

An aerial photograph of a white sailboat with a large white sail, sailing on a deep blue sea. The boat is moving from the top right towards the bottom left, leaving a white wake behind it. The water's surface is covered in small, shimmering ripples. A faint 'shutterstock' watermark is visible across the image.

## APPENDIX 2:

Extract from Section D15 of Pittwater 21 DCP



## **D15 WATERWAYS LOCALITY**

Contents of this Section:

D15.1 Character as viewed from a public place

D15.2 Scenic protection General

D15.3 Building colours and materials

D15.6 Front building lineD15.7 Side and rear building line

D15.10 Fences

D15.11 Waterfront lighting

D15.12 Development seaward of mean high water mark

D15.13 Lateral limits to development seaward of mean high water mark

D15.14 Minimum frontage for waterfront development

D15.15 Waterfront development

D15.16 Waterfront development - Crystal Bay foreshore area

D15.17 Moorings

D15.18 Seawalls

D15.19 Dredging

D15.20 Commercial waterfront development - pollution prevention

D15.21 Charter boat facilities

D15.22 Masterplan - Careel Bay

## D15.1 Character as viewed from a public place

### Land to which this control applies

Waterways Locality - P21DCP-D15MDCP750

### Uses to which this control applies

Attached dwelling  
Boarding house  
Business Development  
Development ancillary to residential accommodation  
Dual occupancy (attached)  
Dual occupancy (detached)  
Dwelling house  
Exhibition home  
Industrial Development  
Group home  
Hostel  
Jetty  
Multi dwelling housing  
Other Development  
Residential flat building  
Rural worker's dwelling  
Secondary dwelling  
Semi-detached dwelling  
Seniors housing  
Shop top housing  
Water recreation structure

### Outcomes

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

To ensure the visual impact of the built form above mean high water mark is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape or waterway and are at human scale. (S)

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

Built structures are minimised below mean high water mark. (S)

A balance between use of the waterway and conservation of the natural environment is achieved. (En, S, Ec)

### Controls

Buildings which front the street and/or the waterway must have a compatible presence when viewed from the waterway and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.

Blank street frontage facades without windows shall not be permitted.

Walls without articulation shall not have a length greater than 8 metres to any waterway frontage.

Any building facade to the waterway must incorporate at least two of the following design features:

1. entry feature or portico;
2. awnings or other features over windows;
3. verandahs, balconies or window box treatment to any first floor element;
4. recessing or projecting architectural elements;
5. open, deep verandahs; or
6. verandahs, pergolas or similar features above garage doors.

The bulk and scale of buildings must be minimised.

Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.

Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.

General service facilities must be located underground.

Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.

Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.

### **Variations**

Nil

### **DA Form and Application Checklist**

For proposed developments having a value greater than \$1,000,000 a photo montage is to be provided.

For proposed developments having a value greater than \$2,000,000 a model is to be provided (either physical scale or electronic (digital) scale, preferably in one or more of the following formats i.e. .avi; .mov; .mpeg.

### **Information to be shown on the Development Drawings**

The elevations are to clearly show the proposal as it presents to public places, including waterways, reserves and roads. These elevations should include trees to be retained and proposed landscaping (as it will be in an established state)

### **Information to be included in the Statement of Environmental Effects**

An analysis of the character of the proposed development as viewed from Public Place(s) demonstrating that the proposal:

- compliments the desired future character of the Locality;
- has a visual impact which is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation; (En, S, Ec)
- is of high quality and is designed to address the natural context of the area and any natural hazards; (En, S)
- does not dominate the streetscape or waterway and is at human scale; (S)
- ensures parking structures are minimised and secondary to the built form, landscaping and vegetation; (S)
- provides access to public places and spaces which is clear and defined; (S)
- ensures built structures below mean high water mark are minimised; (S)
- achieves a balance between use of the waterway and conservation of the natural environment. (En, S, Ec)

### **Technical Reports and Supporting Information**

Proposed development having a value greater than \$1 million to be accompanied by a photo montage(s) of the development as it will present to public places including waterways, reserves and roads.

Proposed development having a value greater than \$2 million to be accompanied by a model, which may be in the form of a physical scale model or an electronic scale model.

