

Tuscany Court  
(Also known as the former  
Crompton Parkinson site)  
Development Control Plan

Date of Adoption: 4 September 2007  
Effective Date : 7 March 2008

Development Control Plan



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## 1 Introduction

### 1.1 Environmental Planning and Assessment act (1979) as Amended

The purpose of this Development Control Plan is to amend the Crompton Parkinson Site - 63A Barnstaple Road, Five Dock Development Control Plan, thus creating a new DCP. These amendments are a result of the new requirements for Development Control Plans in Part 3 of the Environmental Planning and Assessment Act 1979 introduced under Schedule 2 of the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*.

### 1.2 Relationship to other Plans, Policies and Documents

This DCP should be read in conjunction with:

- a) The City of Canada Bay Local Environmental Plan (CBLEP)
- b) The City of Canada Bay Specification for the Management of Stormwater
- c) The City of Canada Contaminated Land Policy
- d) The City of Canada Bay Section 94 Contribution Plans
- e) 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 Land to which this Development Control Plan Applies

This plan applies to land bound by Lyons Road to the north, and Barnstaple Road to the south and residential properties on Ingham and Dalmeny Avenue to the west and east respectively (see Figure 1).

### 1.4 Site Description and Land use Context

The 2.663 hectare site is surrounded by single and two storey residential developments. The site falls approximately 13.6 metres from the Lyons Road northern boundary to the Barnstaple Road southern boundary.

The site is occupied by residential flat buildings and associated amenities.

### 1.5 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 9 Signs and Advertising Structures
  - v) 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) 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.

## 1.6 Design Quality Principles

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:

- i) 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
- ii) 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.

### **Principle 5: Resource, energy and water efficiency**

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

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.

