

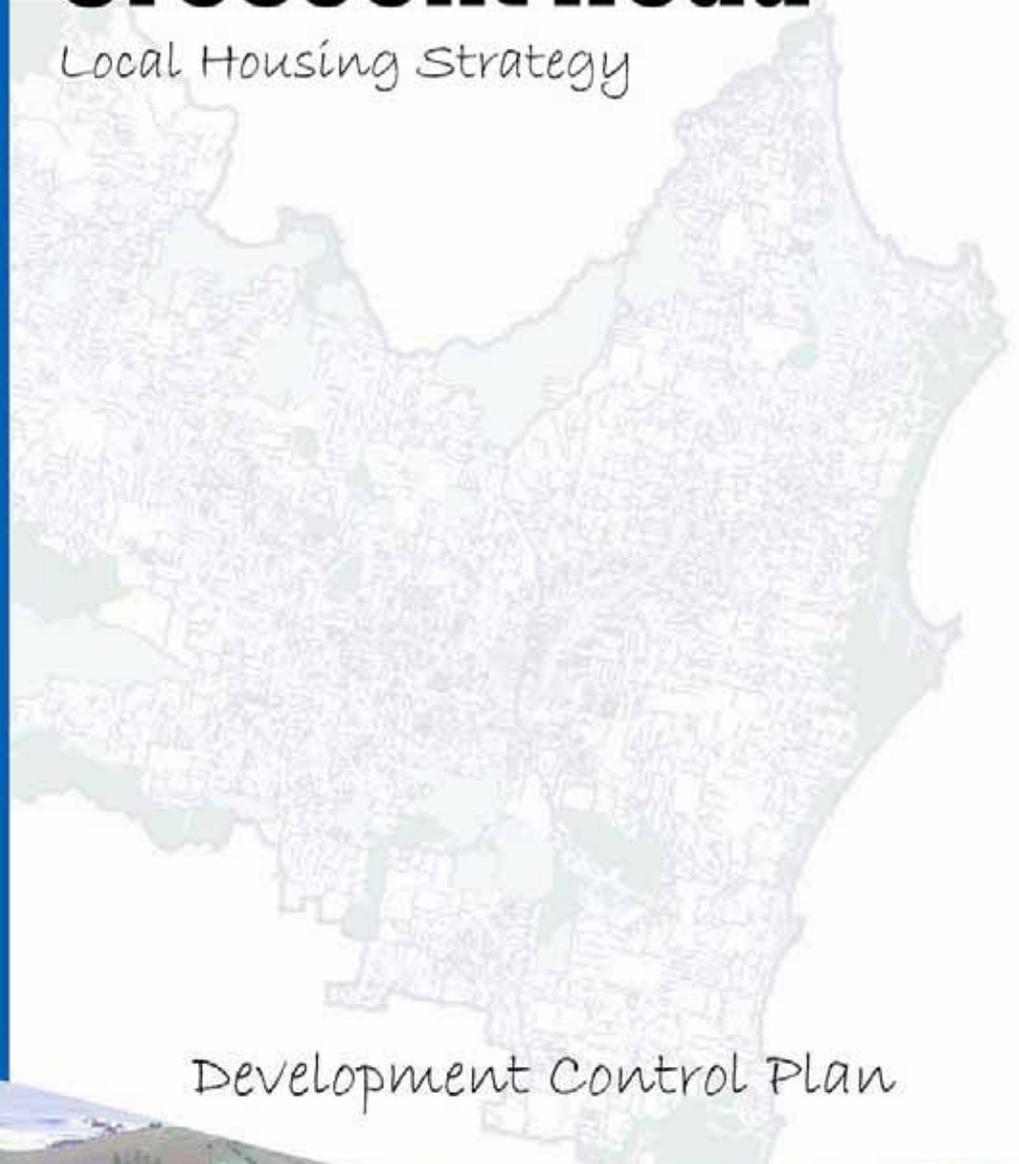
**DCP**  
CRESCENT HEAD



Kempsey  
Shire Council

# Crescent Head

*Local Housing Strategy*



*Development Control Plan*



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## INTRODUCTION

### PREAMBLE

- This plan is called Development Control Plan Crescent Head Local Housing Strategy.
- This Development Control Plan (DCP) relates to housing development in Crescent Head on land shown on the map (Figure 1) and within zone nos. 2(a) 2(b1), 2(b2) and 3(a).
- This DCP relates to development for single dwelling-houses, dual occupancies, multiple dwellings, cluster housing and residential flat buildings.
- This DCP came into force on 25<sup>th</sup> April, 2006.
- This DCP amends DPC22 Local Housing Strategy (Urban Areas) 2003 as set out in Schedule 1.

