

Pelican Point, Pelican Quays and Phillips Landing Development Control Plan

Date of Adoption: 4 September 2007

Effective Date: 7 March 2008

Development Control Plan



City of Canada Bay Council

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1 Introduction

This Plan was formerly known as the Canada Bay Development Control Plan: Residential Development at Burwood Road, Concord. This Plan applies to the land as shown in **Figure 1**.

1.1 Relationship to Other Plans

This DCP should be read in conjunction with:

- i) The City of Canada Bay Local Environmental Plan (CBLEP)
- ii) The City of Canada Bay Specification for the Management of Stormwater
- iii) The City of Canada Bay Contaminated Land Policy
- iv) City of Canada Bay Section 94 Contributions Plans
- v) City of Canada Bay Planning Agreements Policy

Reference should also be made to the Height and Floor Space Ratio Map which accompanies the City of Canada Bay LEP for applicable statutory controls.

1.2 Additional Provisions

- a) This Development Control Plan adopts the following provisions of the City of Canada Bay Development Control Plan:
 - i) Part 2 Notification and Advertising
 - ii) Part 3 General Information
 - iii) Part 4 Heritage
 - iv) Part 6.5.3 Waste Management
 - v) Part 9 Signs and Advertising
 - vi) Part 10 Child Care Centres
- b) A provision of this Plan will have no effect to the extent that:
 - i) It is the same or substantially the same as a provision in the CBLEP or another environmental planning instrument (EPI) applying to the same land; or
 - ii) It is inconsistent with a provision of the CBLEP or another EPI applying to the same land, or its application prevents compliance with a provision of the CBLEP or another EPI applying to the same land,

And the provision in the CBLEP or other EPI will apply.

1.3 Design Quality Principle

The controls contained within this DCP support the design quality principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65).

The Principles apply to proposals subject to SEPP 65, that is, residential flat buildings that comprise or include:

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but do not include a Class 1a building or a Class 1b building under the Building Code of Australia (e.g. townhouses or villas where dwellings are side by side).

The following principles are taken directly from SEPP 65. Building designers and architects are also referred to the publication Residential Flat Design Code, Department of Planning, September 2002.

Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Good design makes efficient use of natural resources, energy and water throughout its full lifecycle, including construction.

Principle 5: Resource, energy and water efficiency

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat

values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and nonvisible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Principle 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

2 Aims and Objectives

- i) The aims and objectives of this Development Control Plan are to promote the residential development of the land to which the City of Canada Bay LEP.
- ii) The development of the site shall be so directed and controlled to promote the residential use of the land in association with public access to and along the waterfront in order that the occupants of the development and the public at large will be able to enjoy further the foreshores of the Parramatta River.
- iii) The plan also aims to ensure that the residential development of the site takes place in a manner which does not cause detriment to the public enjoyment of the foreshore by providing standards for development, including height, site cover and density, minimum standards of landscaped areas, and design standards for driveways, and materials and finishes of the buildings, etc.

3 Development Density

- i) The Council shall not consent to any residential development of the land to which this plan applies if the total dwelling density exceeds forty-five (45) dwellings per gross hectare.
- ii) The ratio of the total floor space of all buildings erected or proposed to be erected on the site to the area of the site shall generally not exceed 0.75:1.

4 Public Foreshore Access

- i) Provision shall be made for public access to the foreshore of the Parramatta River. The requirement in this regard is to be a corridor with a depth of thirteen point five (13.5) metres measured from the relevant property boundary or where that boundary comprises a seawall, battered embankment or the like, 13.5 metres from the top of that wall or embankment and for the full extent of any frontage to the Parramatta River.
- ii) The area for public access shall be landscaped and maintained to Council's satisfaction and include a pedestrian pathway with a minimum width of two (2) metres.
- iii) No private building or facility other than drainage lines or the like shall be permitted within the public foreshore access area.
- iv) A fence or some other readily identifiable physical barrier shall be required to delineate and separate the public access area from any adjoining private area.
- v) Where a wharf, jetty, promenade or the like is proposed or existing and proposed to be retained, public access shall be extended to include any such structure however this shall be in addition to the area required by (i) and (ii) hereof, provided that some reduction in the land based component but not exceeding 10% of the total, may be permitted at Council's discretion.

5 Set Backs and Building Lines

- i) The following Building Lines are imposed:
 - To the foreshore. 13.5 metres. (Note: For the purpose of this clause, the building line shall be measured from Medium High Water Mark or, where existing, the top of any seawall).
 - To Burwood Road, generally 9 metres, with an absolute minimum of 7.5 metres at any point.
 - To Bayview Park, 9 metres.
 - To any boundary other than as in (a), (b) or (c) hereof 5 metres.
- ii) Buildings which exceed two storeys in height shall be setback, on average, as follows:
 - From the foreshore, 20 metres.
 - From Burwood Road. 15 metres.
- iii) No building shall be located in the area between any building line and the relative boundary, provided however that the Council may consent to eaves, balconies, courtyards, swimming pools, landscaping and outdoor recreation facilities which extend over any building line provided that the Council is satisfied that such structures enhance the appearance of the overall development and are not detrimental to the use and enjoyment of the foreshore or other public areas by member of the public.
- iv) Where a wharf, promenade, jetty or the like, is proposed such structure does not serve to reduce the required setback on the landward side and the setback is still measured as specified in Clause 5(i)(a).
 - a) In addition to any requirement of this plan for public access within a setback area, all areas between a Building Line and its relative boundary shall be landscaped to Council's satisfaction, so as to provide screening of buildings, enhance the privacy of residents and occupants or users of

adjoining sites and places, provide for passive recreational opportunities and generally increase the amenity of the locality.

- b) In the event of the inclusion of roadways, service facilities or the like or extensive paved surfaces within any setback, the Council may require additional setbacks to achieve the aims of (a) above. Paved surfaces and the like should be minimised within setback areas.

6 Height of Buildings

- i) Buildings within 20 metres of the foreshore or within 15 metres of Burwood Road, shall generally not exceed a height of two (2) storeys.
- ii) Buildings generally shall not be in excess of three (5) storeys.
- iii) Buildings generally shall have a height no greater than fifteen (15) metres where the height is measured from ground level to the highest point of the roof at any place. To this end, site surveys shall be provided and relative levels of proposed floors and adjacent ground levels shall be shown on development applications and building plans submitted to Council for approval.
- iv) No external wall of any building shall have a vertical rise of more than two (2) storeys without some architectural feature which interrupts the vertical plane of that wall, to Council's satisfaction.

7 Site Cover

The total site cover of all buildings within the development shall be equal to or less than 35% of the total site area for buildings of two or more storeys.

8 Landscape Areas

- i) Under this clause "landscape area" has the meaning ascribed to it in the City of Canada Bay Local Environmental Plan.
- ii) Landscaped area shall be provided to the satisfaction of the Council and shall be not less than 40% of the total site area
- iii) Landscaping shall be carried out in accordance with detailed plan/s to be submitted to and approved by the City of Canada Bay Council prior to any work being carried out

9 Car Parking

- i) Car Parking shall be provided as follows:-
 - Resident parking - Two (2) spaces for each dwelling unit, plus
 - Visitor parking - One (1) space for each five (5) dwelling units or part thereof.
- ii) Sizes of parking spaces and driveways shall be in accordance with the Australian Standards.

10 Driveways and Paved Areas

Driveways and paved areas shall be constructed to Council's satisfaction and should be of brick or cobblestone pavers or the like, selected to complement the materials and finishes and landscaping of the development. Details of all proposed finishes shall be submitted to and approved by the City of Canada Bay Council prior to any work being carried out.

11 Materials and Finished of Main Buildings

- i) The buildings shall be predominantly masonry construction with tiled roofs. External materials and finishes and the architectural style and features such as balconies, gables, etc. shall reflect the predominant style and character of existing residential development within the City of Canada Bay Council, particularly the 'California Bungalow' Federation and related influences.
- ii) Full details of finishes and materials shall be submitted to and approved by Council, prior to any works being carried out.

12 Contribution Under Section 94

Contributions shall be provided to Council in accordance with the provisions of Section 94 of the Environmental Planning & Assessment Act, 1979, calculated in accordance with City of Canada Bay Section 94A Contributions Plan

13 General

- i) In designing the layout, arrangement etc., of buildings, regard shall be had to possible existing noise sources and especially nearby industrial premises so as to minimise the impact of noise on future residents and eliminate the likelihood of any reflection or reverberation adversely affecting existing residential properties.
- ii) Security Fencing:
 - Where it is proposed to provide security fencing, such shall generally be of an "open" type, that is, timber or metal pickets or the like.
 - Where security fencing, gates, doors or the like are provided in respect to any area of off-street parking, convenient access to visitor parking must be provided and permanently maintained to Council's satisfaction.
- iii) To ensure the safety of persons, all swimming pools shall be fenced in accordance with the Swimming Pools Act. 1990. Any other bodies of water on the site, such as lakes, ponds or the like may require fencing under the provisions of Section 289(m) of the Local Government Act. This requirement does not require the installation of fencing to the foreshore of the Parramatta River.
- iv) The number of vehicular access and egress points to Burwood Road shall be kept to the lowest practicable number and care shall be taken to ensure that there is no conflict with existing driveways serving other properties nor likely problems arising from vehicle headlights.
- v) The sandstone kerbing to Burwood Road is to be maintained.
- vi) Any Development Application shall be accompanied by sufficient information to permit the accurate interpretation of the application especially by members of the public. In this regard a model or computer generated perspective may be required by Council.
- vii) In accordance with Council Policy, details shall be submitted showing assessment of Energy Conservation. Recycling. Geotechnical and Acoustic Studies relative to the development.

