

DGP 22

Local Housing Strategy

(Urban areas
other than Crescent Head
2003)



Kempsey
Shire Council



Development Control Plan No 22:
Local Housing Strategy
(Urban Areas other than Crescent Head) 2003

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1 INTRODUCTION

1.1 CITATION

This plan may be cited as “Development Control Plan No 22 (Urban Areas other than Crescent Head) 2003”.

1.2 COMMENCEMENT

This plan was adopted by Council on 25 November 2003 and shall be effective from 9 December 2003. The plan amends ” Development Control Plan 22: Local Housing Strategy 2001”. This plan was amended on 21st March 2006, by the adoption of Development Control Plan Crescent Head Local Housing Strategy.

1.3 SCOPE OF THIS PLAN

This plan applies to the urban areas of Kempsey Shire other than Crescent Head, focusing on land zoned 2(a), 2(b1), 2(b2), 2(c), 2(d), 2(v), 3(a), 3(b), 3(c) and 3(v) under Kempsey Local Environmental Plan 1987.

This plan does not apply to residential development in zones 3(a), 3(b), 3(c) and 3(v) with respect to density, setbacks and landscaping.

In particular this plan applies to all proposals for medium density development (referred to as *cluster housing*, *dual occupancy*, *multiple dwellings* and *residential flat buildings*), new dwelling houses and subdivision in Kempsey Shire.

The Development Standards contained within this plan do not apply to additions to existing single detached dwellings on a single allotment erected prior to 10 April 2001. However, the General Performance Objectives of this plan shall apply to such development.

Special provisions have also been included for South West Rocks.

1.4 AIMS AND OBJECTIVES

- a) One of the aims of the Development Control Plan (DCP) is to achieve a balance between maximising lot and dwelling yields for more efficient and effective use of land, infrastructure and services, whilst making our residential areas desirable places to live.
- b) An aim is also to provide a degree of certainty to developers and existing residents with regard to the density of housing development throughout Council's urban areas.
- c) Towards achieving these aims, the objectives of the DCP are:
 - i) to provide areas within Council's principle towns and villages for varying levels of residential density;
 - ii) to ensure that development densities are not beyond the capacity of the infrastructure, services and topographical constraints of each area;
 - iii) to ensure that lands identified for higher density development are not developed for low density developments;
 - iv) to provide for wider housing choices in general residential zones where there are minimal development constraints;
 - v) to encourage innovative building design and site usage;
 - vi) to encourage a more efficient and effective use of land and minimise the cost of providing urban infrastructure and servicing;
 - vii) to encourage the design of energy efficient housing; and

1.5 TERMS USED

A glossary of terms used in this plan is at (*Appendix 1*). Terms which appear in the glossary are highlighted in *italics* and underlined as they appear in the text of the plan.

1.6 RELATIONSHIP TO OTHER PLANS

Environmental Planning Instruments

Section 72 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 require this Development Control Plan to be consistent with State Environmental Planning Policies (SEPP's), Regional Environmental Plans (REP's) and the relevant Local Environmental Plan (LEP) for the local government area.

In particular:-

SEPP No 5 - Aged and Disabled Housing and
SEPP No 6 - Number of Storeys in a Building, are complementary to the DCP
SEPP No 9 – Group Homes
SEPP No 11 – Traffic Generating Developments
SEPP No 65 – Design Quality for Residential Flat Development
SEPP No 71 – Coastal Protection

The relevant REP is the North Coast Regional Environmental Plan 1988.

Kempsey Local Environmental Plan 1987 is the relevant principal LEP for Kempsey Shire.

In cases of inconsistency with or between this DCP and an environmental planning instrument, the environmental planning instrument will prevail.

Other Council Codes and Policies

Other Council codes and policies that are relevant include:

- Flood Plain Management Strategy Policy
- Engineering Guidelines for Subdivision and Development of Land within Kempsey Shire
- Parking Code
- Building Alignments Policy
- Height of Buildings Policy
- Tree Preservation Order
- DCP No. 24- Access and Mobility
- DCP No. 27- Acid Sulfate Soils
- DCP No. 30- Exempt & Complying Development
- DCP No. 31- Energy Smart Homes
- DCP No. 34- South West Rocks Town Centre
- DCP No. 36- Engineering Guidelines for Subdivision and Development
- DCP No. 37- Hat Head
- Building Code of Australia
- Guidelines for Erosion and Sediment Control
- Section 94 Contributions Plan for Off-Street Carparking
- Section 94 Contributions Plan for Outdoor Recreation
- Section 94 Contributions Plan for Stormwater Drainage: South West Rocks
- Section 94 Contributions Plan for Belle O'Connor Catchment Distributor Road
- Section 94 Contributions Plan for Trunk Stormwater Drainage: Belle O'Connor Catchment
- Development Servicing Plan for Water Supply
- Development Servicing Plan for Sewerage

Relevant Design Guidelines

In particular locations and for particular types of development, Council is also required to have regard to a range of design guidelines including:-

- Housing for Older People and People with a Disability in your Community
- North Coast Design Guidelines
- NSW Coastal Management Manual
- NSW Coastal Policy
- Coastal Design Guidelines for NSW
- Tourism Development Near Natural Areas: Guidelines for the North Coast
- Residential Development Design Guidelines

2 HOW THIS PLAN WORKS

- a) The strategy identifies areas or precincts in the Shire's towns and villages for low, medium and medium to high density residential development. Designation of these areas has occurred substantially on a constraints and performance criteria approach which includes the adequacy of existing services and infrastructure and slopes.
- b) The maps in (*Appendix 2*) indicate the relevant density areas, except as otherwise specified below.
- c) All areas are medium density unless the maps in (*Appendix 2*) identify any area as either low density or medium to high density. It should be noted that there are no maps for the villages of:-
 - Bellbrook,
 - Willawarrin,
 - Grassy Head,
 - Fishermans Reach,
 - Jerseyville,
 - Kinchela,
 - Kundabung,
 - Smithtown,
 - Gladstone; and
 - Stuarts Point

These villages are automatically **low density** areas with single dwellings only being permitted due to the lack of a reticulated sewerage system and/or the effect of flooding.

