

SUTHERLANDSHIRE

**FORESHORES & W1
NATURAL WATERWAYS**
DCP 2015 CHAPTER 10



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a. Development in and/or fronting the W1 Natural Waterways zone

The Shire's waterways and foreshore areas have local and regional significance as they represent a valuable estuarine environment that provides the community with opportunities for passive and active recreation. The maintenance of the natural beauty of the waterways and the foreshores is important to the scenic quality of the Shire. The objective of these provisions is to ensure that the visual and environmental qualities of the foreshore and waterfront areas of Sutherland Shire are maintained and enhanced over time, whilst providing opportunities for passive and active recreation and boating.

Note:

Deemed mean high water mark means the MHW or the high water mark shown on any plan relating to that land that was registered with the Registrar-General on or before 24 April 1980, being a plan that was current at that date

1. Objectives

1. Ensure that development visible from the foreshore, waterways and public domain makes a positive contribution to the foreshore and natural setting of the area.
2. Ensure development is compatible with the scale, character and landscape setting of the foreshore, natural setting and scenic quality and that the environment's natural qualities dominate.
3. Retain and enhance existing natural features, trees and bushland in the foreshore area.
4. Minimise the impact of development on the natural landform of the foreshore and waterway by integrating structures into the site with minimal change to the natural topography.
5. Integrate developments in the foreshore and waterfront environment by using design and materials which complement the natural landscape.
6. Minimise adverse environmental impacts from development and where possible, improve environmental qualities along the foreshores.
7. Minimise the visual impact of foreshore and waterway structures when viewed from adjacent land, foreshores and waterways.
8. Achieve an appropriate balance between private development and the public use of waterways.
9. Maintain and improve public access to the intertidal area of the waterfront.
10. Ensure that any development does not obstruct or interfere with the physical manoeuvring of vessels and navigation within the waterway.

2. Controls for Boat Sheds

1. Man-made structures must not occupy a total of more than 10 metres or 50% (whichever is the lesser) of the land-water interface, measured along the MHWMM, of each property.
2. At least 50% of the foreshore area should retain or restore the natural landform and be landscaped with indigenous species chosen from Council's *Native Plant Selector* available on Council's website.
3. The use of boat sheds must be limited to the storage of boats and boating equipment.
4. Boatsheds must have a direct relationship with the water, with openings and main boat access facing the water. Side elevations are not to include large areas of glazing and/or large sliding doors.
5. Boat sheds must be designed to minimise excavation and fill. Sites which require excavation into a cliff or rock face to achieve sufficient depth for a boat or which require fill or reclamation to provide a building platform are unsuitable locations for boat sheds.
6. Boat sheds must be designed and constructed so that they do not cause damage, or have the potential to cause damage (including shading) to marine vegetation, macroalgae, seagrass or mangroves.
7. Boat sheds must be single storey.
8. Boat sheds can have a maximum length of 7m, a maximum width of 4m, and a maximum of 3m to the eaves or ceiling of the elevation/s facing the water and a maximum height of 5m to the highest part of the roof. The use of lofts or similar design concepts shall not be permitted.
9. The maximum floor level of the boatshed must be 1.44m AHD.
10. Boat sheds should incorporate a pitched roof that reflects the traditional character of boat sheds in the waterway. The roof pitch should not exceed 35 degrees and should be gabled. The use of roofs as sundecks, patios or the like is not permitted.
11. Roofs must be of corrugated metal, tile or other approved low-reflective materials.
12. Boat sheds must be constructed of low maintenance materials that are of a tone and colour that is compatible with the immediate surrounds and the landscape character in which the boat shed is proposed.
13. Highly reflective materials or finishes must not be used.
14. Excessive glazing is not permitted.

15. Boatsheds above MHWL must be set back a minimum 1.5 m from the side boundary. A variation may be considered where there is:
 - i. No detrimental impact on the view from the waterway by virtue of excessive bulk of the building;
 - ii. No loss of an existing view to the water from adjoining lands to the waterway;
 - iii. An acceptable relationship between buildings along the waterfront; and
 - iv. A need to accommodate any significant vegetation or site features.
16. Boat sheds will only be permitted below MHWL where:
 - i. There are no feasible alternatives to site the boat shed above MHWL;
 - ii. There are existing boat sheds below MHWL in the immediate vicinity; and
 - iii. The provision of an additional boat shed will not result in an overdeveloped water's edge; and
 - iv. The boat shed will not interfere with public access to and along the waterfront; and
 - v. There will be no impact on high tide platforms; and
 - vi. There will be no impact on navigability of the waterway.
17. No boat shed below the MHWL will be permitted over seagrasses.
18. A boat shed below MHWL must be setback a minimum 2.5m from the prolongation of the common lot boundary.