- This DCP supersedes DCP22 in respect to Crescent Head, and any variations allowed. Previous DCP22 shall not be used as a precedent to vary this DCP.

### AIM

To encourage development that enhances and protects the unique character of Crescent Head.

### OBJECTIVES:

The controls in this DCP seek to:

- Ensure consistency and fairness in the assessment of development applications.
- Encourage development which minimises impacts on the environment.
- Optimise dwelling yields within the capacity of the land, and the precinct.



Figure 1: Land to Which DCP Applies

## PROCEDURES:

- Single dwelling-houses, dual occupancies, multiple dwellings, cluster housing and residential flat buildings require the consent of Council
- Consent is sought through lodgement of a Development Application
- Applicants should follow the step-by-step procedures shown in the procedures flow chart

## HOW TO USE THIS DCP:

Applicants are to comply with the controls unless it can be demonstrated that an alternative solution to all or any of the controls will be a better approach to meet the objectives of this DCP

## OTHER RELEVANT CONTROLS:

Kempsey Local Environmental Plan 1987 provides:

Clause 16. (1) The Council shall not consent to the subdivision of land within Zone No. 2(a) or 2(b1) unless each allotment has an area of at least 500m<sup>2</sup>. Clause 16A (3) The Council may grant consent to the subdivision of a building or buildings and the land on which they are situated into lots of any size, if the building or buildings was or were erected in accordance with a development consent granted by the Council.

24. (1) The Council shall not consent to the erection, on and within Zone No. 2(a), 2(b1), of a building:

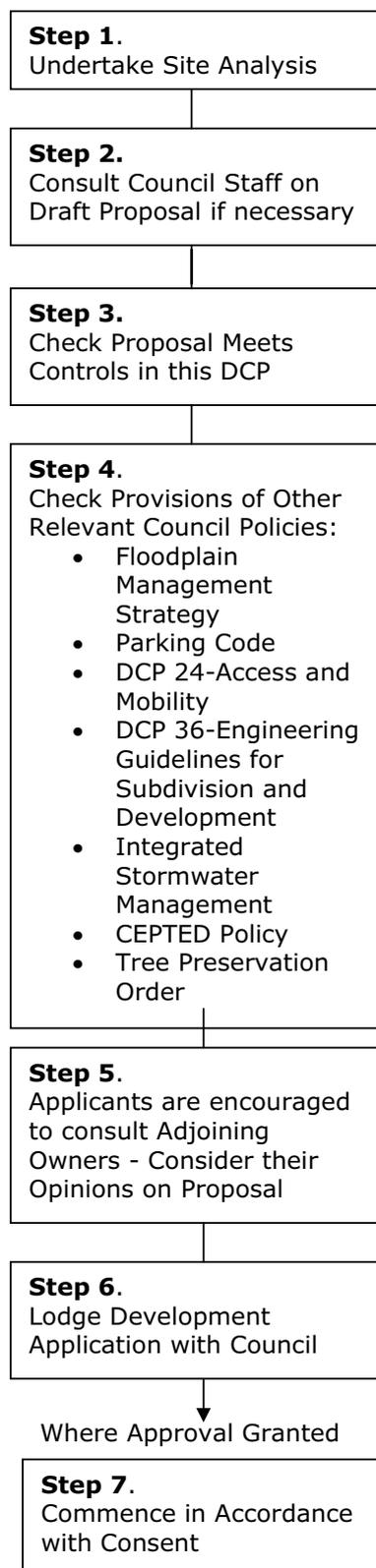
(a) which contains more than 2 storeys; or  
(b) in the case of a building of 2 storeys, having a topmost floor with a ceiling level more than 6.2 metres above the level of the natural surface.

(2) Subclause (1) does not operate so as to prohibit the Council from consenting to the erection of a 2 storey building on land where, because of the local topography, it is impracticable to erect a 2 storey building on the land in compliance with that subclause. (See Height of Building Policy, Appendix 1).

(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.

25. The Council shall not consent to the erection of a building which contains, in the case of land within Zone No. 3(a) in the village of Crescent Head – more than 2 storeys.