# LOCATION & SITE PLAN

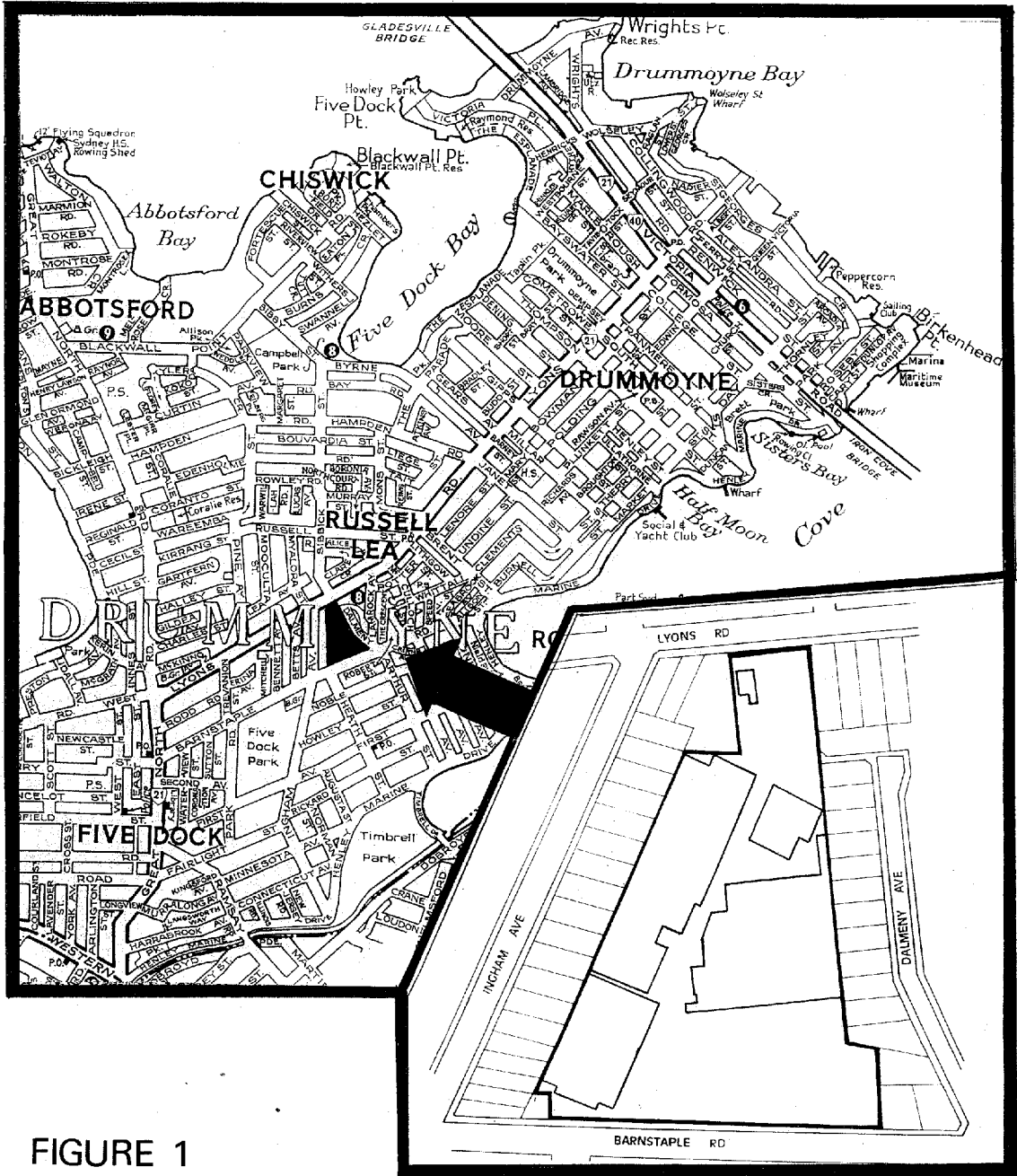


FIGURE 1

## 2 Background

### 2.1 Reasons for the Plan

The main reasons for the plan are:

- i) To ensure that future residents of the site will enjoy a high standard of residential amenity and environmental quality;
- ii) To maintain and where possible improve the level of residential amenity and environmental quality enjoyed by residents of adjoining properties;
- iii) To make a positive contribution to existing streetscape and townscape values;
- iv) To increase the range of housing opportunities available in the Local Government Area; and
- v) To increase the yield of urban housing development by encouraging good design that minimises external impacts.

The principles and performance standards detailed in this development control plan and in Canada Bay Local Environmental Plan 2007 are performance based and contain few rigid numerical standards. This plan is principally designed to establish the ground rules for the site planning, scale, bulk, form and character of future development

The following principles and performance standards, together with the aims and objectives of this plan comprise the planning assessment framework within which development of the site will be evaluated and determined by Council. The performance standards, which include some numeric standards, provide the means by which the principles and the aims and the objectives of the plans are achieved. The development opportunities and constraints provided by the performance standards are summarised in **Figure 2**.

## 3 Aims and Objectives of the Development Control Plan

### 3.1 Aims

The aims of this plan are:

- i) To facilitate the orderly and economic development of the land to which the plan applies and to encourage a development outcome acceptable to future residents of the site and to the community in general;
- ii) To establish performance standards and development controls within which the scale, bulk, form and character of a future development can be determined; and
- iii) To ensure that development of the site complements and is environmentally compatible with the existing built environment and makes a positive contribution in social and economic terms to the area.

### 3.2 Objectives

The objectives of this plan are:

- i) To encourage and facilitate development on the site which, in terms of scale, bulk, form and character reflects the physical context of the site and is sympathetic to surrounding residential development;

- ii) To minimise the impact of the development in terms of overlooking and loss of sunlight from adjoining and neighbouring properties;
- iii) To increase the diversity of housing within the area;
- iv) To provide for the active and passive recreation needs of residents of the development and incorporate recreation facilities such as a swimming pool and tennis courts;
- v) To identify and retain any significant trees on the site;
- vi) To provide for safe access to and from the site;
- vii) To cater for parking demands generated by future residents of the development and other on-site uses;
- viii) To ensure that adequate provision is made for site facilities and services; and
- ix) To facilitate an energy efficient living environment and encourage the development of ecologically sustainable urban form by reducing household consumption of fossil fuels.

## 4 Principles and Performance Standards

The following principles and performance standards, together with the aims and objectives of this plan comprise the planning assessment framework within which development of the site will be evaluated and determined by Canada Bay Council. The performance standards, which include some numeric standards, provide the means by which the principles and the aims and the objectives of the plans are achieved. The development opportunities and constraints provided by the performance standards are summarised in Figure 2.

### 4.1 Site Planning

#### **Principles**

Site planning and design should occur only when a detailed analysis has been made of the site context and attributes and the needs and expectations of the major interest groups, including:

- a) The spatial requirements, living amenity and environmental quality, views, privacy, open space provision, safety and security of future residents;
- b) The impact of the development on the residential amenity of neighbouring residents and their environmental quality in terms of, traffic, privacy, sunlight and visual impact; and
- c) The impact on the community in terms of the streetscape, opportunities for housing variety, appearance from the water and surrounding development, traffic and pedestrian networks, social need and economic effects.