- d) All applications for residential development ranging from new dwelling houses through to various forms of medium density development (*cluster housing, residential flat buildings, multiple dwellings*) will be assessed against the general performance objectives referred to in Section 3. It will be necessary for all development the subject of this plan to comply with the development standards and guidelines identified in this DCP.
- e) Development proposals which comply with **all** development standard prescribed in Section 4 and for which no objections are received will be approved under delegated authority without the need to be referred to Council unless the assessing officer is of the opinion that any aspect of the development is likely to result in unacceptable impacts.
- f) Development proposals which do not comply with **all** development standards prescribed in Section 4 will need to be supported by a written submission which demonstrates that the proposal meets the General Performance Objectives in Section 3 (See Section 9 Variations to the Development Control Plan). Where the relevant officer has

determined that the submission demonstrates that the General Performance Objectives have been met, the variation represents only a minor departure from any development standard and where no objections have been received, the application will be approved by the relevant officer without referring the application to Council.

The following performance objectives apply to all proposals for residential development the subject of this DCP.

These objectives have been based on the Australian Model Code for Residential Development (AMCORD) the review carried out under the “Triple R Study” by the Mid North Coast Regional Organisation of Councils (MIDROC) to which Council was a party and subsequent experience with the implementation of DCP No22 (2001).

3.1 LOT SIZE AND ORIENTATION

Where subdivision is proposed, lots are to have appropriate area and dimensions to enable the siting and construction of a *dwelling* or dwellings and ancillary outbuildings, whilst providing for:

- i) useable *private outdoor space*;
- ii) convenient vehicle access and parking;
- iii) adequate solar access in accordance with DCP No.31- Energy Smart Homes; and
- iv) access to cooling breezes and other relevant siting and design considerations.

3.2 BUILDING SITING AND DESIGN

- a) Buildings are to be sited and designed to permit optimum privacy and daylight by ensuring that:-
 - i) the privacy of dwellings and outdoor spaces for both residents and neighbours is protected as much as possible;
 - ii) habitable rooms are capable of receiving adequate daylight; and
 - iii) dwellings comply with the requirements of DCP No.31- Energy Smart Homes.
- b) The scale, height and length of a building and walls are to be appropriate to the local residential character, ensuring that there is no significant loss of amenity to adjacent dwellings and land.
- c) Buildings are to be sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent lands, ensuring that:

- i) cut and fill is kept to a minimum;
- ii) the visual impact of the building is minimised through the choice of building materials, the bulk, height, length and scale and siting of the building;
- iii) soil stability and erosion control measures are adequate; and
- iv) site drainage will not adversely affect adjoining lands.

3.3 PRIVATE OPEN SPACE

- a) *Private open space* areas are to be of dimensions sufficient to provide for outdoor recreation functions, including placement of table and chairs, BBQ's and the like.
- b) Location of *private open space* is to take account of outlook, natural features of the site and is not to adversely impact on neighbouring buildings or open space.
- c) Orientation of *private open space* is to provide for maximum year round solar access with a northern or easterly aspect.

3.4 VEHICLE PARKING

- a) Sufficient and convenient onsite parking for resident, visitor and service vehicles is to be provided, taking into account:
 - i) the effect of sloping land on access, sight distances and manoeuvrability;
 - ii) the safety of pedestrians and other road users;
 - iii) the need to meet mean peak parking requirements such that parked vehicles will not obstruct the passage of vehicles on any carriageway or create traffic hazards;
 - iv) the street hierarchy and traffic flows in the locality.

3.5 STREETScape

- a) Building siting and design is to enhance establishment of an attractive streetscape and is to provide opportunities for effective landscaping of areas visible from the street.
- b) Subdivision for residential development is to be designed so as to provide opportunities for retention of mature or *important vegetation* and to encourage establishment of an attractive streetscape.

3.6 LANDSCAPING

- a) The appearance, amenity and energy efficiency of new development for users and the general community should be enhanced by new development.
- b) Integration of building and landscape elements is encouraged.
- c) Landscaping should enhance developments for acoustic and visual privacy as well as shade. Landscaping should blend new development into an established streetscape and neighbourhood. The use of water efficient landscape systems is encouraged.
- d) Landscaping shall utilise predominantly *endemic species* which are appropriate for the intended purpose.

3.7 INFRASTRUCTURE AND SERVICES

- a) Any development proposal is to be so designed as to:-
 - i) ensure that the demands generated by the development are not beyond the capacity of the site or any related infrastructure or services;
 - ii) minimise the cost of extensions or connection of infrastructure and services to the development; and
 - iii) ensure that the cumulative impact of the development will not generate the need for significant upgrading or augmentation of any sewage, water or drainage system in the area.

(**Note:** Infrastructure and services includes, but is not limited to, sewerage systems, reticulated water supplies, drainage networks and road networks).

4 DEVELOPMENT STANDARDS

In addition to the general performance objectives set out in this strategy, development standards will be applied to all development applications for new dwellings, subdivision and medium density development (i.e. *cluster housing, residential flat buildings and multiple dwellings*) including Complying Developments.

4.1 RESIDENTIAL DENSITIES AND LANDSCAPED AREA REQUIREMENTS

- a) The residential densities specified below will be a fundamental determinant of dwelling yield or densities on individual sites within each density area or precinct. Land contained within each density category shall, for each 1, 2, 3 or 4 *bedroom* dwelling proposed, have a site area of not less than that indicated in Column 1 of the following table.
- b) A landscaped area of not less than that indicated in Column 2 of the following table is to be provided on each development site.

TABLE

Residential Density Area Type	Dwelling Size	Column 1 Site Area (m2)	Column 2 Landscaped Area (m2)
Low Density	1 bedroom	200	70
	2 bedroom	300	95
	3 bedroom	400	130
	4 bedroom	500	165
Medium Density	1 bedroom	170	60
	2 bedroom	240	85
	3 bedroom	330	115
	4 bedroom	420	145
Medium to High Density	1 bedroom	70	30
	2 bedroom	95	40
	3 bedroom	130	55
	4 bedroom	165	70

4.2 SETBACKS

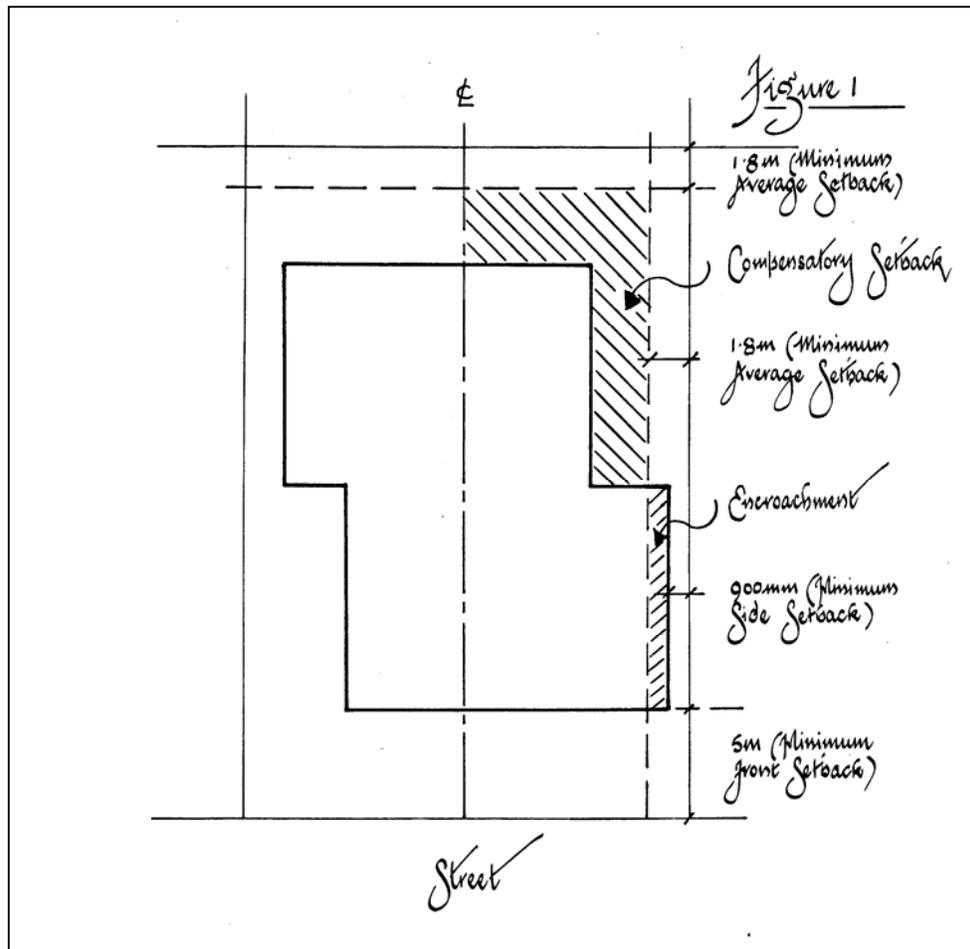
4.2.1 Street Setbacks

- a) A minimum setback of 5 metres to the primary street frontage shall be provided.
- b) On a corner allotment, the setback to the secondary street frontage may be reduced to not less than 3 metres. Relevant matters in considering any reduction shall include, but not necessarily be restricted to:-
 - i) maintaining traffic sight distances;
 - ii) maintaining views;
 - iii) consistency with the existing streetscape; and
 - iv) compliance with other requirements of this plan.
- c) On allotments with front and rear street frontages, Council may allow a reduction in the setback to the secondary frontage provided the reduced setback is consistent with the majority of setbacks in the street and with adjoining residences.
- d) Council may allow an encroachment into the setback to the primary street frontage of up to 1.5 metres provided the encroachment relates to an unenclosed structure and will not impact on the existing streetscape or any adjoining property.
- e) Any visitor parking required to be provided shall be setback not less than 5 metres unless it can be demonstrated that adequate provision has been made for landscaping in accordance with the requirements of this plan. (See Section 4.5 LANDSCAPING)

4.2.2 Side/Rear Setbacks

a) Single Storey Development

- i) In respect to single storey dwellings up to 5 metres in height, minimum setback of 900mm shall apply provided the average setback in the same horizontal plane is not less than 1.8 metres.
For example,



In the above example the development complies as the compensatory setback in excess of 1.8 metres exceeds the area of encroachment which is less than 1.8 metres (but not less than 900mm).

- ii) The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to the outermost edge of a roof which must be not less than 675mm to the boundary.

b) Two Storey and Single Storey Development over 5 metres in Height

- i) A minimum setback of 1.5 metres shall apply to the second storey provided the average setback in the same horizontal plane is not less than that determined by the following formula:-

$$\text{Minimum Average Setback (metres)} = 3 + \frac{H-3}{4}$$

- ii) In respect to buildings containing two storeys, the minimum setback requirements for Single Storey Development may be applied to the ground floor with the requirements for the second storey component applied separately.
- iii) The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to the outermost edge of a roof which must be not less than 675mm to the boundary.

where:-

H = the height of the wall at that point measured in metres above natural ground level (See Section 4.6 BUILDING HEIGHTS).

c) Three Storey Development

- i) A minimum setback of 2.0 metres shall apply to the second and third storeys provided the average setback in the same horizontal plane is not less than that determined by the following formula:-

$$\text{Minimum Average Setback (metres)} = 3 + \frac{H-3}{4}$$

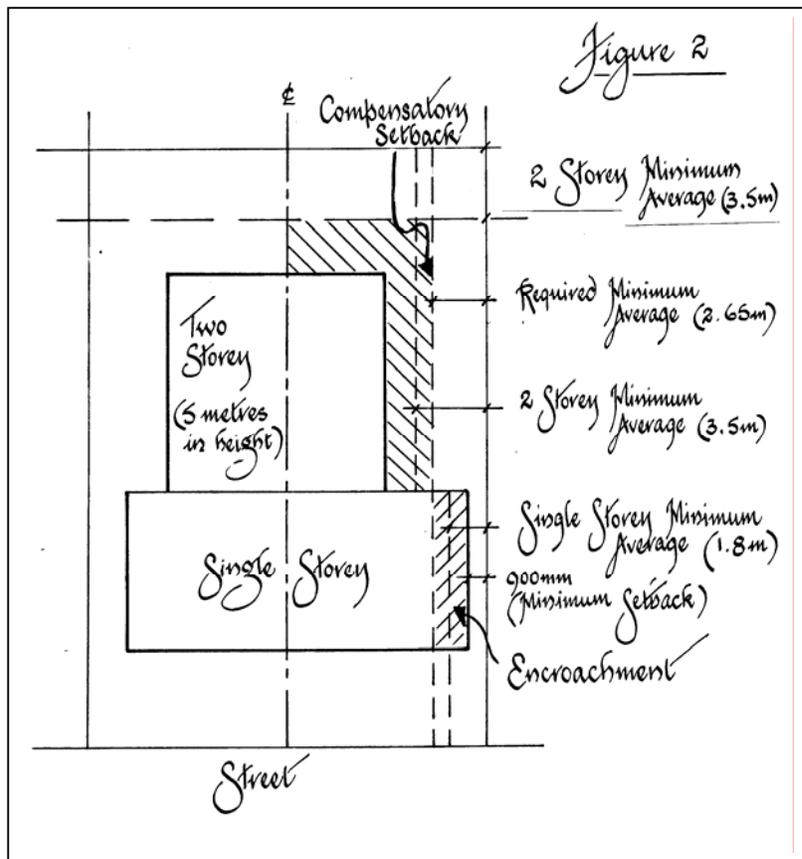
- ii) In respect to buildings containing three storeys, the minimum setback requirements for Single Storey Development, Two Storey Development and Three Storey Development may be applied separately to the ground floor, second storey and third storey respectively.
- iii) The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to the outermost edge of a roof which must be not less than 675mm to the boundary.

where:- H = the height of the wall at that point measured in metres above natural ground level (See Section 4.6 BUILDING HEIGHTS)

d) Split Single/ Two/ Three Storey Development

- i) In cases of development commonly referred to as split level development, the average respective requirements applying pursuant to Clauses 4.2.2 a) to c) shall be used to determine the minimum required setbacks.

For example:-



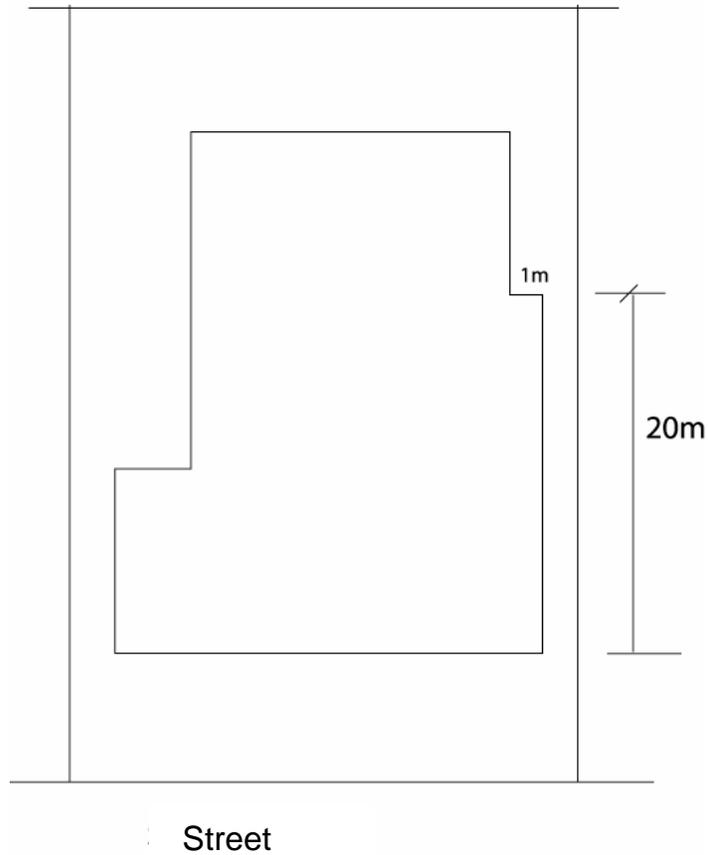
In the above example the development complies as the compensatory setback in excess of the required minimum average of 2.65 metres exceeds the area of encroachment which is less than 2.65 metres but not less than 900mm (single storey component) or 1.5 metres (two storey component).

- ii) The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to outermost edge of a roof which must be not less than 675mm to the boundary.

4.2.3 Long Walls

- i) Long walls to side boundaries should be avoided. The continuous length of wall in any one horizontal plane shall be not more than 20 metres.
- ii) External walls offset by more than one metre may be measured separately.
For example:-

Figure 3



In the above example of the development complies as an offset of at least 1 metre has been provided and no section of the wall in the same horizontal plane exceeds 20 metres.

4.3 CARPARKING AND ACCESS

4.3.1 Development Involving a Maximum of One (1) Dwelling Per Allotment

- a) A minimum of one (1) covered car parking space is to be provided within the property boundary.

4.3.2 Development Involving a Maximum of Two (2) Dwellings Per Allotment

- a) A minimum of one (1) covered carparking space is required for each dwelling plus one (1) visitor car space for the whole development.
- b) Council will consider allowing vehicles to reverse from the site in cases where local traffic circumstances permit, provided a short, easy, single reversing movement is possible and sight distances are adequate.
- c) Where circumstances are inappropriate, turning bays/manoeuvring areas shall be provided on site.
- d) No stack parking is permitted except where behind a double garage, provided one resident space has unrestricted access.

4.3.3 Development Involving Three (3) Dwellings or More Dwellings Per Allotment

- a) A minimum of one (1) covered resident car space is required per unit plus one (1) visitor car space per three (3) dwellings/units. For example, five (5) units requires a minimum of five (5) covered spaces for residents.
- b) Council will consider allowing vehicles to reverse from the site in cases where local traffic circumstances permit, provided a short, easy, single reversing movement is possible and sight distances are adequate.
- c) Where circumstances are inappropriate, turning bays/manoeuvring areas shall be provided on site.
- e) No stack parking is permitted except where behind a double garage, provided one resident space has unrestricted access.

4.3.4 Access Design

- a) Geometric standards applicable to site access and parking layout shall be designed in accordance with “Australian

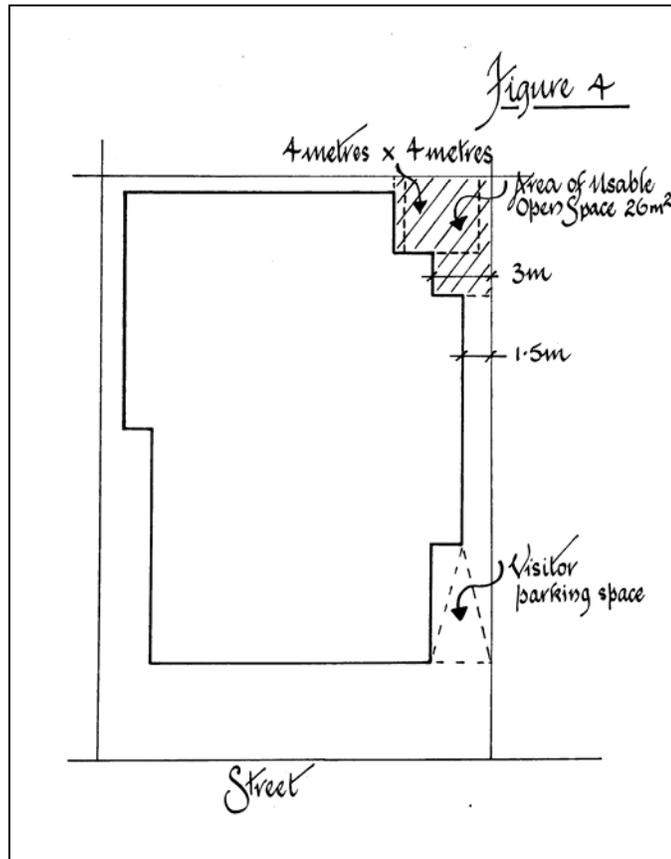
Standard 2890.1 - 1993 Part 1 - Off Street Car Parking Facilities”.

- b) In respect to steep sites, Council will require submission of long sections and representative cross sections prepared by a suitably qualified person indicating compliance with AS2890.
- c) Long straight driveways should be avoided whilst the use of decorative paving, e.g. brick, pavers, stamped concrete and the like, is encouraged.
- d) The area of vehicle pavement needed to adequately serve any residential development should be minimised to reduce the volume of stormwater runoff and increase the area of site available for landscaping.(See Section 4.5 Landscaping)
- e) Minimum driveway widths are to comply with Council’s Parking Code.
- f) Except on corner allotments and other lots with more than one street frontage, access shall be restricted to a single driveway crossing so as to maximise the availability of on-street parking.
- g) Driveways should be set back 1 metre from side boundaries to allow effective screen planting along the boundary unless other effective means can be demonstrated.
- h) Driveways are to be constructed in accordance with Council’s “Engineering Guidelines for Subdivision and Development of Land within Kempsey Shire” or any other standard as may be formally adopted by Council from time to time.
- i) Consideration is to be given as to how drainage is to be achieved from driveways, manoeuvring areas and other hard stand areas aimed at avoiding run-off onto neighbouring properties.

4.4 PRIVATE OPEN SPACE

- a) An area of *private open space* is to be set aside for each dwelling. The minimum area required for *private open space* for each ground floor dwelling is 25m² which shall be directly accessible from the living areas of dwellings.
- b) One part of the private open space, where the dwelling is at ground level, should be capable of containing a rectangle of 4m by 4m not steeper than 1 in 8 in gradient.

- c) Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space.
For example,



- d) Where the dwelling is located wholly above ground level, roof decks, balconies and verandahs for each dwelling can contribute to private open space requirements provided:
- each roof deck or balcony is not less than 15m² in area;
 - the minimum width of a roof deck or balcony is greater than 2 metres for more than 80% of its area;
 - the roof deck or balcony immediately adjoins, and is directly accessible from, the living area of the unit at the same level.
- e) Private open space areas are to be designed so as to enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play. Its location and design is to take into account the outlook and natural features of the site and the features of adjoining buildings. Its orientation should provide for

maximum year round use in compliance with Section 4.7 - Solar Access and Energy Conservation.

- f) Enclosing screen walls or fences shall be designed to ensure privacy, both from adjoining communal open space or accessways and from other dwellings and their courtyards.
- g) Private open space may be located within the front setback provided:-
 - i) adequate provision is made for additional intensive landscaping within the property ; and
 - ii) a decorative fence or screen is provided which is setback an average of not less than one (1) metre from the front boundary.

4.5 LANDSCAPING

- a) Landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, mature trees and other vegetation should, where possible, be preserved.
- b) Landscaping shall be comprised of predominantly *endemic species* which is in keeping with the built and natural character of the locality;
- c) A landscaping plan shall be provided with all applications indicating that the requirements of this plan will be met and shall include the location of all existing trees on site. Detailed landscaping plans indicating the actual number and species of plants to be established will be required either prior to granting of development consent or issuing of the required Construction Certificate.
- d) All parts of the site not built upon or paved (i.e. the usable open space area) should be landscaped with grass, groundcovers, shrubs and/or trees;
- e) Regard should be given to the use of sun protection devices, (i.e. verandahs, pergolas, deciduous trees, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings.
- f) Council's Tree Preservation Order forbids the removal or lopping of certain trees without Council consent.

4.6 BUILDING HEIGHT

- a) Building heights within various residential and commercial zones is controlled by Clauses 24 and 25 of Kempsey Local Environmental Plan 1987.
- b) 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 topography of the site makes compliance extremely difficult.
- c) In accordance with Council's Height of Building Code, a maximum rise of an additional 1.7 metres may be allowed in respect to dwellings containing raked ceilings.
- d) State Environmental Planning Policy No. 6 – Number of Storeys in a Building, provides that the number of storeys in a building is determined by the maximum number of storeys, floors or levels which may be intersected by the same vertical line, not being a line which passes through a wall and does not include an uncovered garden terrace or deck.

4.7 SOLAR ACCESS AND ENERGY CONSERVATION

4.7.1 One and Two Storey Development

All buildings shall be designed to ensure that no part of the windows of any living areas of any adjoining residential buildings or primary *private open space* or landscaped open space, are overshadowed for more than two (2) hours between 9.00 a.m. and 3.00 p.m. on 22 June.

4.7.2 Three Storey development

All buildings shall be designed to ensure that no part of the windows of any living areas of any adjoining residential buildings or primary *private open space*, are shaded for more than three (3) hours between 9.00 a.m. and 3.00 p.m. on 22 June.

4.7.3 Shadow Diagrams

Where there is likely to be an adverse impact as a result of overshadowing, Council may require an applicant to prepare shadow diagrams showing solar access to dwellings and private open space, including the impact of a proposal on adjoining residential buildings and private open space. Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site and adjoining development.

4.7.4 Design for Energy Efficiency

- a) All buildings should be designed for energy efficiency by:
 - i) keeping dwellings compact to minimise the overall surface area through which undesirable heat gains and losses can occur;
 - ii) avoiding large expanses of glazing on south and west facing walls;
 - iii) reducing energy consumed in cooling in summer by funnelling cooling breezes and using shading devices and deciduous planting;
 - iv) providing for insulation of dwellings.
- b) Dwellings should be designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting deciduous trees for summer shading.
- c) Dwellings shall be designed so as to achieve a (NatHERS) energy rating of at least 3.5 stars in accordance with DCP No.31- Energy Smart Homes.
- d) Applications for buildings containing two (2) or more attached dwellings or dwellings separated by less than 1.8 metres shall be accompanied by a certificate issued by a NatHERS accredited consultant.

4.8 VISUAL PRIVACY

- a) Visual privacy between proposed and existing adjoining dwellings is to be ensured. Overlooking of living spaces in buildings and private open spaces is to be avoided.
- b) Visual privacy for adjoining properties and within development projects can be achieved by:
 - i) using windows which are narrow, have minimum sill heights of 1.5m (above floor level), or have translucent or distorting glass;
 - ii) avoiding windows facing directly onto the windows, balconies or courtyards of adjoining dwellings;
 - iii) screening opposing windows, balconies and courtyards using fencing, walls or planting.
- c) Fences and screen walls are encouraged to designate private open space areas adjoining both the front and rear of dwellings.

4.9 CUT AND FILL AND RETAINING WALLS

4.9.1 Cut and Fill

- a) The maximum height/depth of any cut or fill is to be limited to 1.5 metres above or below the *natural ground level* where no slope destabilisation is likely to occur.
- b) Areas of cut or fill are to be located such that no damage to any adjoining property will occur.
- c) All areas containing cut or fill are to be drained, stabilised and landscaped to prevent erosion.
- d) Cut or fill must be approved by Council in conjunction with a development application. Full details of all proposed earthworks must be clearly indicated on the plans and section drawings. Council may require that engineering drawings be certified by a suitably qualified structural engineer before any construction certificate can be issued.

4.9.2 Retaining Walls

- a) Retaining walls are to be limited to 1.5 metres in height above finished ground level and are to be constructed of materials that compliment the existing streetscape and site landscaping and in a manner which will not adversely impact on any adjoining property.
- b) Any proposed retaining walls are to be indicated on the plans accompanying the required development application.
- c) Approval for all retaining walls over 600mm in height is required. Structural details for retaining walls should be included with plans for required construction certificates. Council may require that the design be certified by a qualified Structural Engineer or accredited certifier.
- d) Retaining walls must include suitable provisions for surface and sub-surface drainage.

4.10 EROSION AND SEDIMENT CONTROL

- a) Applicants are to demonstrate that any potential erosion, sedimentation and siltation can be controlled and that sediment and silt will not be washed from the site both during and after construction.

- b) Details of proposed erosion and sediment control measures are to be provided with plans for required construction certificates in accordance with Council's Guidelines for Erosion and Sediment Control.