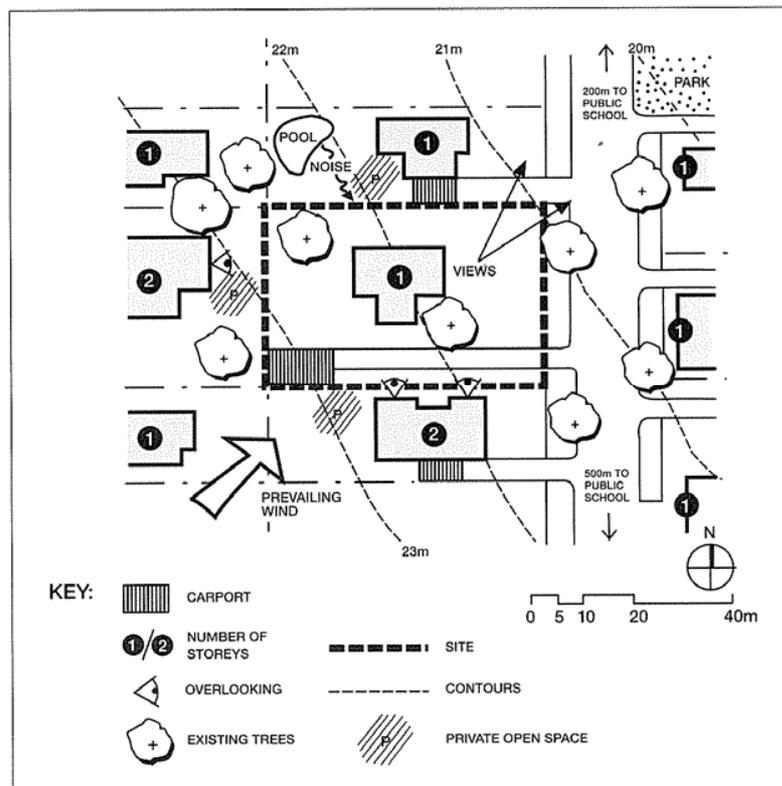
## PROCEDURES FLOW CHART:



## SITE ANALYSIS:

- Site analysis is required to identify opportunities and constraints for building.
- A site analysis plan (at scale 1:200) is to include:
  - Site dimensions (length, width);
  - Spot levels and contours to AHD;
  - North point;
  - Existing site drainage, including any piped drainage;
  - Any contaminated soils or filled areas;
  - Services (easements, utilities);
  - Existing trees (height, spread, species);
  - Views to and from site;
  - Prevailing winds; and
  - Surrounding development.
  - Existing structures on the site.
- A character analysis plan that demonstrates that the design of the development has considered and applied the landscape, streetscape and building character and design provisions contained in the Crescent Head Character Statement.

Figure 2: Site Analysis



## CRESCENT HEAD CHARACTER STATEMENT

Development proposals should demonstrate achievement of the following contributor character statements and avoid the detracting features.

### **LANDSCAPE CHARACTER:**

#### Features that Contribute:

- Trees that dominate the hill
- Consistent theme for tree planting
- Rooflines below tree canopies across the ridgeline
- Vegetation that softens views of dwellings (see CEPTED provisions)

#### Features that Detract:

- Dwellings intruding on the skyline
- Overhead power lines
- Protruding white roofs
- Roof lines along contour connected to make an unbroken line
- Cocos Palm Trees

### **STREETSCAPE CHARACTER**

#### Features that Contribute:

- Use of shrubs for screening foreground (native vegetation preferred)
- Unobtrusive fencing
- Adequate setbacks to achieve desired landscape
- Layback kerb and gutter with footpath adjoining, to maximise area for landscaping
- Retention of vistas
- Rock retaining walls

#### Features that Detract:

- No defined road edge/footpath
- Adhoc home business advertising
- Retaining walls with hard/straight edge
- Intrusive letter boxes and fences
- Poor street stormwater management resulting in poorly maintained systems and soil erosion
- Encroachments within the road reserve

### **BUILDING CHARACTER AND DESIGN**

#### Features that Contribute

- Large building setbacks
- Timber balconies, handrails etc
- Wide eaves
- Broken or varied rooflines
- Timber gables
- Recessed garages
- Dormer windows
- Use of verandas projecting from building, not enclosed
- Not square to frontage
- Pastel or earthy colours
- High pitched roofs
- Varied construction materials
- Windows and openings in proportion to wall
- Rock retaining walls

#### Features that Detract:

- Boxy heavy developments
- Enclosed balconies
- Over use of concrete, excessive width driveways
- Intrusive retaining walls
- Dominating brick walls and fencing
- Viewing double garages from the street front
- Square shape to frontage
- Lack of landscaping
- Featureless walls facing street
- Bright colours for walls or roofs
- Modern glass balustrades
- Narrow verandahs

## GENERAL CONTROLS

### SETBACKS:

- Generally, buildings are to be setback a minimum of 5 metres from the front boundary. Where adjoining properties contain buildings that are setback less than 5 metres, Council **may** allow a similar setback (subject to assessment).
  - On corner lots, buildings may be setback less than 5 metres but not less than 3 metres from the secondary street boundary provided the setback is consistent with the majority of setbacks in the street and adjoining residences.
  - Rear setbacks within the area shown below (Figure 3) shall be not less than 5 metres, to ensure privacy, separation and landscape character is maintained.
- In all other instances, rear and side setbacks shall be:
    - A minimum average of 1.8 metres for single storey development up to 5 metres high, with a minimum of 0.9m
    - A minimum average of 3 metres for 2 storey development, with a minimum of 1.5m
    - A minimum average of 4.5m for 3 storey development, with a minimum of 2m.
    - Any setback less than the minimum average shall justify the proposal having regard to impacts of overshadowing and privacy.