#### **Performance Standards**

- i) The site layout should take into account on-site features and the location and aspect of adjoining development;
- ii) The development layout should clearly define communal and private areas of the development, including the function, ownership and management of open spaces and communal areas;
- iii) The layout is to facilitate environmental management by:

- Providing for infiltration of run-off by minimising the area of paved surfaces and provide for on-site stormwater retarding basins; and
- Retaining existing trees where practicable.

iv) Car parking should not dominate the development or street frontages. This can be achieved by:

- Locating resident parking under ground for residential flat buildings; and
- Providing for visitor parking in either designated areas within buildings or in small designated areas.

# OPPORTUNITIES & CONSTRAINTS

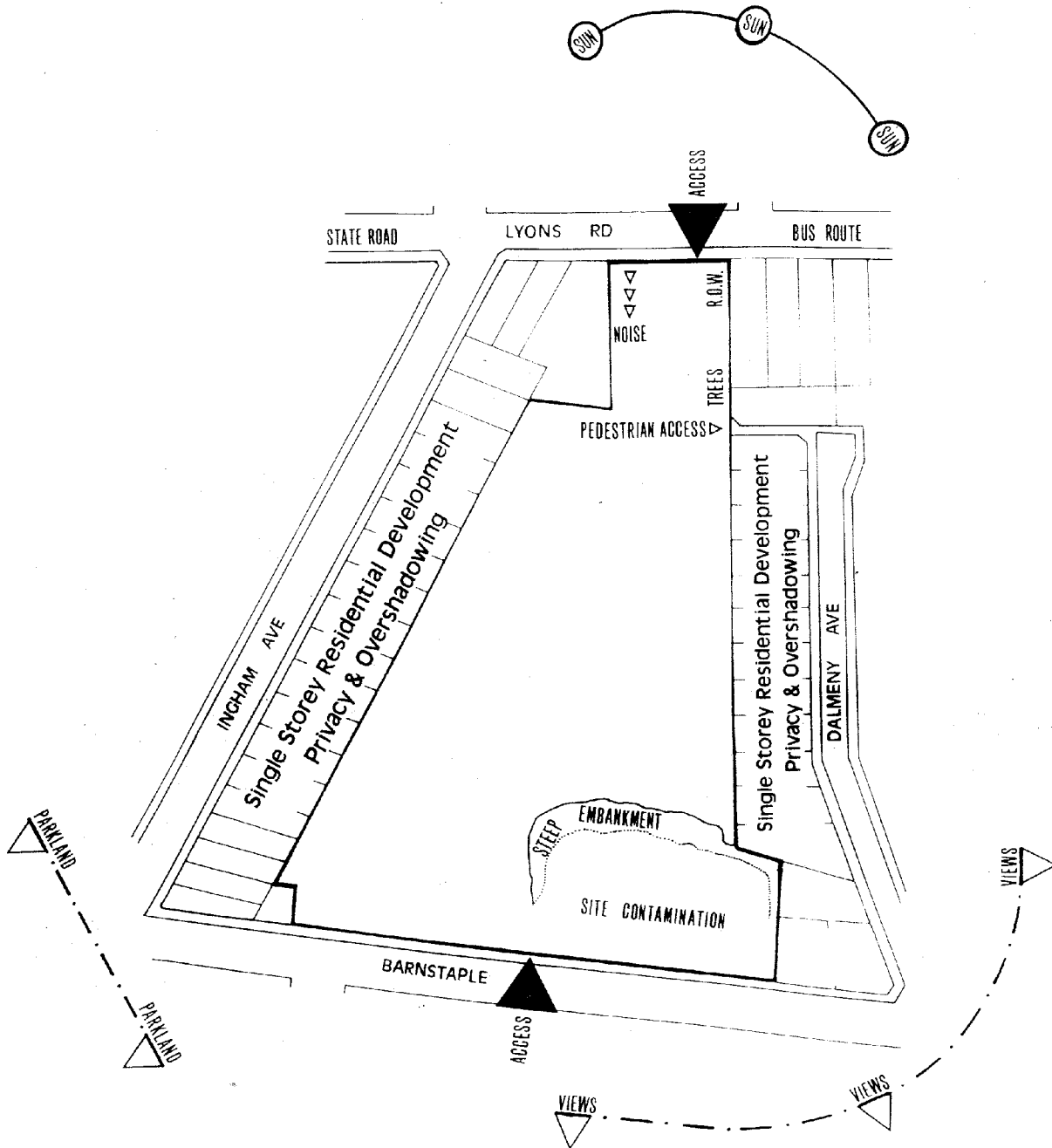


FIGURE 2

## 4.2 Density, design, Scale & Bulk

### **Principle:**

- a) To achieve a development outcome which, in terms of its density, design, scale and bulk, responds in a sympathetic and harmonious manner to the site and surrounding residential development

### **Performance Standards:**

#### **Density**

- i) The maximum floor space ratio permitted on the site shall not exceed 0.7:1.