## **D15.2 Scenic protection - General**

### **Land to which this control applies**

Land in the Waterways Locality mapped as Scenic Protection - General - P21DCP-D15MDCP080o

### **Uses to which this control applies**

Attached dwelling  
Boarding house  
Business Development  
Development ancillary to residential accommodation  
Dual occupancy (attached)  
Dual occupancy (detached)  
Dwelling house  
Exhibition home  
Group home  
Hostel  
Industrial Development  
Jetty  
Multi dwelling housing  
Other Development  
Residential flat building  
Rural worker's dwelling  
Secondary dwelling  
Semi-detached dwelling  
Seniors housing  
Shop top housing  
Water recreation structure

### **Outcomes**

Achieve the desired future character of the Locality.

Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)

### **Controls**

Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

### **Variations**

Nil

### **Information to be included in the Statement of Environmental Effects**

An analysis of the development in terms of how it impacts on the visual character of the area, demonstrating that the proposal ensures that the bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)

## D15.3 Building colours and materials

### Land to which this control applies

Waterways Locality - P21DCP-D15MDCP750

### Uses to which this control applies

Attached dwelling  
Boarding house  
Business Development  
Development ancillary to residential accommodation  
Dual occupancy (attached)  
Dual occupancy (detached)  
Dwelling house  
Exhibition home  
Group home  
Hostel  
Industrial Development  
Jetty  
Multi dwelling housing  
Other Development  
Residential flat building  
Rural worker's dwelling  
Secondary dwelling  
Semi-detached dwelling  
Seniors housing  
Shop top housing  
Water recreation structure

### Outcomes

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the waterway. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

### Controls

External colours and materials must be compatible with the waterway climate and shall utilise dark and earthy tones.

External colours and materials shall be dark and earthy tones as shown below:



White, light coloured, red or orange roofs and walls are not permitted:



Limited use of corporate colours may be permitted within W2 Recreational Waterways zoned land.

Finishes are to be of a low reflectivity.

### **Variations**

Council may consider lighter coloured external walls (excluding white) only for non-residential development in areas that are not visually prominent.

Heritage items may vary this control where heritage colours and fabrics appropriate to the building are applied.

### **Advisory Notes**

Contact Council to ensure proposed external colours and materials are satisfactory.

### **DA Form and Application Checklist**

A colour and materials sample or scheme is to be provided.

### **Information to be shown on the Development Drawings**

The Development Drawings are to include a clear and unambiguous schedule specifying the external colours and materials to be used.

### **Information to be included in the Statement of Environmental Effects**

A description and explanation of the proposed external colours and materials in terms of minimisation of adverse visual impact demonstrating that the proposal:

- enhances the visual quality and identity of the waterway;
- utilizes colours and materials which harmonise with the natural environment;
- minimises the visual prominence of the development;
- minimises damage to existing native vegetation and habitat.

### **Technical Reports and Supporting Information**

Colour and material samples must be submitted.

## D15.6 Front building line

### Land to which this control applies

Land in the Waterways Locality landward of mean high water mark - P21DCP-D15MDCP754

### Uses to which this control applies

Attached dwelling  
Boarding house  
Business Development  
Development ancillary to residential accommodation  
Dual occupancy (attached)  
Dual occupancy (detached)  
Dwelling house  
Exhibition home  
Group home  
Hostel  
Industrial Development  
Jetty  
Multi dwelling housing  
Other Development  
Residential flat building  
Rural worker's dwelling  
Secondary dwelling  
Semi-detached dwelling  
Seniors housing  
Shop top housing  
Water recreation structure

### Outcomes

To achieve the desired future character of the Locality.  
Equitable preservation of views and vistas to and/or from public/private places. (S)  
The amenity of residential development adjoining a main road is maintained. (S)  
Vegetation is retained and enhanced to visually reduce the built form. (En)  
Vehicle manoeuvring in a forward direction is facilitated. (S)  
To preserve and enhance the rural and bushland character of the locality. (En, S)  
To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.  
To encourage attractive street frontages and improve pedestrian amenity.  
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

### Controls

The minimum front building line to a road shall be in accordance with the following table:

Land	Front Building Line (metres)
All land adjoining an arterial road.	10 or established building line, whichever is the greater.
Land zoned R2 Low Density Residential, E3 Environmental Management or E4 Environmental Living except land adjoining an arterial road.	6.5 or established building line, whichever is the greater.
Land zoned B1 Neighbourhood Centre, B2 Local Centre, IN4 Working Waterfront, or RE2 Private Recreation	3.5
All other land	Merit assessment

Built structures, other than driveways, fences and retaining walls are not permitted within the front building setback.