Figure 3: Special Rear Setback Area

## **HEIGHT**

- A height limit of 2 storeys applies (other than Medium High Density Area – see Medium-High Density Development Controls), with a maximum height of 6.2 metres measured parallel to natural ground level to the top wall plate.
- Council has adopted a Height of Buildings Policy to provide a consistent approach to the permissible height of buildings, having regard to site constraints and the need for an overall height of building limit.
- Development shall comply with Council's Height of Buildings Policy (Appendix 1).

## **BUILDING AND RETAINING WALLS:**

- Generally, a maximum length of 12 metres applies to building walls and retaining walls greater than 1.8 metres in height.
- Where walls are longer than 12 metres, they must incorporate offsets throughout their length to break up the appearance of the wall
- Offsets shall generally be a minimum of 1 metre and for a length of not less than 1 metre
- Retaining walls are generally limited to a maximum height of 1.5 metres
- A minimum 1m front setback applies where fence and wall exceed 1.5 metres
- Retaining wall height may exceed 1.5 metres if:
  - internal or under proposed house
  - geotechnical report assesses site as able to maintain stability
  - engineer to certify wall
  - volume of overburden to be subject to contributions to transport off-site.

## **SOLAR ACCESS:**

- Buildings should be designed to ensure no more than two hours of overshadowing of the living areas of adjacent dwellings and open space areas between 9.00am and 3.00pm on 22 June.
- Where the possibility of overshadowing may occur, shadow diagrams are to be submitted to illustrate the shadows cast by the proposed building at 9.00am, 12.00 noon and 3.00pm on 22 June.

## **CROSSINGS AND DRIVEWAYS:**

- To reduce the impacts of stormwater runoff, improve visual amenity and maintain on-street car parking, the number and width of crossings should be minimised, and the area of pavement on site should also be minimised to increase the area of site available for landscaping
- Crossings are to comply with Council requirements and require approval under section 138 of the Roads Act.
- A driveway, which services a maximum of three dwellings, is to have a minimum paved width of 2.4m and a maximum crossing width of 3m.
- A shared driveway, which services more than 3 dwellings:
  - is to have a minimum paved width of 4.5 metres at the street boundary, continuing at this width for a length of not less than 6 metres.
  - is to include turning areas to ensure vehicles enter and leave the site in a forward direction;
- Long driveways may require 'passing points' (particularly on busy roads).
- Where driveways are more than 30 metres in length, turning areas are to be provided to ensure vehicles can traverse in a forward direction.
- Turning areas to be designed in accordance with DCP No. 36.
- Driveways should have gradients generally less than 20%, with a maximum of 25% allowed if transition gradients are provided.
- 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".
- 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.
- Long straight driveways should be avoided whilst the use of decorative paving, e.g. brick, pavers, stamped concrete and the like, is encouraged.
- 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.
- 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.

## LANDSCAPING

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.

Landscaping shall be comprised of predominantly *endemic species* which is in keeping with the built and natural character of the locality;

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.

All parts of the site not built upon or paved (ie. the usable open space area) should be landscaped with grass, groundcovers, shrubs and/or trees;

Regard should be given to the use of sun protection devices, (ie. verandahs, pergolas, deciduous trees, etc) along western-facing walls to produce a comfortable microclimate in and around dwellings.

## VISUAL PRIVACY

- 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.
- 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.
- Fences and screen walls are encouraged to designate private open space areas adjoining both the front and rear of dwellings.
- 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.

## **PRIVATE OPEN SPACE**

- Private open space is to be set aside for each dwelling. Each ground floor dwelling is to have a minimum 25m<sup>2</sup> which shall be directly accessible from the living areas.
- Where the dwelling is at ground level, the area is to contain a rectangle of 4m by 4m not steeper than 1 in 8.
- Any area less than 2 metres in width shall not be included when considering the area provided for private open space.
- 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:
  - i) it is not less than 15m<sup>2</sup> in area;
  - ii) the minimum width is greater than 2 metres for more than 80% of its area;
  - iii) it immediately adjoins, and is directly accessible from, the living area of the unit at the same level.
- Areas are to be designed as 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.
- 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.

## **SAFETY IN DESIGN**

- Buildings should allow for some outlook (ie from windows and doors) to streets, lanes or other public space areas to increase surveillance and thereby provide for a safer environment.
- Landscaping within the front setback shall ensure retention of surveillance of the street from dwellings and to and from the street, and consider traffic safety on corner lots.
- Development shall comply with Council's CEPTED (Crime Prevention Through Environmental Design) Policy.