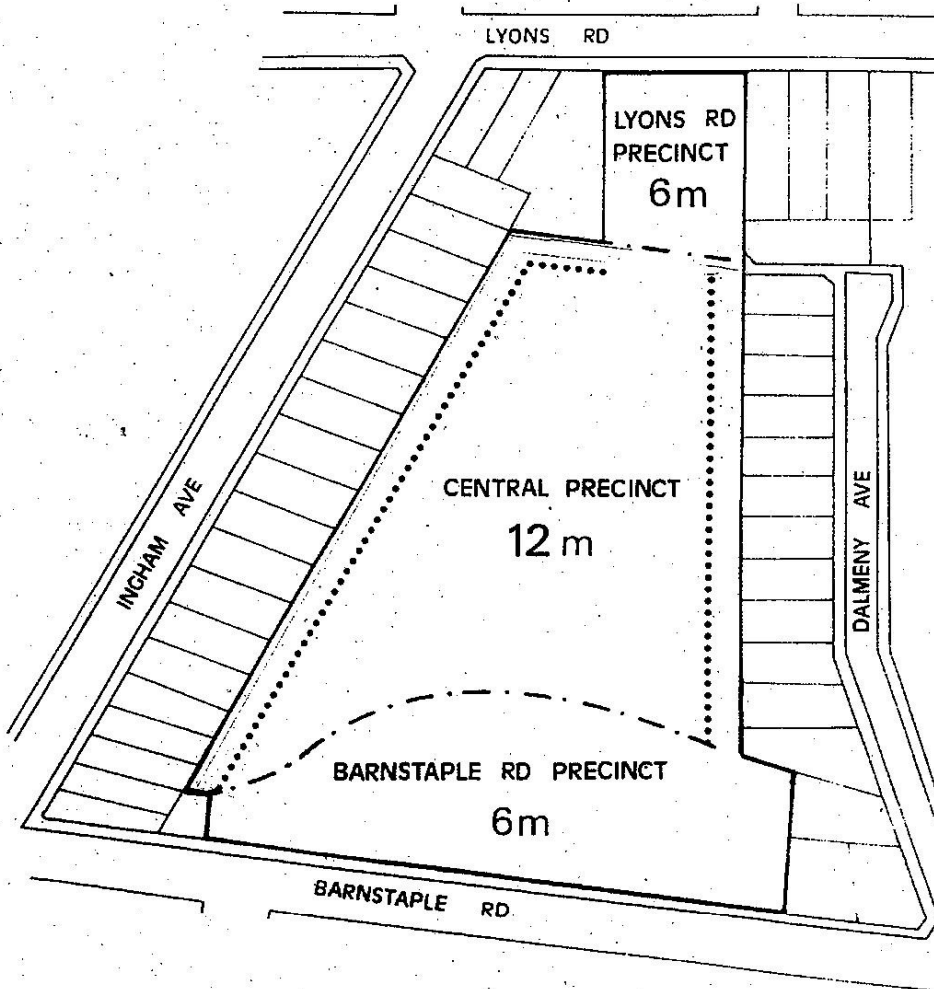
#### **Height**

- ii) The height of buildings, including any car parking, should comply with the height limits for the three precincts specified in Figure 3.
- iii) A gradation of building heights on the site is desirable.
- iv) Buildings should be sited within the building envelope from the eastern and western boundaries of the site as illustrated in Figure 4. This includes minimum setback of 10m from the eastern and western boundaries with the upper two levels to be setback within a 450 plane to minimise overshadowing and overlooking of adjoining properties.
- v) If it can be demonstrated that innovative use of a roof cavity can lessen the impact of a proposed building then some discretion may be employed in the interpretation of height.

