing will be redeveloped in a similar manner. This will lead to further provision of inadequate recreational areas and increase social problems and antisocial behaviour, which the Council is currently trying to overcome with its Social and Crime Prevention Plans.</p> <p>It would be more appropriate to simply replace the current housing</p>	<p>6. It is considered that the proposal should be treated on its merit.</p> <p>It is noted that the provision of low rental and affordable housing is listed as an issue that has been raised of paramount importance in terms of community need and perception of priority under Council's Social Plan. The Social Plan raises the need for Council to facilitate more affordable housing and that Council 'encourage relevant agencies to identify shortfall</p>

<p>with two new houses.</p> <p>It is well established that such a concentration of Public Housing tenants leads to increased social problems and less integration, not more.</p> <p>The proposal is a safety risk.</p>	<p>of housing'. It is considered that the proposal is consistent with both Council's Social Plan and Draft Crime Prevention Plan. The development has been designed to facilitate natural surveillance and complies with all the provisions of Councils DCP 22 (minor amendments for car parking).</p> <p>The proposal represents a more efficient use of the site and it is considered that the concentration and density of the development is not inappropriate. The proposal will allow for the integration of any future tenants with the surrounding community. It should be emphasised that affordable housing should not be isolated, rather, facilitate future tenant's accessibility to goods and services.</p> <p>It is considered that the provision of affordable housing for those with demonstrated housing needs is of social benefit to the community.</p>
<p>7. It would be more appropriate to simply replace the current housing with two or three new houses.</p> <p>It is unfair and unjust to erect this type of development on this land</p>	<p>7. The proposal should be assessed on its merits.</p> <p>The proposal complies with DCP 22 and the KLEP.</p> <p>Refer to Planning Comment 6.</p>
<p>8. The units will result in more on-street car parking.</p> <p>Increased vehicle movements will compromise pedestrian and children safety.</p>	<p>8. Two off-street visitor car parks have been provided to compensate any future increase in on-street car parking in accordance with DCP 22. It is considered that the proposal will not contribute to any adverse traffic volumes and/or impacts.</p> <p>Refer to Car Parking comment.</p>
<p>9. The development is only a short distance from schools and public places</p>	<p>9. This is considered to be a benefit</p> <p>Refer to Planning Comment 6</p>
<p>10. Other alternatives to the proposal should be considered, being:</p> <ul style="list-style-type: none"> • A park 	<p>10. Refer to planning Comment 7</p>

<ul style="list-style-type: none"> • Police station • Department of Housing Inspector residence to help better manage existing properties. • Two modern brick veneer homes 	
<p>11. The proposed units should be located elsewhere.</p>	<p>11. Refer to Planning Comments 6 and 7</p>

Development by the Crown

Pursuant to 116G of the EP & A Act, Section 81A(2) of the Act does not apply to Crown Building Work. RESITECH (The Department of Housing) is a Crown Authority and is therefore not required to obtain a Construction Certificate for the proposed development.

Section 116C of the EP & A Act states that the consent authority must not refuse its consent to the application or impose conditions of consent without written approval from the minister or applicant, in this case RESITECH.

ESD IMPLICATIONS

Environmental Implications

There is expected to be no nuisance or unmanageable emissions of any kind. The proposal is adequately serviced. As discussed above, it is noted that a stormwater easement will be required over a neighbouring property to drain water

The proposal does not require the removal of any substantial or significant vegetation and is unlikely to have any significant impact on ecosystems within the Shire.

It is considered that the proposal is unlikely to have any adverse environmental implications

Social Implications

It is considered that the proposal positively contributes to the range of housing available in Kempsey.

Whilst numerous objections have been raised in relation to the possibility of unsafe and antisocial behaviour associated with future tenants, this is considered be speculative. It is noted that the proposal provides for internal natural surveillance whilst still providing adequate privacy for individual and neighbouring dwellings. Private open space areas have been provided in accordance of DCP 22 and the proposal is consistent with the KLEP.

It is considered that the proposal is consistent with Council's Social and Draft Crime Prevention Plans.

Economic Implications

The proposal is considered to be of economic benefit of occupiers of the dwellings, in terms of more affordable housing.

The proposal is likely to generate a small amount of economic activity and work during the construction phase of the development. It is considered that the five dwellings will be of minimal economic long-term benefit to the wider community through the demand for goods and services. It is considered unlikely that there will be any adverse economic impacts as a result of the proposal.

RECOMMENDATION

A That council seek the written agreement of the applicant for the imposition of the following draft conditions of development consent in any subsequent consent issued for the proposal:-

- 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 Before the commencement of site works, demolition or building, the following activities must be completed:**
 - a Installation of soil erosion and sedimentation control devices.**
 - b Installation of safety fencing/hoardings between the property and the street**
 - c Installation of builder's toilets**
 - d Installation of signage in prominent, visible position including -**
 - "Unauthorised site entry is prohibited"**
 - Name and phone number of builder or other responsible person for contact outside working hours.**
- 3 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.

- 4 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.
- 5 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.
- 6 All building work must be carried out in accordance with the Building Code of Australia.
- 7 If the soil conditions require it:-
 - (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
 - (b) adequate provision must be made for drainage.
- 8 The hours of demolition and construction are to be confined to 7.11m to 6.00pm Mondays to Fridays, and 7.00am to 12 noon Saturdays.
- 9 Building materials are not to be stored within the road reserve or any other public place.
- 10 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 11 The applicant is to provide amended plans to Council demonstrating that all driveways, parking and turning areas comply with Australian Standard 2890.1 – Off Street Car parking and Councils Parking Code. In particular, a turning area is to be provided for vehicles exiting the garages of units 4 and 5 so as vehicles can exit the property in a forward motion. Works are not to commence until Council has provided its written agreement that the amended plans conform with the Standard and Parking Code.
- 12 All internal parking areas accessways, turning areas, and driveways are to be constructed in accordance with

Australian Standard 2890.1 – Off Street Car Parking and Councils Parking Code. All such areas are to be concrete paved and/or bitumen sealed.

- 13 Any relevant footpath crossings or access culverts to be removed and reconstructed at the applicants expense and footway access restored.
- 14 Roof waters are to be directed by means of sealed pipes to the drainage easement.
- 15 Prior to the commencement of any works, the applicant is to provide Council with documentary evidence detailing that a legal drainage easement has been provided to service the development and drain stormwater to Leith Street.
- 16 Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.
- 17 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to commencement of works.
- 18 Payment of a contribution towards district water supply at the rate of \$1211 per equivalent tenement, i.e \$1211 x 1.64 E.T = \$1986. (Indexed 2004/2005)
- 19 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to commencement of works, at the rate prevailing at that time. The current rate is \$389 per additional dwelling unit, i.e \$389 x 1.64 E.T = \$637. (Indexed 2004/2005)

A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.
- 20 Any necessary alterations to Councils sewer, water or drainage infrastructure to service the development is to be carried out at full cost to the applicant.
- 21 A roller door is to be fitted to the rear of the garage of unit 4 to facilitate future access to the sewer manhole.

B That the objectors be advised of Councils decision.

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R B Pitt
DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES