

Cape Cabarita  
(Formerly known as the  
Wellcome Site)  
Development Control Plan

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Development Control Plan



City of Canada Bay Council

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## 1 Introduction

This Plan is to be read in conjunction with the City of Canada Bay LEP and Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The objectives of the Parramatta River Design & Management Guidelines have been incorporated into this plan.

### 1.1 Land to Which this Plan Applies

Land to which this Plan applies is shown on the Plan titled Figure 1.

### 1.2 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) The City of Canada Bay Planning Agreements Policy

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

### 1.3 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.

### 1.4 Objectives of the Plan

#### **General Objectives:**

- Be consistent with the objectives of the City of Canada Bay LEP.

#### **The specific objectives of the plan are to:**

- Provide a pleasant, functional and safe environment to and along the foreshore for cyclists and

- pedestrians;
- Maintain significant views and vistas into and out of the site;
- Ensure adequate provision of landscaping and usable private and public open space;
- Provide for pedestrian and cycle linkage through the site to adjoining areas;
- Provide adequate car parking and bicycle storage facilities on the site;
- Maximise visual and acoustic privacy to adjoining properties and within the development itself;
- Ensure adequate daylight and sunlight are maintained to existing development, new development and
- open spaces;
- Ensure the existing streetscape character is enhanced;
- Ensure development and access networks are integrated with the existing built and natural
- Environment.
- Ensure development presents an appropriate bulk and scale to public areas having regard to existing
- development and the topography of the site;
- Ensure the design orientation of buildings and materials used in construction utilise renewable
- Resources.

This plan uses both *performance criteria* and *controls* to satisfy the *objectives*. This approach is used to achieve the best possible outcomes based on the merits of the site. The controls may be modified if the performance criteria and objectives can be met. Flexibility is the key and sometimes tradeoffs will be required e.g. locating living rooms with a northerly aspect may need to be traded off for views.

### **Controls & Performance Criteria**

These controls and performance criteria are given under the following sections:

- 1) Design and Sitting
  - Setbacks and Streetscape
  - Daylight and Sunlight
  - Safety and Security
  - Bulk, height and scale
- 2) Landscape and Open Space
- 3) Site Facilities
- 4) Access and Parking
- 5) Stormwater drainage and waste management

**Additional requirements to be submitted with the Development Application:**

- Landscaping Plan
- Waste Management Plan

The Development Application will need to undertake a site analysis which provides details of the site including:

- Site orientation - north point
- Existing landscaping on the site
- Form, height, scale and type of buildings adjoining the site including window and door openings and private open space
- Pedestrian linkages from surrounding areas
- Adjoining open space networks
- Significant view corridors

It is recommended the applicant consult with Council regularly throughout the design process.

## 2 Controls and Performance Criteria

### 2.1 Design and Sitting

Objectives	Performance Criteria	Controls
<p>2.1.1 Streetscape</p> <p>To integrate new development in a manner which complements the character of the area and relates to the pedestrian environment.</p>	<p>Development on public street frontage has had regard to the character of existing development in the vicinity of the site including:</p> <ul style="list-style-type: none"> <li>• setbacks of existing buildings on Cabarita Road</li> <li>• landscaping</li> <li>• fence height</li> <li>• spaces between dwellings</li> <li>• views through the site</li> <li>• roof pitch</li> </ul> <p>New development and fences contributes to and is integrated into the overall streetscape at a scale which relates to the pedestrian environment.</p>	<p>Building height plane to apply from the existing boundary with Phillips Street.</p> <p>Buildings are to be setback a minimum of 9 metres from the Phillips Street frontage.</p> <p>Building facades are to be orientated towards public street frontages.</p> <p>Buildings are not to exceed the following:                      5 storeys in height along the Phillips Street frontage.                      3 storeys in height adjoining Massey Park Golf Course.                      2 storeys in height adjacent to the boundaries with No.31 Phillips Street, Prince Edward Park and the waterfront areas.</p> <p>Fences having frontage to public open space or public roadway are:</p>

Objectives	Performance Criteria	Controls
		<ul style="list-style-type: none"> <li>not to exceed 1 metre in height of solid construction</li> <li>not to exceed 1.8 metres if of 'open' type design</li> </ul> <p>Continuous wall and/or fencing for more than 20 metres should have some visual or physical relief.</p> <p>Seating areas in a landscaped setting are to be provided every 100 metres along the frontage.</p>
<p>2.1.2 Side Boundaries</p> <p>To minimise the impact of new development on adjoining areas.</p>	<p>Buildings adjoining side boundaries will not adversely impact on the amenity enjoyed by existing adjoining dwellings.</p> <p>Consideration has to be given to:</p> <ul style="list-style-type: none"> <li>maintaining of views</li> <li>overshadowing of private open space to give visual relief.</li> <li>minimising the impact of bulk and scale of new development on adjoining areas</li> <li>fence design and height relates to and does not detract from Cabarita Park.</li> <li>buildings are separated or articulated and do not present blank walls.</li> <li>maintenance of privacy</li> </ul>	<p>the building height plane. (see definitions).</p> <p>Wall openings should be provided at reasonable intervals.</p> <p>Fences adjoining Prince Edward Park should not exceed 1.8 metres in height and be of 'open' appearance</p>
<p>2.1.3 Foreshore Frontage</p> <p>To ensure the integrity of the foreshore is maintained and enhanced for public enjoyment</p>	<p>Development along the foreshore contributes to the character of the foreshore. The development has had regard to:</p> <ul style="list-style-type: none"> <li>minimising the visual impact of development as viewed from the water and the foreshore access way</li> <li>creating a visually integrated environment which contributes to a sense of safety and security for users of the public open space, (see also Access and Landscaping sections).</li> <li>the provision of cycleways, pedestrian pathway</li> <li>providing appropriate street furniture, lighting and planting for the comfort, safety and security of users.</li> </ul>	<p>Building height plane to apply from the property boundary.</p> <p>An average setback of 13.5 metres having a minimum width of 9 metres is to be provided from the high water mark to the development for public foreshore accessway</p> <p>Buildings are to be setback a minimum of four metres from the public foreshore accessway.</p> <p>The location of buildings should not result in overshadowing to the foreshore between the hours of 9am -3pm (EST) or 10am - 4pm (Daylight saving time).</p> <p>The foreshore access is to be in a landscaped setting and comprise:</p> <ul style="list-style-type: none"> <li>A pedestrian pathway with minimum dimensions of 1.0 metres.</li> <li>A cycleway with minimum dimensions of 0.8 metres with a</li> </ul>

Objectives	Performance Criteria	Controls
		separation distance of 0.7 metres.
<p>2.1.4 Height of Building</p> <p>To ensure the building envelope relates to the topography of the site, providing an appropriate bulk and scale having regard to the foreshore location, streetscape and adjoining properties.</p>	<p>Building height has had regard to:</p> <ul style="list-style-type: none"> <li>• maintenance of significant views from buildings to public areas</li> <li>• topographic variation minimising visual impact as viewed from the water, streetscape and public open spaces conformity with the treeline along the Cabarita Road frontage</li> <li>• overshadowing of open spaces and other buildings</li> <li>• setbacks from adjoining developments</li> <li>• character of the surrounding area</li> <li>• the human scale and relationship to open space</li> </ul>	<p>Buildings should not exceed the building height plane on all boundaries and development should be no higher than:</p> <ul style="list-style-type: none"> <li>• 5 storeys within a distance of 50 metres from Phillips Street Subject to the height restrictions placed on other boundaries</li> <li>• The ceiling height for buildings greater than two storeys shall be no greater than 2.7 metres.</li> </ul>
<p>2.1.5 Bulk and Scale</p> <p>To ensure the location, layout and design of buildings has regard to the impact of development on views from surrounding public spaces and within the development.</p>	<p>The development has had regard to:</p> <ul style="list-style-type: none"> <li>• massing to reduce its visual impact from open spaces, roadways and the Parramatta River</li> <li>• separation between buildings should provide view corridors through the site</li> <li>• privacy between buildings</li> <li>• providing a reasonable level of solar access to dwellings and open spaces.</li> </ul>	<p>Buildings comply with the building height plane, floor space ratio, and landscaping provisions</p>
<p>2.1.6 Building Design</p> <p>To ensure a high quality design which is integrated into the existing environment</p>	<p>The design of buildings:</p> <ul style="list-style-type: none"> <li>• provides variety and presents as a cohesive development</li> <li>• includes architectural features which reflect the character of Concord (see also street frontage and shading).</li> <li>• Garages and car parks are not intrusive or visually dominant</li> </ul>	<p>Generally, buildings are to have pitched roof forms</p> <p>Access driveways are to provide a landscaped entry</p>
<p>2.1.7 Visual and Acoustic privacy</p> <p>To provide visual and acoustic privacy to adjoining properties and within the development itself</p>	<p>The location, design and layout of the buildings, building openings and balconies:</p> <ul style="list-style-type: none"> <li>• minimises direct overlooking into habitable rooms and private open space</li> <li>• provide acoustic privacy to habitable rooms and private open space</li> </ul>	<p>The minimum separation distance between a balcony of any dwelling and wall of another dwelling to be:</p> <ul style="list-style-type: none"> <li>• 6m if no openings or balconies are included in the facing wall</li> <li>• 12m if any opening or balconies are included in the facing wall</li> </ul> <p>Where there are direct views between living areas or into adjoining private open space, fixed windows should be obscured or windows offset or screen appropriately.</p> <p>Balconies of any other direction facing wall plane that does not have balconies or windows should be 6m, or within 12.0m of any other directly facing wall plane with windows or</p>

Objectives	Performance Criteria	Controls
		<p>balconies</p> <p>Bedrooms of one dwelling do not share walls with living rooms or garages of adjacent dwellings                      Bedroom windows are at least 3m from shared streets, driveways and parking areas of other dwellings</p> <p>Shared walls and floors between dwellings are constructed in accordance with the noise transmission and insulation requirements of the Building Code of Australia.</p>
<p>2.1.8 Views</p> <p>To maintain views through the site from public spaces.</p>	<p>Buildings are designed to:</p> <ul style="list-style-type: none"> <li>• maximise views of Parramatta River and public open space within and throughout the development.</li> <li>• minimise obstruction of views from other buildings</li> <li>• Provide Views.</li> </ul>	<p>A view corridor is to be maintained from Phillips Street, through the development to the foreshore on both sides.</p>
<p>2.1.9 Solar Access to buildings, daylight and sunlight</p> <p>To ensure the design approach and orientation of buildings, open space and material used in construction take advantage of renewable energy resources to maximise energy efficiency and thermal comfort to users</p>	<p>Where possible, buildings are sited and designed to maximise solar access to north-facing windows of living areas and principal areas of open space having regard to slope, views, and overshadowing.</p>	<p>Solar access is to be provided to main living areas and private open space of each dwelling for a minimum of three hours duration between the hours of 9am and 5pm (EST) and 10am and 5pm (daylight saving time) at 21 June (winter solstice).</p>
<p>2.1.10 Ventilation</p> <p>To maximise natural ventilation.</p>	<p>Maximise orientation of dwellings to benefit from easterly/north easterly summer breezes. Openings within dwellings are to provide for cross ventilation.</p>	
<p>2.1.11 Shading</p> <p>To maintain thermal comfort and maximise energy efficiency in dwelling design having regard to visual appearance.</p>	<p>Summer heat penetration is reduced through appropriate dwelling design, glazing, shading devices and landscaping. This may include adjustable louvres, awnings, balconies, pergolas, eaves, overhangs etc having regard to the visual appearance of the buildings.</p>	<p>Projection shading devices are to be installed on western facing openings and be at least 0.45 times the height, measured from the bottom of the glass to be shaded.</p>

## 2.2 Building materials and finishes

Objectives	Performance Criteria	Controls
<p>2.2.1 Insulation</p> <p>To ensure building materials and finishes used in design and construction reflect the features of the character of Concord and have regard to the principles of ecologically sustainable development</p>	<p>Dwelling should be insulated to maximise thermal comfort, energy efficiency and energy conservation.</p>	<p>Insulation should achieve an 'R' standard of: R1.5 for roofs and ceilings R1.0 for walls - except where the construction materials to be used embody an equivalent total R value.</p>
<p>2.2.2 Building Materials</p> <p>To encourage the use of building materials and finishes which maximise the use of renewable energy sources and maintain the heritage fabric.</p>	<p>The applicant has demonstrated that material used in construction:</p> <ul style="list-style-type: none"> <li>• maximise renewable resources</li> <li>• are energy efficient (low embodied energy)</li> <li>• are generally non-polluting, durable, recyclable or reusable</li> <li>• complement the architectural style and reflect features of surrounding development.</li> </ul> <p>To protect and enhance heritage buildings on the site;</p> <p>Detail of finishes and material have been submitted to Council.</p> <p>Renewable and efficient energy resources are incorporated into the design and operation of the development having regard to building appearance and residential amenity.</p>	<p>No rainforest timbers or timbers cut from old growth forests are to be used. All timber used on site is to be stamped accordingly.</p> <p>Detail of finishes and materials are to be submitted to Council with the Building Application.</p> <p>Solar hot water tanks are to be located within the roof space of development</p>
<p>2.2.3 Paved Areas</p>	<p>Porous pavers or similar treatment which increases infiltration and reduces stormwater runoff is used extensively on driveways, pedestrian access routes and for pathways in public and private outdoor open space.</p>	<p>The total impervious surface used for vehicular access driveways are not to exceed 10 per cent of the total site area.</p>

## 2.3 Landscaping and Open Space

Objectives	Performance Criteria	Controls
<p>2.3.1 Landscaping</p> <p>To ensure adequate and appropriate provision of usable private, communal and public open space and landscaping to meet all user needs, having regard to microclimate, security, safety, privacy, visual appearance and biodiversity.</p>	<p>Landscaping has had regard to:</p> <ul style="list-style-type: none"> <li>• retention of significant vegetation</li> <li>• which is not affected by the remediation of the site</li> <li>• the relationship between buildings and open spaces</li> <li>• enhancing pathway and street connections within the site and between adjoining sites</li> </ul>	<p>A landscaping plan is to be provided which includes</p> <ul style="list-style-type: none"> <li>• existing and proposed vegetation on the site</li> <li>• species and level of maturity to be used in the development.</li> <li>• location of landscaping</li> <li>• proposed irrigation and maintenance systems</li> </ul>

Objectives	Performance Criteria	Controls
	<ul style="list-style-type: none"> <li>• providing privacy to adjacent development</li> <li>• location and function of open space</li> <li>• providing for thermal comfort of the users in terms of shade and shelter</li> <li>• using native species where appropriate</li> <li>• surveillance of communal open</li> <li>• enhancing the visual appearance of the development</li> <li>• differentiating between private and public open space</li> <li>• assists in storm water management</li> <li>• complements the material and colours used in the development.</li> </ul>	<ul style="list-style-type: none"> <li>• proposed lighting arrangements</li> <li>• urban design elements including paving, and street furniture for the development and public open space.</li> </ul>
<p>2.3.2 Open Space Provision</p> <p>To provide quality open space for the enjoyment of users.</p>	<p>Open space includes:</p> <ul style="list-style-type: none"> <li>• adequate pedestrian and cycle linkages through the development and along the foreshore</li> <li>• communal spaces which have access to sunlight for year round use</li> <li>• landscaping to enhance the amenity of the environment and enjoyment of the users</li> <li>• promoting a sense of security and safety for users</li> <li>• provides for passive and active recreational needs for the residents</li> <li>• has regard to the heritage items on the site.</li> </ul>	<ul style="list-style-type: none"> <li>• A landscaped area of 50%.</li> </ul>
<p>2.3.3 Public Foreshore Access</p> <p>To provide foreshore access which is clearly identifiable for public use.</p>	<p>Public foreshore access is appropriately landscaped to minimize the impact of development as viewed from the water. The entrances to the foreshore are designed to reinforce its public accessibility.</p>	<ul style="list-style-type: none"> <li>• Directional signage is to be provided at the entrance to the foreshore path.</li> </ul>
<p>2.3.4 Public and Communal Open Space</p>	<p>Open space follows pedestrian/cycle desire lines through the site creating visually appealing spaces for both passive and active recreation.</p>	
<p>2.3.5 Private Open Space</p> <p>To ensure adequate usable private open space to meet the needs of residents</p>	<p>The development provides usable private open space which is of sufficient dimensions having regard to the size of the dwelling and:</p> <ul style="list-style-type: none"> <li>• allows for outdoor seating and dining</li> <li>• provides outdoor drying facilities screened from public view</li> <li>• provides for landscaping at ground level.</li> </ul>	<p>For above ground development, the open space may take the form of a balcony directly connected to the dwelling with the following minimum requirements:</p> <ul style="list-style-type: none"> <li>• 1 bdr - minimum area of 6m<sup>2</sup> having a minimum dimension of 2m<sup>2</sup></li> <li>• 2 bdr - minimum area of 8m<sup>2</sup> having a minimum dimension of 9m<sup>2</sup></li> </ul>