#### **Setbacks**

- vi) Buildings located on the eastern and western boundaries of the site and the northern boundary adjoining 355 Lyons Road are to be located no closer than 10 metres at any point, from these boundaries (see **Figures 3 and 4**).
- vii) The location of any building near a tree nominated in **Figure 5** must take account of the drip lines and root systems of the tree.
- viii) Buildings should be sited to minimise the overshadowing of adjoining properties. Shadow diagrams will be required to demonstrate the likely impact of development on the site.

# HEIGHT & PRECINCT PLAN



### KEY



Setback 10 m

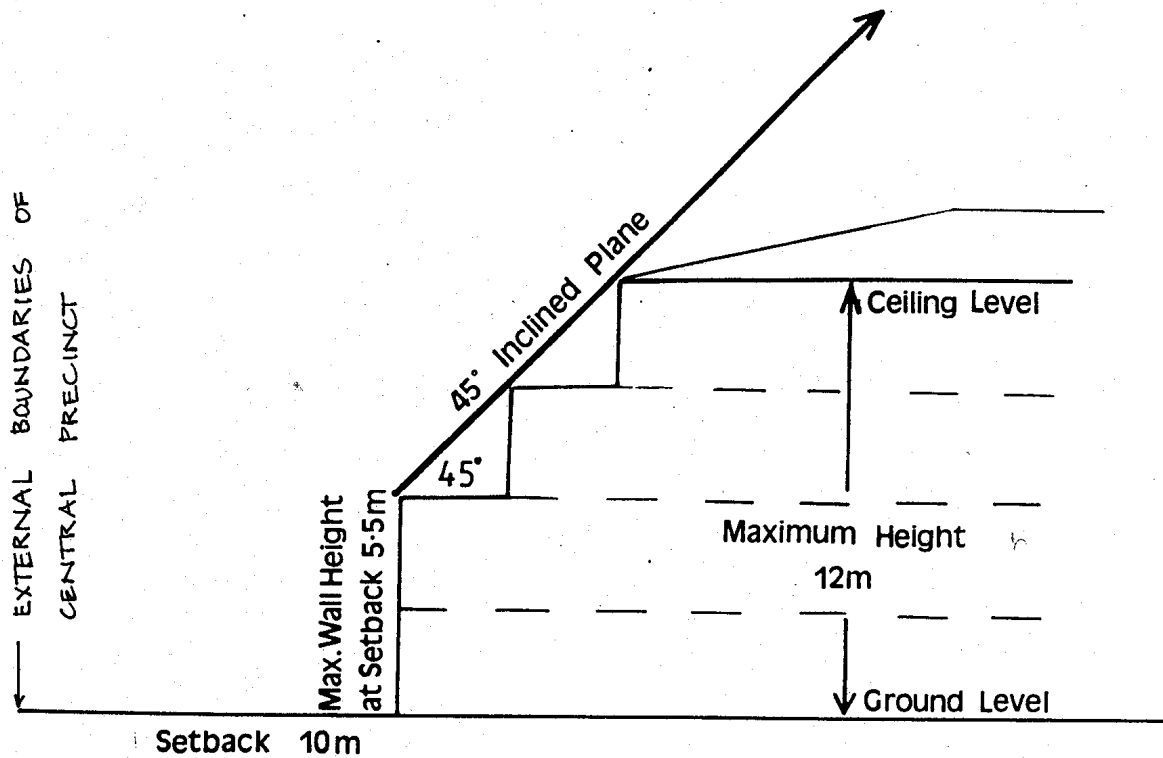
NOT TO SCALE

**Note:** Height for the purpose of this DCP is defined as:

*“the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground immediately below that point”*

**FIGURE 3**

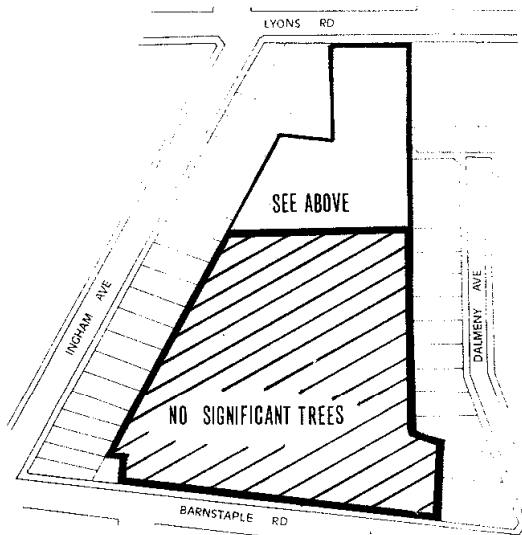
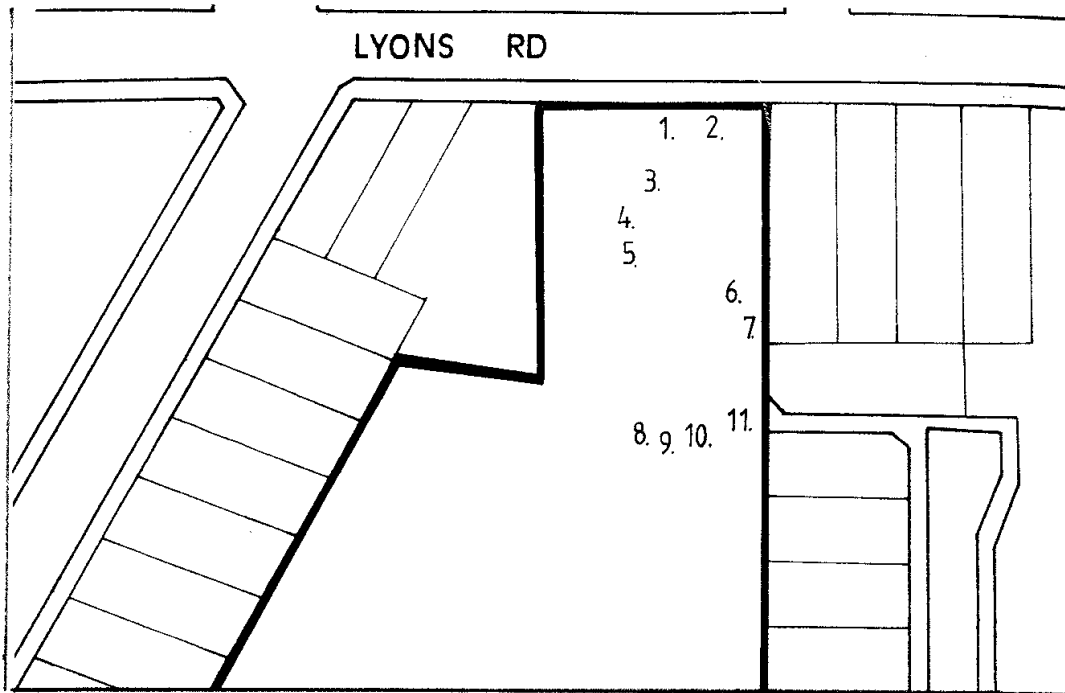
# INDICATIVE BUILDING ENVELOPE CONTROL



**Note:** Height for the purpose of this DCP is defined as:

*“the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground immediately below that point.”*

# SIGNIFICANT TREES



*SCHEDULE 1 - SIGNIFICANT TREES*

TREE NUMBER	STATUS
1. Eucalyptus	Should be retained.
2. Eucalyptus	Should be retained.
3. Eucalyptus Microcorys (Tallowood)	Must be retained.
4. Stenocarpus Sinuatus (Qld Firewheel Tree)	Should be retained.
5. Stenocarpus Sinuatus (Qld Firewheel Tree)	Should be retained.
6. Stenocarpus Sinuatus (Qld Firewheel Tree)	Should be retained.
7. Eucalytus (Spotted Gum)	Should be retained.
8. Ficus Rubiginosa (Port Jackson Fig)	Must be retained.
9. Ficus Rubiginosa (Port Jackson Fig)	Must be retained.
10. Ficus Rubiginosa (Port Jackson Fig)	Must be retained.
11. Unknown species.	Must be retained.

**FIGURE 5**

### **Design and Form**

- ix) New development should relate to the contours and landform of the site and complement surrounding areas;
- x) Buildings are to be articulated and are not to present long, unrelieved structures that dominate the landscape;
- xi) A diversity of accommodation is to be provided, including townhouses and small, medium and large units.
- xii) Architectural elements, materials and colour schemes should complement existing landscape values; however, freedom of architectural expression is encouraged.
- xiii) The orientation of development should capitalise on solar access and views and locate buildings and open space to create a strong sense of place.
- xiv) A pitched roof form is preferable for all development on the site as it provides the opportunity for innovative use of roof space.

### **Site Coverage**

- xv) Buildings, excluding any community facilities should occupy less than 40% of the site area.

### **Dwelling Amenity**

- xvii) Dwellings should be designed and orientated to take advantage of views, solar access and proximity to open space areas.
- xviii) Consideration should be given to the efficiency of interior layout, room size, security and safety, opportunities for cross breezes, energy efficiency and conservation and privacy.
- xix) All units should be provided with clothes drying facilities and adequate storage capacity.

## **4.3 Landscaped Open Space**

### **Principles**

- a) To provide for private open space that meets resident requirements for recreational and social activities and for landscaping.
- b) The planning and design of landscaped open space should be based on:
  - an analysis of the likely site future population and its characteristics; and
  - the likely open space and recreational needs of future residents;
- c) and should have regard to:-
  - Ongoing maintenance requirements; and
  - The relationship of landscaped open space on the site with adjoining properties.
- d) To ensure all significant trees are retained or relocated on the site;
- e) To assist on site drainage by the provision of at ground landscaped open space.

## Performance Standards

- i) To ensure adequate provision of open space maximum permissible site coverage is 40%.
- ii) Landscaped open spaces should be provided to accommodate a range of communal and individual needs. There should be a primary open space area containing a recreation facility such as a pool/spa or similar, and this facility be easily accessible to all residents on site. Smaller, more intimate landscaped areas should be provided throughout the site and be accessible via a pathway system.
- iii) Landscaping on the eastern and western boundaries is to ensure the privacy of adjoining residential development;
- iv) In accordance with **Figure 5** trees identified as “must be retained” should be retained on the site. Other trees nominated should be retained or relocated on-site where practicable. Buildings in the vicinity of these nominated trees must be setback from the drip line and root systems of these trees.
- v) All landscaped areas, including the pathway system, should be well lit with downlighting.
- vi) All landscaped areas under cultivation should be watered by an efficient irrigation system and the use of recycled water and the provision of water tanks in appropriate locations is encouraged.
- vii) Landscaped areas should generally be dominated by vegetation and not masonry elements. Hard paved areas should, where possible, be kept to a minimum in order to reduce stormwater runoff, although wheelchair access and remediation requirements must be considered.
- viii) Landscaped areas should be designed for all year use and be appropriately furnished.
- ix) A Landscape Plan must be prepared by a suitably qualified person to the satisfaction of Council.
- x) Where appropriate the use of native vegetation should be used to encourage birdlife.

## 4.4 Car Parking and Access

### Principles

- a) Adequate provisions should be made for on-site resident parking and visitor parking without causing any detrimental impact on the amenity of the development, streetscape and neighbourhood.

### Performance Standards

#### Car Parking Provision

- i) Car Parking provisions shall be at least:
  - 1.75 spaces per three bedroom dwelling
  - 1.5 spaces per two bedroom dwelling
  - 1.25 spaces per one bedroom dwelling
  - 0.2 visitor spaces per dwelling
- ii) Resident parking and where feasible visitor parking is to be located under buildings.

- iii) Parking areas should be well lit, capable of casual surveillance and provided with appropriate security devices.
- iv) Parking and access facilities are to be provided in accordance with the Roads and Traffic Authority (RTA) Guidelines for Traffic Generating Development (1994).

#### **Vehicular Access**

- v) Safe access to and from Lyons Rd and Barnstaple Rd is to be provided.
- vi) Construction standards for grading of access ramps, loading facilities, levels for vehicular entrances at property alignments and footpath crossings shall be in accordance with the RTA Guidelines (1994).
- vii) Adequate access provision shall be made for emergency vehicles and Council service vehicles.
- viii) Access to the site is not to be provided by a 'gatehouse' security system which limits public access to the site.
- ix) Vehicular access is to be maintained to No 347 Lyons Road.

#### **Pedestrian Access**

- x) Pedestrian access is to be maintained from Lyons Rd to Dalmeny Ave.

#### **Disabled Access**

- xi) Development on the site must provide access for disabled persons in accordance with the provisions of Part D3 of the Building Code of Australia - Access for People with Disabilities and Australian Standard 1428.1.

### 4.5 Impact on Adjoining Residential Properties

#### **Principles**

- a) To site and design buildings to minimise the loss of sunlight and privacy from adjoining development.
- b) To provide attractive streetscapes which enhance the amenity of neighbouring development.
- c) To minimise the impact of traffic generated by the development.

#### **Performance Standards**

##### **Sunlight**

- i) Development on the site should not unduly obscure sunlight from the habitable rooms or open space curtilages of adjoining buildings during winter months. Similarly overshadowing of public spaces should be avoided. Shadow diagrams will be required to demonstrate the degree of overshadowing which may result from proposed developments.