## **STORMWATER DISPOSAL**

- State Environmental Planning Policy No 71 – Coastal Protection requires that Council must not grant consent to development that will discharge untreated stormwater.
- Generally, BASIX will require roof water harvesting (rain water tanks). Development should include water treatment devices for first flush and run-off from paved areas.
- Development shall comply with Council Policy (to be developed) for stormwater treatment.

## **PROTECTION OF VIEWS:**

The following principles shall be applied to applications to determine the impact of development on the views enjoyed by adjoining properties.

### **Step 1.**

*Where views will be affected*

- Water views are more valuable than land views
- Whole views are valued more highly than partial views

### **Step 2.**

*Where are views obtained from?*

- Views across side boundaries cannot be protected by unreasonable requirements
- Views from sitting positions can not be protected by unreasonable requirements
- Views across front or rear boundaries, from a standing position should be protected to a reasonable extent.

### **Step 3.**

*Where is the impact?*

- Will views be retained from other parts of the property
- Views from living areas and kitchens are more important than from bedrooms and service areas.
- Assess view loss in qualitative terms: negligible, minor, moderate, severe or devastating

### **Step 4.**

*Is the proposal reasonable?*

- Does the proposal comply with other controls in this DCP?
- If not, even a moderate impact on views may be considered unreasonable.
- If it does comply, would a more clever design provide the same development potential and amenity and reduce the impact on views? If not, impact probably considered acceptable and view sharing reasonable.

## LOW DENSITY DEVELOPMENT CONTROLS

This section applies to development within the area shown in the map below (Figure 4):

### DENSITY:

- Density is not to exceed one dwelling per 500m<sup>2</sup>, not including the area of any access handle or internal driveway.
- A minimum of 165m<sup>2</sup> of landscaped area is to be provided for each dwelling.

### CAR PARKING

- Each dwelling shall contain a minimum of 2 covered spaces behind the front setback area.
- Garages to be setback a minimum of 5 metres to provide 2 stacked off street visitor spaces.

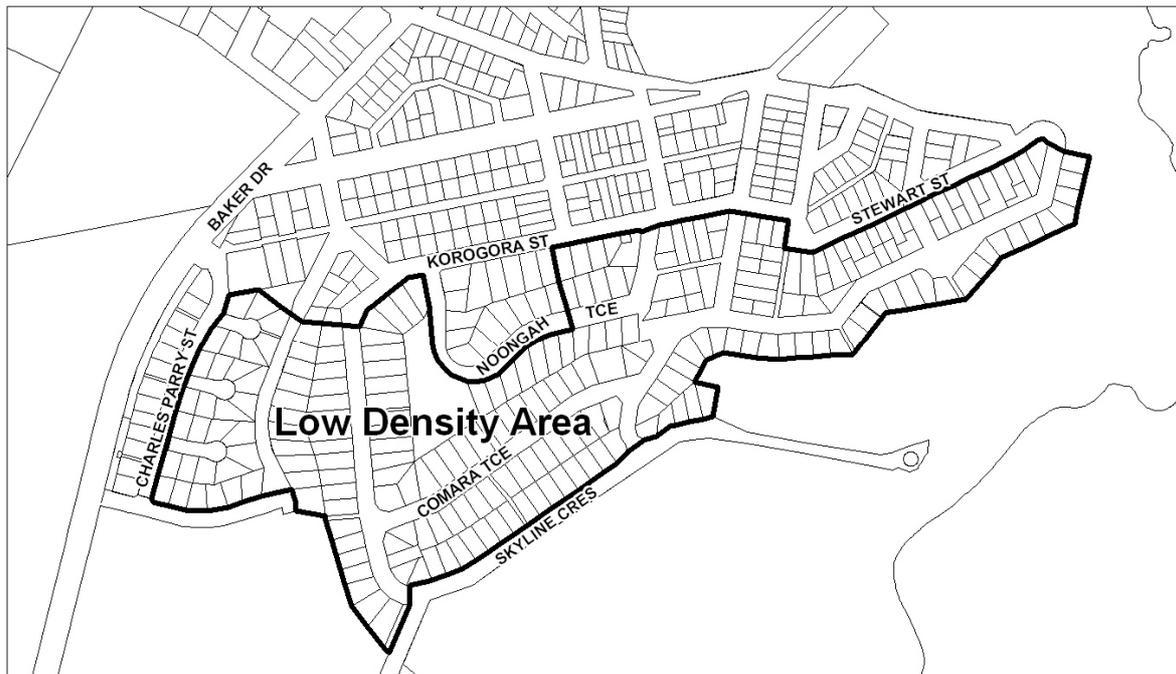


Figure 4: Low Density Area

## MEDIUM DENSITY DEVELOPMENT CONTROLS

The following provisions apply the area shown in the map below (Figure 5):

### DENSITY:

Density is based on dwelling size in accordance with the following:

Dwelling Size	Site Area Per Dwelling	Landscaped Area
Small Dwelling	170m <sup>2</sup>	60m <sup>2</sup>
Medium Dwelling	240m <sup>2</sup>	85m <sup>2</sup>
Large Dwelling	330m <sup>2</sup>	115m <sup>2</sup>
Extra Large Dwelling	420m <sup>2</sup>	145m <sup>2</sup>

Size of dwelling is defined as (whichever has the largest site area required):

#### Small :

1 Bedroom or < 65m<sup>2</sup> Floor Area

#### Medium :

2 Bedrooms or < 95m<sup>2</sup> Floor Area

#### Large :

3 Bedrooms or <135m<sup>2</sup> Floor Area

#### Extra Large :

>3 Bedrooms or > 135m<sup>2</sup> Floor Area

### LANDSCAPED AREA:

A landscaped area of not less than that indicated in the table is to be provided.

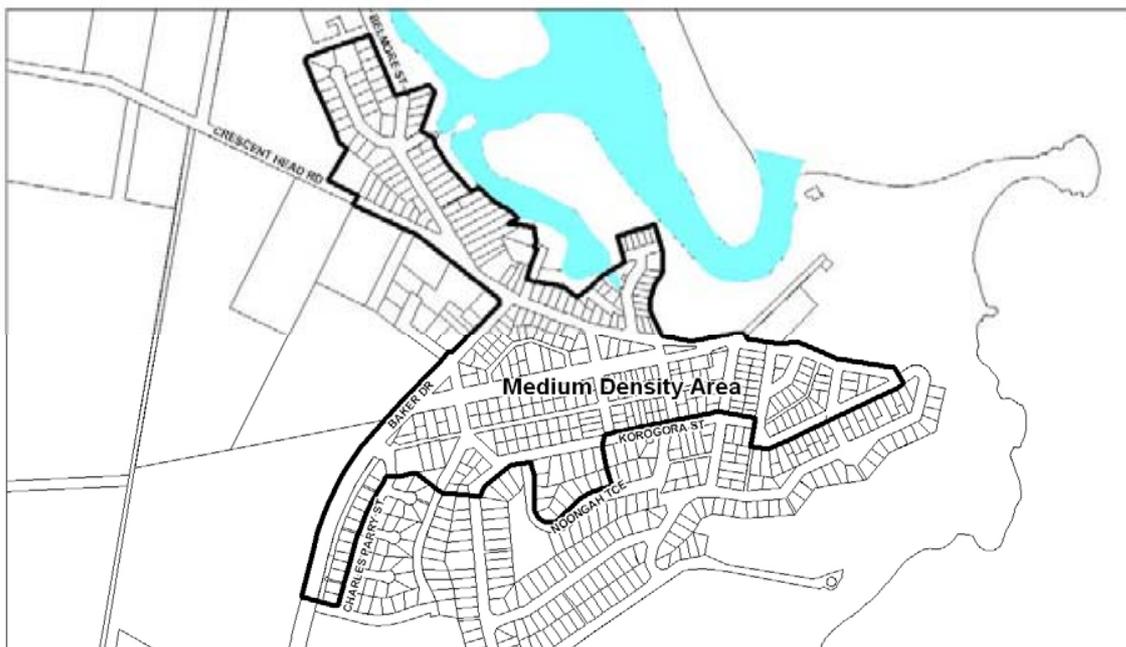


Figure 5: Medium Density Area

## MEDIUM DENSITY DEVELOPMENT CONTROLS (cont)

### **CAR PARKING**

- Resident parking shall be provided onsite in accordance with the following table.
- Resident parking is to be covered, and located behind the front setback area.
- Visitor parking is to be provided onsite at a rate of not less than 1 per 3 dwellings.
- Total visitor parking is to be provided in accordance with the table.
- Visitor parking may be provided in a stacked parking arrangement where practical.
- Visitor parking at kerbside may be accepted where it is provided within the frontage of the property, and does not need to be located in a manner that is likely to cause a traffic hazard.

<b>Dwelling Size</b>	<b>Resident Parking</b>	<b>Visitor Parking</b>
Small	1 per dwelling	1 per 3 dwellings
Medium	1 per dwelling	1 per dwelling
Large	2 per dwelling	1 per dwelling
Extra Large	2 per dwelling	2 per dwelling

**MEDIUM-HIGH DENSITY DEVELOPMENT CONTROLS**

The following provisions apply to the area shown in the map below (Figure 6):

**DENSITY:**

Density is based on dwelling size in accordance with the following:

Dwelling Size	Site Area Per Dwelling	Landscaped Area
Small Dwelling	90m <sup>2</sup>	30m <sup>2</sup>
Medium Dwelling	95m <sup>2</sup>	40m <sup>2</sup>
Large Dwelling	130m <sup>2</sup>	55m <sup>2</sup>
Extra Large Dwelling	165m <sup>2</sup>	70m <sup>2</sup>

Size of dwelling is defined as (whichever has the largest site area required):

- Small** : 1 Bedroom or < 65m<sup>2</sup> Floor Area
- Medium** : 2 Bedrooms or < 95m<sup>2</sup> Floor Area
- Large** : 3 Bedrooms or <135m<sup>2</sup> Floor Area
- Extra Large** : >3 Bedrooms or > 135m<sup>2</sup> Floor Area

**LANDSCAPED AREA:**

A landscaped area of not less than that indicated in the table is to be provided.



Figure 6: Medium High Density Area

**HEIGHT**

- A height limit of 3 storeys applies in the Medium High Density Area, with a maximum height of 10 metres measured parallel to natural ground level to the top wall plate.
- Basement car parking is permissible provided it does not protrude more than 1m above natural and finished ground levels.

**CAR PARKING**

- Resident parking shall be provided onsite in accordance with the following table.
- Resident parking is to be covered, and located behind the front setback area.
- Visitor parking is to be provided onsite at a rate of not less than 1 per 3 dwellings.
- Total visitor parking is to be provided in accordance with the table.
- Visitor parking may be provided in a stacked parking arrangement where practical.
- Visitor parking at kerbside may be accepted where it is provided within the frontage of the property, and does not need to be located in a manner that is likely to cause a traffic hazard.

Dwelling Size	Resident Parking	Visitor Parking
Small	1 per dwelling	1 per 3 dwellings
Medium	1 per dwelling	1 per dwelling
Large	2 per dwelling	1 per dwelling
Extra Large	2 per dwelling	2 per dwelling

## DEFINITIONS

- **Floor space ratio** means the ratio of the gross floor area of the building to the site area of the land on which the building is or is proposed to be erected;
- **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.
- **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.
- **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.
- **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 1 HEIGHT OF BUILDINGS POLICY

 KEMPSEY Shire Council	<b>HEIGHT OF BUILDINGS</b>	Policy No	<b>C23:7</b>
		Issue date	25.6.96
		Revision date	25.4.06

### OBJECTIVES

To specify Council's requirements for the height of buildings to be constructed in various zones within Kempsey Shire.

### POLICY STATEMENT

The following code indicates the maximum height of buildings to be constructed in various zones within Kempsey Shire.

**Minutes No** 1.22454  
**Date Policy Adopted** 25 June 1996  
**Authority** Environmental Planning and Assessment Act  
**Policy No. C23: 7 HEIGHT OF BUILDINGS Issue date** 25.6.96 Page 2  
**Revision date** 25.4.06

	<b>HEIGHT OF BUILDINGS</b>  Page 2	Policy No	<b>C23: 7</b>
		Issue date	25.6.96
		Revision date	25.4.06

## HEIGHT OF BUILDING CODE

### Definitions

The following definitions are adopted for the purposes of interpreting this code:

“Floor”

Means that space within a building which is situated between one floor level and the floor level next above or if there is no floor above, the ceiling or roof above; and includes areas used for the parking of vehicles.

“Natural Ground Level”

Means the existing natural ground level of the land before commencement of any site filling, or building work either prior to or as a result of the proposed development.

“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.

### Number of Storeys

In accordance with *State Environmental Planning Policy No. 6 – Number of Storeys in a Building*, the number of storeys is deemed to be the maximum number of storeys, floors or levels, as the case may be, in a building either above or below natural ground level 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.

#### Two (2) Storey Limit

Council shall not consent to the erection of a building to be used for any purpose which contains more than two (2) storeys above natural ground level in Zone No. 2(a), 2(b1), 2(v) or in the 3(a) zone at Crescent Head.

#### Three (3) Storey Limit

Council shall not consent to the erection of a building to be used for any purpose which contains more than three (3) storeys above natural ground level in Zone No. 2(b2) and 3(v).

### Building Height

#### (a) Sites With Less than 10% Slope

Clause 24(1) of KLEP 1987 provides for the erection of dwellings in residential zones of up to two (2) storeys with a maximum ceiling height of not more than 6.2 metres above natural surface level.

- (i) For the purposes of establishing the 6.2 metre ceiling height limit, the ceiling level of the building shall be taken at the external top plate of the building to the natural ground level.