3. Controls for Water Recreation Structures

1. Man-made structures must not occupy a total of more than 10 metres or 50% (whichever is the lesser) of the land-water interface, measured along the MHWL, of each property.
2. At least 50% of the foreshore area should retain or restore the natural landform and be landscaped with indigenous species chosen from Council's *Native Plant Selector* available on Council's website.
3. The maximum surface area of water recreation structures is 25m² per lot.
4. Water recreation structures below the deemed mean high water mark must be setback a minimum 2.5m from the prolongation of the common lot boundary unless there is explicit provision for shared use of the facility by neighbouring properties.
5. A fixed jetty is not to exceed a length of 20m from deemed mean high water mark including any reclamations.
6. A suspended ramp must not exceed a length of 6m.
7. Any fixed jetty is not to exceed a length of 20m or the minimum length needed to reach the 0.0 tide height contour (-0.93m AHD), whichever is the lesser.
8. Any jetty, ramp and pontoon structure is not to exceed a length of 20m or the minimum length needed to reach 600mm water depth at 0.0 low tide (-1.53m AHD), whichever is the lesser.

9. The maximum width of a jetty must be 2m and the maximum height must be limited to 750 mm above MHW (i.e. the maximum height is 1.29m AHD).
10. Pontoons and floating platforms are to be a maximum of 3.6m x 2.4m, constructed to the appropriate Australian Standard and only used as a facility to provide access onto a vessel.

Note :

Jetties, suspended ramp and pontoon structures must be designed to facilitate access to private recreational vessels where a reasonable depth of water is available. The structures are only to be used for short stay embarking and disembarking of passengers and the transfer of personal goods.

11. Railings are not permitted on jetties, ramps or pontoons.
12. Solid fill structures are not permitted.
13. Jetties are to be supported on piles.

Note:

Stabilisation and fender piles are not permitted in the W1 Natural Waterways zone.

14. Water recreation structures are to be constructed primarily of timber to complement the natural character and scenic qualities of the waterfront and foreshore.
15. Water recreation structures are to be treated in brown or dark tones to reduce the visual impact of the structure or can be left as natural timber, except when alternative treatments are necessary for public safety.
16. Water recreation structures must be designed and constructed so that they do not cause damage, or have the potential to cause damage (including shading) to marine vegetation, macro-algae, seagrass or mangroves.
17. No water recreation structure will be permitted over *Posidonia australis* (strapweed seagrass).
Jetties and ramps constructed with suitable mesh decking may be permitted over *Zostera Capricorni* and other seagrasses.
18. A jetty must be designed and constructed in such a manner as to not adversely affect the natural movement of water and not cause the accumulation of weed, sediment or other material.
19. The construction of "L" or "T" ends or other types of elongations or steps at right angles to jetties is not permitted.
20. Water recreation structures must not impact on the navigation or recreational value of the adjoining waterway.

21. Water recreational structures must not interfere with publicly accessible areas along the waterfront.
22. Council strongly supports the use of shared facilities for two or more adjoining waterfront properties. This particularly applies in confined bays and areas of particular environmental sensitivity.

Note:

Modular flotation devices are defined as a 'mooring pen' and are not permitted in the W1 Natural Waterways zone.

4. Controls for Sliprails

1. Sliprails must only facilitate access to and from the water for vessels that are stored within a boatshed.
2. Man-made structures must not occupy more than 10 metres or 50% (whichever is the lesser) of the land-water interface, measured along the MHW, of each property.
3. Slip rails must be setback a minimum 2.5m from the prolongation of the common lot boundary unless there is explicit provision for shared use of the boatshed by neighbouring properties.
4. Sliprails are to be in the form of two parallel rails located as close as practical to the seabed and must be recessed into any seawall or reclamation to minimise the height of the sliprails.
5. The length of the structure is to be only the minimum needed to reach useable water which, for the purpose of this clause, is 600 mm depth at 0.0 low tide (-1.53m AHD). The maximum length of sliprails is 15m from deemed mean high water mark and the maximum width is limited to 2m.
6. There are to be no timber infills, walkways or timber ramps on sliprails.
7. Sliprails are not to be used for the storage of boats.
8. Cutting or excavation of natural intertidal rock is not acceptable.
9. Sliprails are to be constructed so that they are a minimum of 200mm above the substrate and 200mm above any seagrasses.
10. Slip rails must be designed and constructed so that they do not cause damage, or have the potential to cause damage to marine vegetation, macro-algae, seagrass or mangroves.