4.11 INFRASTRUCTURE AND SERVICES

- a) As conditions of consent for any new development (excluding single dwelling houses on existing allotments), developers will be required to either provide or upgrade existing infrastructure or contribute monetarily to the provision of such services.
Such services and infrastructure includes, but is not limited to, sewerage systems, reticulated water supplies, drainage networks, road networks, footpaving and kerb and guttering.
- b) Any contributions required to be paid shall be determined in accordance with the requirements of Section 94 of the Environmental Planning and Assessment 1979, Section 27 of the Water Supply authorities Act 1987 and Section 64 of the Local Government Act 1993.
Relevant plans include:-

- Section 94 Contributions Plan for Off-Street Carparking
- Section 94 Contributions Plan for Outdoor Recreation
- Section 94 Contributions Plan for Stormwater Drainage: South West Rocks
- Section 94 Contributions Plan for Belle O'Connor Catchment Distributor Road
- Section 94 Contributions Plan for Trunk Stormwater Drainage: Belle O'Connor Catchment
- Development Servicing Plan for Water Supply
- Development Servicing Plan for Sewerage

5	SUBDIVISION
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- a) The type of subdivision chosen for multi-dwelling developments should ensure that the ongoing ownership and management of the development will be achieved with minimal likely future conflicts between residents.
- b) Under Clause 16A of Kempsey Local Environmental Plan 1987, development consent is not required to subdivide in accordance with the requirements of the Strata Titles Act 1973 any dwellings approved by Council since commencement of Kempsey Local Environmental Plan 1987 on 29 May 1987 and for which a certificate pursuant to Section 149D (Building Certificate) has been issued.
- c) Clause 16A also provides that Council may allow subdivision into Torrens Title lots under the Real Property Act 1900 or Community Title lots under the Community Land Development Act 1989, but only with development consent.
- d) Council may also allow subdivision of dwellings lawfully erected before commencement of Kempsey Local Environmental Plan 1987, but only with development consent, provided the dwellings comply with the Building Code of Australia and Council is satisfied that access, parking and services are adequate.
- e) If it is intended to subdivide a proposed development into Torrens or Community Title allotments, it is recommended that the proposed subdivision layout and provisions for access to services be included on the initial development application to avoid the need for a separate application having to be made.
- f) Whether or not development consent is required for subdivision, linen plans will be released upon lodgement of an application for a Subdivision Certificate and Building Certificate accompanied by a Surveyors Report and all prescribed fees.

6 STAGED DEVELOPMENT

Intention to stage construction should be indicated on the development application. The request for a staged development consent should be made clear on the application form and by annotation on the plans submitted with the development application. This will enable Council to specify the extent of works required for each stage and any contributions payable at each stage.

7 DEVELOPMENT IN LOW DENSITY AREAS

Development within areas identified on the DCP maps as being restricted to “low density” shall be restricted to **single dwellings per existing allotment only** unless it can be demonstrated that **all** of the relevant development standards specified in Section 4 of this plan have been met.

8	MIXED DEVELOPMENT WITHIN COMMERCIAL ZONES
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- a) Dwelling houses, residential flat buildings and cluster housing are permissible with the 3(a), 3(b), 3(c) and 3(v) zones provided they are constructed in conjunction with shops or commercial premises. Such developments must feature shops or commercial development at ground level with the residential component constructed above ground level (i.e. first storey and above).
- b) One lock-up garage per residential dwelling or unit is to be provided on site.
- c) Clothes drying areas are not to be visible from the street.
- d) Private open space provided above ground level must comply with the requirements of Section 4.4 Private Open Space.
- e) The location of balconies and living areas must have regard for likely future forms of development on adjoining allotments so as not to result in an unacceptable loss of development potential on adjoining allotments.
- f) Balconies are not to overhang any street alignment.

9 VARIATIONS TO THIS PLAN

- a) In “medium density” and “medium to high density” areas, Council may give consideration to an application for development not substantially consistent with aspects of this plan if:
- i) the applicant satisfies Council that the site or locality does not have the constraints to development identified in this strategy;
 - (ii) the proposed development is consistent with the objectives of the zoning of the subject land, under Kempsey LEP 1987;
 - iii) the proposed development is acceptable in the locality by nature of its density, design, architectural features and the like; and
 - iv) the opinions of local residents are taken into account.
- c) Any application for development not consistent with this plan will need to provide the following information in addition to that normally required for a development application:
- i) site survey plan showing contours at 0.5 metre intervals;
 - ii) detail of proposed cut and fill and associated soil stability and drainage mechanisms to be applied;
 - iii) Where necessary, shadow diagrams for 22 June applicable to the locality ; (See Section 4.7 Solar Access and Energy Conservation)
 - iv) proposed means of access and manoeuvring together with gradients involved;
 - v) written justification of the need to vary from the plan demonstrating that the relevant standards are unreasonable and unnecessary in the circumstances and that **all** the relevant aims and objectives detailed in Section 3 will be met.
- The onus for justification of any variations lies with the applicant and Council’s consideration of such application, will be restricted to the matters raised in the required submission.
- vi) details addressing the capacity of local infrastructure (including sewer, water and drainage) to sustain the development.

NOTE: This section does not apply to development within “low density” areas which must meet **ALL** development standards prescribed in Section 4.

10 DEVELOPMENT APPLICATION REQUIREMENTS

- a) Where development consent only is **requested**, a development application for residential development is to consist of:
- i) A completed Development Application form.
 - ii) 4 copies of all plans showing:
 - Site Plan
 - Elevations
 - Representative cross sections and long sections
 - Floor plan
 - Landscaping Plan
 - On sloping sites, a contour plan prepared by a surveyor or engineer at 0.5 metre contour intervals.
 - iii) An application fee (based on the estimated cost of the development)
 - iv) Written authority of all the landowners
- Note:** The above are minimum requirements. Applicants are encouraged to consult with Council’s Environmental Services Department prior to the preparation of plans.
- b) Where a combined development application/ construction certificate is required, it will be necessary to provide a housing specification and any other details as may be required.

11 SPECIAL PROVISIONS FOR SOUTH WEST ROCKS

The following special provisions shall apply to South West Rocks and shall prevail to the extent of any inconsistency with any other provisions of this plan.