##### **Privacy and Overlooking**

- ii) A reasonable level of privacy must be maintained for existing residential buildings.

##### **Streetscape**

- iii) The street reserve together with the dwelling fronts and gardens to create an attractive streetscape and establish a clear character and identity for the street or precinct.
- iv) The setback of buildings from the street frontages to be appropriate to the streetscape character.

#### **Reflectivity**

- v) The detailing of architectural features and selection of materials must take into consideration reflectivity implications.

#### **Traffic Management**

- vi) The primary two-way access is to be from Barnstaple Road.
- vii) A secondary access is to be provided from Lyons Road with an island on Lyons Road installed to prohibit entry to the site from the west and exit from the site to the east.
- viii) The proposed development must meet any relevant requirements of the Roads and Traffic Authority.

### 4.6 Energy Efficiency

#### **Principle**

- a) To achieve a development outcome that is energy efficient and provides a quality living environment for its future residents.

#### **Performance Standards**

- i) The orientation and design of the buildings must have regard to the location of neighbouring properties and not unreasonably overshadow living areas and private open space (as noted in Section 4.5 (i)).
- ii) To encourage the thermal performance of dwellings preference should be given to building materials such as bricks, concrete and stone and the installation of solar hot water services.
- iii) Where possible buildings are to be located with north facing walls orientated between 200 west and 300 east of north to maximise solar access opportunities.
- iv) North facing windows should be large enough to optimise winter sun penetration and incorporate shadowing devices such as eaves, awnings and balconies to provide effective summer shading.
- v) Internal living areas and private open space should be oriented in a northerly direction.
- vi) Ceiling insulation is to be provided with a minimum rating of R2.
- vii) Landscaping is to be designed to assist micro-climatic control.

### 4.7 Site Facilities

#### **Principles**

- a) To ensure site facilities such as garbage bin enclosures, recycling bins, mail boxes are designed to be conveniently reached and visually attractive to blend in with the development and street character and to require minimal maintenance.

#### **Performance Standards**

### **Television and Radio Antennas and Dishes**

- i) Devices erected to receive radio and television signals should not be visible from public places and should not unduly obstruct skyline views from adjoining residential properties.

### **Garbage Receptacles**

- ii) Garbage receptacles should be sited and designed for efficient and convenient use and ease of collection and should be visually discreet. Provision should be made for the collection of recyclable materials.

### **Storage**

- iii) Adequate provision should be made for communal and private storage needs.

### **On Site Signage**

- iv) Signage should be restricted to information signs only and should be discreetly located within the site.

### **Mail Boxes**

- v) Mail boxes should be designed as attractive visual elements and sited for the convenience of both residents and delivery services.

### **Bicycle Racks**

- vi) Provisions should be made for the on-site storage of bicycles.

### **Clothes Drying Area**

- vii) Communal clothes drying facilities should be readily accessible to all residents.

## **4.8 Drainage**

### **Principles**

- a) To provide appropriate on-site stormwater system which can be economically maintained.

### **Performance Standards**

- i) On-site drainage services should consider: Council's Stormwater requirements; the overall capacity of the stormwater system; options for stormwater retention; recurrent maintenance costs; water conservation objectives; and the financial benefits of minimising water supply charges.
- ii) Consideration should be given to the potential for storage and re-use (for irrigation purposes) of stormwater runoff and the use of porous surfaces to reduce run-off.
- iii) The retention of mature trees, especially native species is encouraged as a means of augmenting the drainage system.

#### 4.9 Public Utilities

##### **Principles**

- a) To provide for the location of public utilities to dwellings and within street reserves in an efficient, cost-effective and environmentally sensitive manner.

##### **Performance Standards**

- i) The provision of all utilities must be in accordance with relevant service authority guidelines and in consultation with Council's Engineering Department.

#### 4.10 Community Facilities

##### **Principles**

- a) To provide or contribute to the provision of community facilities in accordance with the estimated demand generated by the residents of the proposed development.

##### **Performance Standards**

- i) That the developer be required to contribute financially or by the dedication of land, whichever is appropriate, to the provision of community facilities in accordance with any appropriate S.94 Plan.

##### **Library Services**

##### **Principles**

- ii) To provide additional library facilities to meet the needs of the additional population generated by the development.

##### **Performance Standards**

- iii) A contribution as outlined in any appropriate S94 Plan will be required.

For more information, please contact City of Canada Bay Council  
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