### Variations

Where the outcomes of this control are achieved, Council may accept a minimum front building setback to a secondary street of half the front building line.

Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:

- considering established building lines;
- degree of cut and fill;
- retention of trees and vegetation;
- where it is difficult to achieve acceptable levels for building;



- for narrow or irregular shaped blocks;
- where the topographic features of the site need to be preserved;
- where the depth of a property is less than 20 metres.

Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.

On-site wastewater treatment systems and rainwater tanks are permitted within the front building setback provided that they do not exceed 1 metre in height above ground level (existing).

#### **Information to be shown on the Development Drawings**

Front building setback to be dimensioned on plans.

## D15.7 Side and rear building line

### Land to which this control applies

Land in the Waterways Locality landward of mean high water mark - P21DCP-D15MDCP754

### Uses to which this control applies

Attached dwelling  
Boarding house  
Business Development  
Development ancillary to residential accommodation  
Dual occupancy (attached)  
Dual occupancy (detached)  
Dwelling house  
Exhibition home  
Group home  
Hostel  
Industrial Development  
Jetty  
Multi dwelling housing  
Other Development  
Residential flat building  
Rural worker's dwelling  
Secondary dwelling  
Semi-detached dwelling  
Seniors housing  
Shop top housing  
Water recreation structure

### Outcomes

To achieve the desired future character of the Locality. (S)  
The bulk and scale of the built form is minimised. (En, S)  
Equitable preservation of views and vistas to and/or from public/private places. (S)  
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.  
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)  
Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)  
Flexibility in the siting of buildings and access. (En, S)  
Vegetation is retained and enhanced to visually reduce the built form. (En)  
To ensure a landscaped buffer between commercial and residential zones is established.

### Controls

The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:

Land	Side & Rear Building Line Setback (metres)
Land zoned R2 Low Density Residential, E3 Environmental Management or E4 Environmental Living	2.5 at least to one side; 1.0 for other side  6.5 rear (other than where the foreshore building line applies)
Land zoned B1 Neighbourhood Centre, B2 Local Centre, IN4 Working Waterfront, or RE2 Private Recreation adjoining land zoned R2 Low Density Residential, R3 Medium Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, or RE1 Public Recreation	3.0
Land zoned B1 Neighbourhood Centre, B2 Local Centre, IN4 Working Waterfront, or RE2 Private Recreation adjoining land other than land zoned R2 Low Density Residential, R3 Medium Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, or RE1 Public Recreation	Nil

## **Variations**

Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved.

Where the depth of a property is less than 20 metres, Council may accept a reduced building setback from the rear boundary.

For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:

- satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and
- Council is satisfied that the adjoining properties will not be adversely affected, and
- the pool or spa is not more than 1 metre above ground level (existing), and
- that the outcomes of this clause are achieved without strict adherence to the standards, and
- where the site constraints make strict adherence to the setback impractical, and
- where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.

## **Advisory Notes**

The Foreshore Building Line is as per the [Foreshore Building Line Map](#) in the Pittwater Local Environmental Plan 2014. The Foreshore Building Line takes precedence over this control.

## D15.10 Fences

### Land to which this control applies

Land in the Waterways Locality landward of mean high water mark - P21DCP-D15MDCP754

### Uses to which this control applies

Attached dwelling  
Boarding house  
Business Development  
Development ancillary to residential accommodation  
Dual occupancy (attached)  
Dual occupancy (detached)  
Dwelling house  
Exhibition home  
Group home  
Hostel  
Industrial Development  
Jetty  
Multi dwelling housing  
Other Development  
Residential flat building  
Rural worker's dwelling  
Secondary dwelling  
Semi-detached dwelling  
Seniors housing  
Shop top housing  
Water recreation structure

### Outcomes

To achieve the desired future character of the Locality. (S)

To ensure fences compliment and conserve the visual character of the street and neighbourhood

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

### Controls

#### a. Front fences and side fences (within the front building setback)

Front and side fences (within the front building setback) shall:

- not exceed a maximum height of 1 metre above existing ground level,
- be compatible with the streetscape character, and
- not obstruct views available from the road.