Objectives	Performance Criteria	Controls
		<ul style="list-style-type: none"> <li>• 3 bdr or greater - minimum area of 12m<sup>2</sup> having a minimum dimension of 2m<sup>2</sup></li> </ul> <p>For development at ground level the following requirements apply:</p> <ul style="list-style-type: none"> <li>• 1 bdr - minimum area of 10m<sup>2</sup> having a minimum dimension of 3m<sup>2</sup>.</li> <li>• 2 bdr - minimum of 16m<sup>2</sup> having a minimum dimension of 4m<sup>2</sup></li> <li>• 3 bdr or greater - minimum area of 35m<sup>2</sup> having a minimum dimension of 4m<sup>2</sup>.</li> </ul>
<p>2.3.6 Lighting To provide lighting which enhances the security and appearance of the development</p>	<p>The applicant has demonstrated that provision has been made for adequate lighting which enhances the appearance of the development and maximises security of:</p> <ul style="list-style-type: none"> <li>• building entrances</li> <li>• public spaces and pathways</li> <li>• driveways and car parks; without impacting on adjoining properties</li> </ul>	

2.4 Access and Parking

Objectives	Performance Criteria	Controls
<p>2.4.1 Car Parking Provision</p> <p>To ensure adequate, safe and convenient provision of parking, cycle facilities and pedestrian access which is integrated into the overall design of the site and adjoining areas.</p>	<p>Adequate parking is provided having regard to:</p> <ul style="list-style-type: none"> <li>• existing and future public transport provision</li> <li>• cyclist and pedestrian linkages through the site to adjoining areas</li> <li>• efficient and effective entry and egress to the site</li> <li>• adequate resident, and visitor car parking and parking for disabled</li> <li>• adequate bicycle storage facilities</li> <li>• safe, convenient parking and access which minimises conflicts between motorist, cyclists and pedestrians</li> </ul>	<p>The maximum car parking to be provided for each dwelling is as follows:</p> <ul style="list-style-type: none"> <li>• 1 bdr - 1 space</li> <li>• 2 bdr - 1.5 spaces</li> <li>• 3 plus bdr - 2 spaces</li> <li>• plus</li> <li>• 1 visitor parking space for every 4 dwellings parking spaces; and</li> <li>• secure resident parking spaces are to be provided for all dwellings in apartment buildings at basement level with internal access to the development</li> <li>• Secure resident parking spaces may be provided in ground level enclosed garages for attached or detached dwellings at ground level.</li> <li>• 1 disabled parking space for every 20 parking spaces for both resident and visitor categories.</li> </ul>

Objectives	Performance Criteria	Controls
		<ul style="list-style-type: none"> <li>Basement carparking is to be generally naturally ventilated and have access to some natural lighting.</li> </ul>
2.4.2 Location Of Parking	<ul style="list-style-type: none"> <li>Parking spaces located above ground are in a landscaped setting, and are not directly visible from the Phillips Street frontage..</li> </ul>	Parking is not permitted between the building and street alignment Parking shall be in the form of a garage, basement car park, covered carport or an equivalent open area.
2.4.3 Bicycle Storage Facility	Secure bicycle storage facilities are provided to meet the needs of residents and visitors	Bicycle storage facilities are to be provided on the basis of one space per three bedrooms.
2.4.4 Disabled Access	Suitable provision has been made for disabled access within the development	Provision is to be made for wheelchair access from: <ul style="list-style-type: none"> <li>the footpath to the foyer and from the foyer to other parts of the building</li> <li>designated car parking spaces to the nearest lift and entrances of the building</li> </ul>
2.4.5 Vehicular Access	Entry driveways are in a landscaped setting with the appearance of being open and accessible.	<ul style="list-style-type: none"> <li>Security gates are not to be installed at entry and exit points into the Development</li> </ul>

## 2.5 Storm Water and Waste Management

Objectives	Performance Criteria	Controls
2.5.1 Storm water Management  To maintain and enhance water quality and water conservation by minimising stormwater runoff and pollution and encouraging water reuse on site..	The development has included : <ul style="list-style-type: none"> <li>on site storage measures are incorporated into communal open space</li> <li>use of impervious surfaces to maximise infiltration</li> <li>measures to promote water reuse.</li> </ul>	A storm water management plan is to be submitted with the development application.
2.5.2 Waste Management  To provide adequate waste storage facilities and to facilitate recycling with a view to minimising waste entering landfill.	The development has provided : <ul style="list-style-type: none"> <li>adequate space for at source separation of waste within each dwelling</li> <li>facilities for recycling and waste in a suitable location area which is not directly visible or is screened from public areas; which do not pose a threat of noise, odour or safety and which are readily accessible to Council's waste contractors.</li> </ul>	A waste management plan is to be submitted with the development application.

## 2.6 Construction of a Ferry Wharf

The applicant shall construct a ferry wharf suitable for "Rocket" type vessels in the first stage of the development.

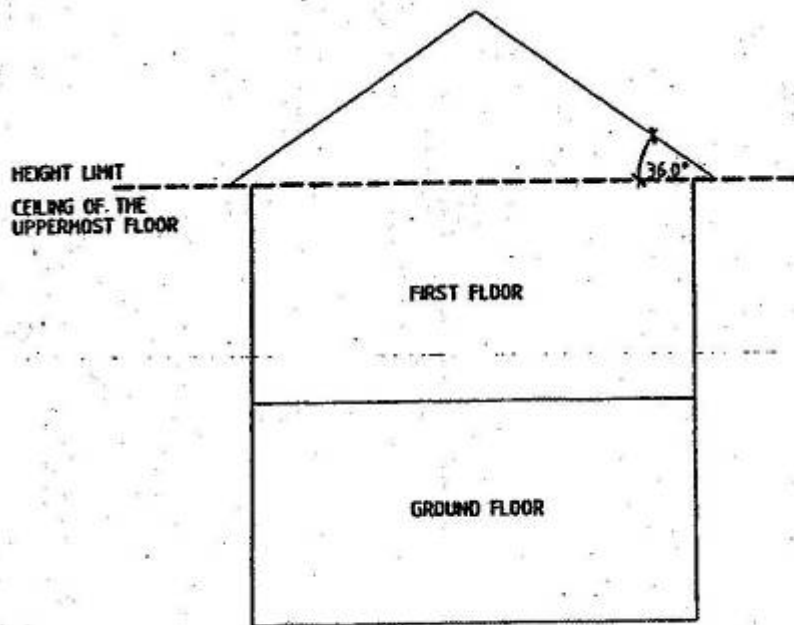
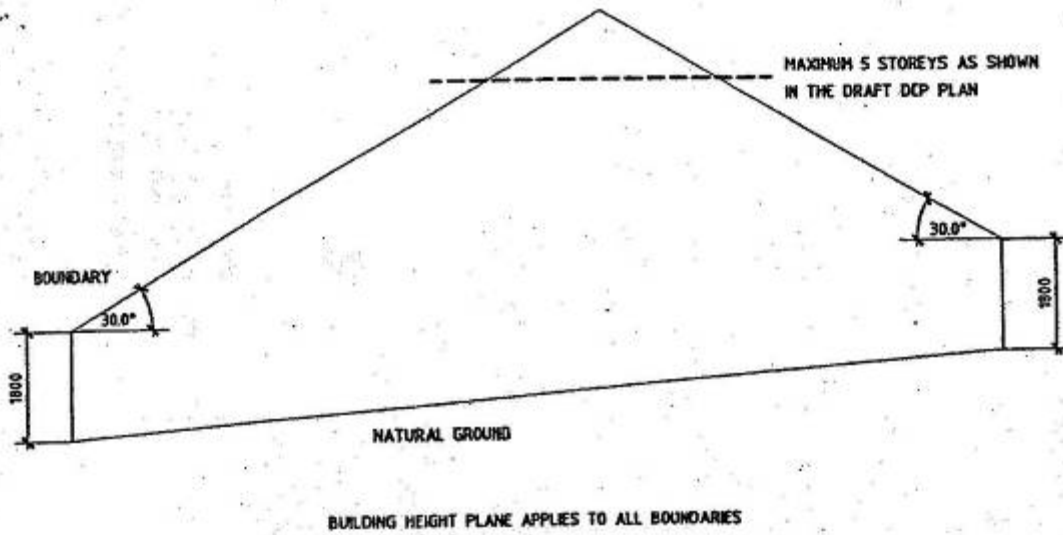
## 2.7 S.94 Contributions

A contribution will be required under S.94 of the Environmental Planning and Assessment Act, 1979. This will be determined in accordance with Council's S.94 Plan.

## 2.8 Other Development Control Plans

Other development control plans may provide additional details which will be considered along with this plan





ATTICS CAN BE BUILT IF THE PITCH IS NOT GREATER THAN 36.0°

**Figure 1**



For more information, please contact City of Canada Bay Council  
Canada Bay Civic Centre  
1a Marlborough Street, Drummoyne NSW 2047  
Phone: (02) 9911 6555 Fax: (02) 9911 6550  
Website: [www.canadabay.nsw.gov.au](http://www.canadabay.nsw.gov.au)



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