5. Controls for Skid ramps

1. Skid ramps must only facilitate access to and from the water for vessels that are stored within a boatshed.
2. Man-made structures must not occupy more than 10 metres or 50% (whichever is the lesser) of the land-water interface, measured along the MHW, of each property.
3. Skid ramps must be setback a minimum 2.5m from the prolongation of the common lot boundary unless there is explicit provision for shared use of the boatshed by neighbouring properties.
4. Skid ramps are to be a minimum practical size and length.
5. Skids are to be of a minimum width consistent with their proposed function.
6. The slope of a skid must not be steeper than 1 vertical in 2.7 horizontal.
7. Where the skid is of a slope of greater than 1 vertical in 8 horizontal, the skid must be designed and constructed so as to provide a safe foothold by means of spaced decking or the use of cleats.
8. Skid ramps should be of hardwood. Concrete and steel skids are not permitted.
9. Vessel storage is not permitted on skids.
10. Cutting or excavation of natural intertidal rock is not acceptable.
11. Skid ramps must be designed and constructed so that they do not cause damage, or have the potential to cause damage to marine vegetation, macro-algae, seagrass or mangroves.

6. Controls for Other Ancillary Foreshore and Waterfront Development

1. Any development must be designed and constructed so that it does not cause damage, or have the potential to cause damage (including shading) to marine vegetation, macro-algae, seagrass or mangroves.
2. Man-made structures must not occupy more than 10 metres or 50% (whichever is the lesser) of the land-water interface, measured along the MHW, of each property.
3. At least 50% of the foreshore area should retain or restore the natural landform and be landscaped with indigenous species chosen from Council's *Native Plant Selector* available on Council's website.
4. Any development below the deemed mean high water mark must be setback a minimum 2.5m from the prolongation of the common lot boundary unless there is explicit provision for shared use of the facility by neighbouring properties.

7. Controls for Inclinator and Stairs

1. Inclinator and stairs are not permitted below MHW.
2. Inclinator and stairs must be constructed as close as practical to natural ground level.
3. The construction of external stairs should be as unobstructive as possible, either utilising transparent or lightweight materials to allow the vision of soft landscaping under or behind them or if of a more solid construction limited to a maximum of 6 risers per stair flight (equivalent to a 1.2 metre height).
4. External stairs visible from a waterway or public open space must be a maximum of 1.2m wide.
5. Inclinator and stairs should be sited to maintain privacy of adjacent dwellings.
6. Inclinator and stairs should not obscure or break a view line of a rock or cliff face.
7. Natural features along the foreshore are to be retained and the removal of natural rock, trees and vegetation to enable the construction of an inclinator and stairs will not be supported.

8. Controls for Landscaping within the Foreshore Area

A landscape plan is to be submitted for any development between FBL and MHWM. The level of detail required will depend on the level of works being undertaken. Where a landscape plan is submitted it should indicate the existing and proposed changes in contours, existing trees/vegetation to be retained and removed, measures to protect vegetation during construction and proposed indigenous planting including species and common names.

1. Landscaping works including retaining walls, stairs, paths and driveways are not permitted below the deemed MHWM.
2. Natural features within the foreshore such as rock ledges and outcrops must be retained and the removal of natural rock, trees and vegetation to enable the construction of terraces will not be supported.
3. Natural ground levels are to be retained with minimal use of retaining walls. Where retaining walls are constructed the maximum wall height is 1m and materials, methods and colours that blend with the character and natural landscape of the area shall be used, such as dry sandstone walls or gabions filled with sandstone.
4. Indigenous plant species must be used in areas where native vegetation is present or has the potential to be regenerated.
5. Exotic species that have the potential to spread into surrounding bushland are not permitted.
6. Existing mature trees should be retained where possible and incorporated into the design of the new development.
7. A minimum of 2 indigenous canopy trees that will obtain a mature height of 5m must be planted within the foreshore area.
8. Landscaping should be undertaken in line with Council's Greenweb map which is a tool to manage natural resources by identifying key areas of habitat and strengthening linkages between these areas.

Note:

All indigenous tree species must be selected from Council's *Native Plant Selector* available on Council's website. The *Native Plant Selector* is a tool that recommends plants suitable for Sutherland Shire's ecosystems based on the specific address of the site locality. The tool is available online at <http://www.sutherlandshire.nsw.gov.au/Outdoors/Environment/Plants-and-Bushland/Native-Plant-Selector>

For additional guidance on landscape design and implementation refer to Sutherland Shire Environmental Specifications – Landscape 1-5. Applicants should also refer to Greenweb map and controls in Chapter 39 Natural Resource Management. For development application submission requirements refer to Council's DA Guide.