Fences are to be constructed of open, see-through, dark-coloured materials.

Landscaping is to screen the fence on the roadside.

Original stone fences or stone fence posts shall be conserved.

#### b. Rear fences and side fences (to the front building line)

Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.

#### c. Fencing adjoining Pittwater Waterway



Fences are to be setback 3 metres from the property boundary adjacent to the waterway, and shall have a maximum height of 1.8 metres.

Fences are to be constructed of open, see-through, dark-coloured materials. Landscaping is to screen the fence on the foreshore side.

d. Corner lots or lots with more than one frontage

Applicants shall nominate their side, rear and front boundaries if fences are proposed.

e. Fencing on land on Council's Flood Hazard Maps

No masonry fences will be permitted on land identified in High Flood Hazard Areas or on land within a Floodway.

All fences in High Flood Hazard Areas or within a Floodway are to be constructed in 'open' materials, for the full height of the fence, to allow for the passage of floodwaters through the fence.

**Variations**

Within the front building setback, provided the outcomes of this clause are achieved, fencing to a maximum height of 1.8 metres may be considered where the main private open space is in front of the dwelling, the lot is a corner lot or has more than one frontage or the site is located on a main road with high traffic noise. In such instances, front fencing shall:

1. be setback a minimum of one metre for any fence higher than one metre (in the case of corner lots or lots with more than one frontage this setback may be varied based on merits); and
2. be articulated to provide visual interest and further opportunities for landscaping, and
3. be screened by landscaping within the setback area; and
4. not restrict casual visual surveillance of the street, and
5. provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2 metres by 2 metres; and
6. 50% or more of the fence is transparent.

See also controls relating to gated access points in Part B: Access Driveways and Offstreet Parking

Provided the outcomes of this clause are achieved, where fencing exceeds more than 1 metre in height and abuts a public road, a boundary setback less than the height of the fence may be considered based on merits.

**Advisory Notes**

For all fencing on land identified in High Flood Hazard Areas or within a Floodway, it is recommended that a minimum of 50% of the area of the fence is 'open', for the full height of the fence, to allow for the passage of floodwaters through the fence.

**Information to be shown on the Site Plan**

The location of existing fences and walls to be retained, and proposed fences and walls.

**Information to be shown on the Development Drawings**

The existing fences and walls to be retained and proposed fences and walls, to be clearly shown on the Ground Floor Level Plan and Elevations.

**Information to be included in the Statement of Environmental Effects**

An analysis of the impact of any proposed and existing fencing and / or walls to be retained demonstrating that :

- an open streetscape that allows casual surveillance of the street is achieved; (S)
- fences, where provided, are suitably screened from view from a public place; (S)
- safe sight distances and clear view of the street for motorists and pedestrians are maintained; (S)
- safe and unhindered travel for native animals is preserved. (En)

## **D15.11 Waterfront lighting**

### **Land to which this control applies**

The Waterways Locality and properties which abut the Pittwater Waterway - P21DCP-D15MDCP751

### **Uses to which this control applies**

Attached dwelling  
Boarding house  
Business Development  
Development ancillary to residential accommodation  
Dual occupancy (attached)  
Dual occupancy (detached)  
Dwelling house  
Exhibition home  
Group home  
Hostel  
Industrial Development  
Jetty  
Multi dwelling housing  
Other Development  
Residential flat building  
Rural worker's dwelling  
Secondary dwelling  
Semi-detached dwelling  
Seniors housing  
Shop top housing  
Water recreation structure

### **Outcomes**

To ensure that waterfront lighting does not become a navigational hazard or adversely impact upon adjoining public land or residences. (En, S)

To ensure that external lighting is provided for safety and directional purposes only. (S)

### **Controls**

Lighting is to be shielded or located to promote safe navigation and minimise any likely adverse visual impact when viewed from the Pittwater Waterway, any adjoining public land, and adjoining residences. Reflection off the water should be eliminated where possible.