11.1 AIMS AND OBJECTIVES

In addition to the objectives contained in Section 1.4(c), the following objectives shall apply to development at South West Rocks:-

- viii) to encourage buildings and landscaping that reflect the community's expectations of an area where the unspoilt beauty of the natural environment and relaxed country lifestyle are both preserved and complemented by an economy of high productivity and employment.
- ix) to facilitate development and implement plans to manage land use and to control development, having regard to the protection of the environment and the need to encourage economic expansion.
- x) to examine development proposals taking into consideration the principals of ecological sustainable development.

11.2 LOT SIZE AND ORIENTATION

In addition to the requirements of Section 3.1, the following shall apply to subdivision in South West Rocks:-

- The minimum average allotment size for subdivision in South West Rocks shall be 650m².

11.3 STREETScape

In addition to the requirements of Section 3.5, the following provisions shall apply to development at South West Rocks:-

- c) Subdivision of land containing *important vegetation* shall be designed rso as to maximize retention of all trees within road and public reserves, except where required to be removed to provide services and to construct roads.
- d) Where it is proposed to subdivide land that contains *important vegetation*, Council will require all trees over three(3) metres in height to be identified by survey.
- e) Details of the means of protecting trees nominated for retention during construction of the subdivision will be required.

- g) Where Council considers it necessary, appropriate title restrictions will be required to protect *important vegetation* from future removal.

11.4 MAXIMUM SITE COVERAGE

In addition to the requirements of Section 4.1, the following provisions shall apply to development at South West Rocks:-

- c) Maximum Site Coverage shall not exceed the standard contained in Column 3.

TABLE

Residential Density Area Type (%)	Dwelling Size	Column 1 Site Density (m2)	Column 2 Landscaped Area (m2)	Column 3 Maximum Site Coverage
Low Density	1 bedroom	200	70	30%
	2 bedroom	300	95	
	3 bedroom	400	130	
	4 bedroom	500	165	
Medium Density	1 bedroom	170	60	45%
	2 bedroom	240	85	
	3 bedroom	330	115	
	4 bedroom	420	145	
Medium to High Density	1 bedroom	70	30	60%
	2 bedroom	95	40	
	3 bedroom	130	55	
	4 bedroom	165	70	

11.5 BUILDING MATERIALS

- a) Outbuildings with a floor area greater than 18m² shall be designed and located so as not impact on the residential or visual amenity of the area.
- b) Outbuildings greater than 18m² shall be constructed with external cladding of colours and materials that blend with that of any existing or proposed dwelling(s).
- c) Outbuildings shall be of a scale that is commensurate with the existing and likely future residential development in the area.

11.6 ADDITIONAL CONTROLS FOR DUAL OCCUPANCY DEVELOPMENT

- a) Dual occupancy shall be restricted to corner allotments or allotments with minimum *primary street frontage* of 20 metres.
- b) Where it is proposed to erect two (2) detached dwellings on a single allotment which has a single road frontage, the dwelling at the rear of the allotment shall not exceed one storey in height.

APPENDIX “1”

DEFINITIONS

AMCORD - means the Australian Model Code for Residential Development and its various versions and editions.

Bedroom - means a room which is designated, used, or Council considers is capable of being used or adapted for sleeping in whether or not building alterations are involved **or it is the current owners intention to do so.**

Cluster Housing - means a group of dwelling houses or residential flat buildings (containing not more than 2 dwellings), or both, situated on the one allotment of land.

Note: examples might include dual occupancy, granny flats, villas and townhouses.

Compensatory Setback- means the area of land on which no buildings are erected, or are proposed to be erected, which is in excess of the specified minimum average setback applying to the extent of the geometric centre line. (See Figures 1 & 2)

Dual Occupancy- means two dwellings, whether or not attached on the same allotment regardless of any intention to subdivide the development.

Dwelling House - means a building containing one (1) only dwelling. A dwelling being a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Endemic Species- means species which naturally occur on the NSW Mid-North Coast or cultivars of such species.

Height - in relation to a building, means the distance measured vertically from any point on the ceiling of the uppermost floor of the building to the ground level immediately below that point. The applicable height limit being determined by the maximum height.

Important Vegetation- means vegetation that has either been identified by an ecological study as being important to the survival of any native flora or fauna or is required to preserve the existing natural character of the locality.

Landscaped Area - means that part of the area of the site which is not occupied by any building and includes so much of that part as is used or to be used for swimming pools or open air recreation facilities but does not include so much of that part as is used or to be used for driveways, parking areas or drying yards.

Maximum Site Coverage- means the ratio of the area of an allotment covered by buildings to the total area of the allotment expressed as a percentage, whether or not those buildings have enclosing walls.

Outbuildings- means any freestanding building which is on the same allotment as a dwelling (either existing or proposed) not intended to be used for the purposes of human habitation and may include garages, boat or caravan storage, workshops, storage sheds or the like.

Primary Street Frontage- on corner allotments, refers to the narrowest street frontage. On allotments with front and rear street frontages, refers to the frontage to the street designed to carry the greater traffic volume.

Private Open Space - means an area of land suitable for private outdoor living activities by occupants of a specific dwelling.

Multiple Dwellings - means a dwelling which forms part of a group of 2 or more dwellings such as are commonly known as cluster houses, residential flat buildings, villa homes, town-houses, semi-detached homes, terrace buildings or the like.

Natural Ground Level- means the level of the ground before commencement of any site filling or building work carried out either prior to or as a result of the proposed development.

Residential Flat Building - means a building containing 2 or more dwellings.

Secondary Street Frontage- on corner allotments, refers to the longest or widest street frontage. On allotments with front and rear street frontages, refers to the frontage to the street designed to carry the lesser traffic volume.

Storey - includes floors or levels, as the case may be, in a building which may be intersected by the same vertical line, not being a line which passes through any wall of the building, but does not include an uncovered garden, terrace or deck.

APPENDIX "2"

**MAPS RELATING TO
LOCAL HOUSING STRATEGY**