## HEIGHT OF BUILDINGS

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Policy No	<b>C23: 7</b>
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- (ii) Where a garden, terrace or deck is covered by a roof where no top plate is proposed, the ceiling height shall be taken as the prolongation of the top plate within the room immediately adjoining.
- (iii) The maximum rise to the top of the roof from the external top plate shall be not greater than 2 metres.

(b) Sites with 10% or Greater Slope

Clause 24(2) of KLEP 1987 provides that:

*"Subclause (1) does not operate so as to prohibit the Council from consenting to the erection of a two (2) storey building on land where, because of the local topography, it is impracticable to erect a two (2) storey building on the land in compliance with that subclause".*

For the purposes of determining compliance with subclause (2), the following requirements shall be met:

- (i) A plan prepared by a Registered Surveyor has been provided indicating that the natural ground surface within the footprint of the building has a slope of greater than 10%; and
- (ii) The external top plate of the building is not greater than 7.2 metres above the natural ground level; and
- (iii) A maximum of 2.1 metres measured from natural ground to finish ground floor level of the proposed building; and
- (iv) The maximum rise to the top of the roof from the external top plate shall be not greater than 2 metres.
- (v) Where a garden, terrace or deck is covered by a roof where no top plate is proposed, the ceiling height shall be taken as the prolongation of the top plate within the room immediately adjoining.



## HEIGHT OF BUILDINGS

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Policy No

**C23: 7**

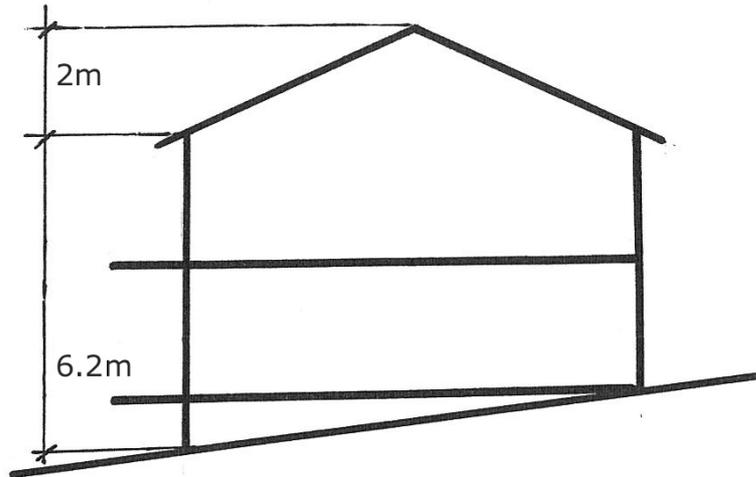
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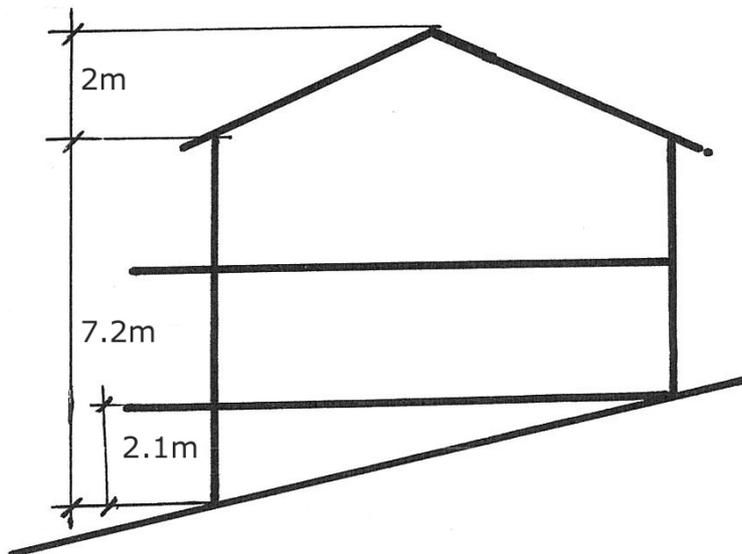
Revision date

25.4.06

(A) Sites with less than 10% slope



(B) Sites with 10% or greater slope



## SCHEDULE

### **Amendment to DCP22 Local Housing Strategy (Urban Areas) 2003.**

1. This DCP amends DCP22 Local Housing Strategy (Urban Areas) 2003 by:
  - a) replacing clause 1.1 with the following clause:

“1.1 Citation  
This plan may be cited as Development Control Plan No 22 (Urban Areas other than Crescent Head) 2003”.
  - b) inserting at the end of clause 1.2, the following:

“This plan was amended on 21<sup>st</sup> March 2006, by the adoption of Development Control Plan Crescent Head Local Housing Strategy.”
  - c) Inserting in clause 1.3, in the first paragraph after “urban areas of Kempsey Shire” the words: “other than Crescent Head”.
  - d) Omitting from Appendix 2 the map of Crescent Head.