Adequate lighting is to be provided for safe access to waterfront development and safe navigation in and out of commercial and recreational waterfront development, and private facilities associated with a dwelling, where appropriate.

Lighting is to be designed to minimise electricity consumption.

Flood lighting of marine facilities is not permitted.

### **Variations**

Nil

### **Information to be included in the Statement of Environmental Effects**

A statement outlining the impact of any proposed lighting in terms of possible navigation hazard.

## **D15.12 Development seaward of mean high water mark**

### **Land to which this control applies**

The Waterways Locality and properties which abut the Pittwater Waterway - P21DCP-D15MDCP751

### **Uses to which this control applies**

Attached dwelling  
Boarding house  
Business Development  
Development ancillary to residential accommodation  
Dual occupancy (attached)  
Dual occupancy (detached)  
Dwelling house  
Exhibition home  
Group home  
Hostel  
Industrial Development  
Jetty  
Multi dwelling housing  
Other Development  
Residential flat building  
Rural worker's dwelling  
Secondary dwelling  
Semi-detached dwelling  
Seniors housing  
Shop top housing  
Water recreation structure

### **Outcomes**

To ensure minimal adverse impact on the water quality hydrodynamics and estuarine habitat of Pittwater. (En)

To ensure new buildings are not susceptible to flooding. (S)

To ensure public access is maintained and provided for along the foreshore (En)

### **Controls**

All new buildings are to be located landward of mean high water mark.

Only structures associated either with the accommodation, servicing or provision of access to boats shall be permitted seaward of mean high water mark.

In instances where it is proposed to alter, extend or rebuild existing buildings seaward of mean high water mark, any further encroachment of such buildings onto the waterway is to be minimised. Where development seaward of mean high water mark is proposed to occur, especially during the refurbishment of existing structures, proponents need to ensure that the structure will not harm marine vegetation, and must consult with the Department of Primary Industries.

Developments are required to ensure that public access is maintained and provided for along the foreshore.

### **Variations**

Nil.

### **DA Form and Application Checklist**

Where works are proposed on Crown land below mean high water mark the NSW Government Crown Lands Division must provide owners consent to the lodgement of this development application.

### **Information to be included in the Statement of Environmental Effects**

An analysis of the proposal demonstrating that the proposal does not adversely impact on the visual amenity of the foreshore or water quality or estuarine habitat of the Pittwater waterway.

### D15.13 Lateral limits to development seaward of mean high water mark

#### Land to which this control applies

The Waterways Locality and properties which abut the Pittwater Waterway - P21DCP-D15MDCP751

#### Uses to which this control applies

- Business Development
- Industrial Development
- Jetty
- Other Development
- Water recreation structure

#### Outcomes

To ensure that fair and equitable enjoyment of the waterway is achieved between neighbouring waterfront landowners through restricting unreasonable encroachment of waterfront development in front of adjoining properties. (S)

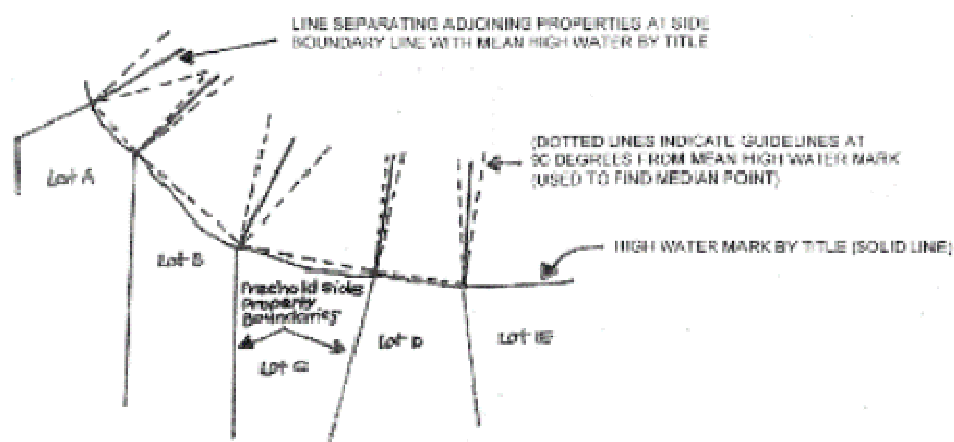
#### Controls

Waterfront development shall be constructed perpendicular to the shoreline and within the defined lateral limit lines to development, regardless of the orientation of waterfront properties, where practicable. This is to maximise equitable access to the waterway. (Diagrams 1 and 2).

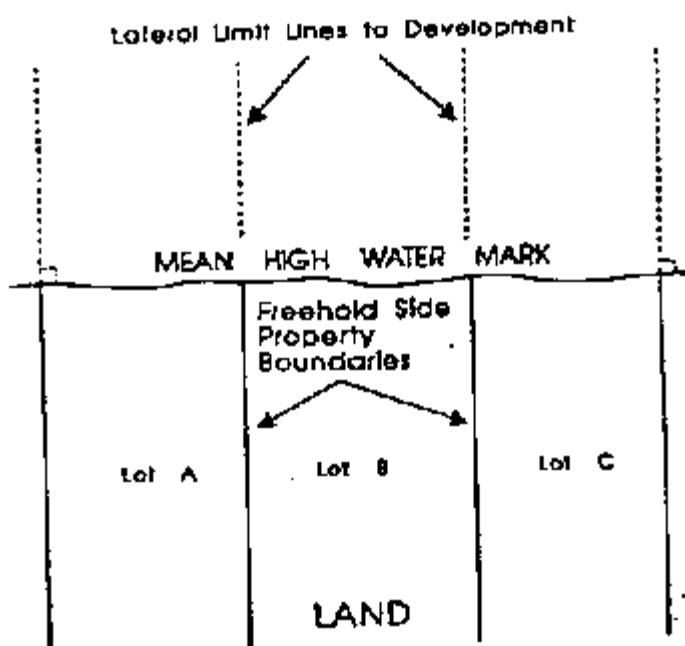
Waterfront development shall be set back a minimum of 2.0 metres along the full length of the lateral limit lines to development to minimise conflict and the possibility of inaccurate location of structures during construction (Diagram 3). This may be varied where shared facilities are proposed where the adjoining property will benefit from the shared facility.

This setback shall also apply to any vessel that is to be berthed at a wharf or boating facility, marina, water recreation structure or the like. Vessels which cannot meet this criterion are considered to be inappropriate for the site and should be accommodated elsewhere.

**Diagram 1: Lateral Limits to Waterfront Development - Curved Shoreline**

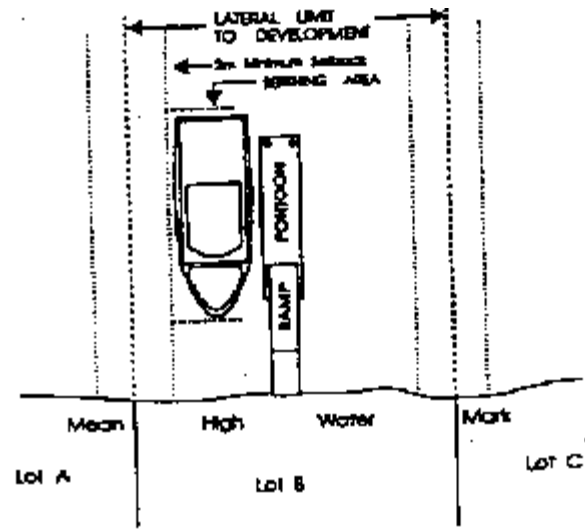


**Diagram 2: Lateral Limits to Waterfront Development - Straight Shoreline**



**Diagram 3: Setbacks from Lateral Limit Lines to Waterfront Development**





**Variations**

Nil

**Information to be shown on the Site Plan**

The lateral limit lines.

**Information to be shown on the Development Drawings**

The location of proposed structures within the waterway in relation to the lateral limit lines.

The properties to benefit from any shared facilities if proposed.

**Information to be included in the Statement of Environmental Effects**

An analysis of the proposal demonstrating that fair and equitable enjoyment of the waterway is achieved between neighbouring waterfront landowners through restricting unreasonable encroachment of marine facilities in front of adjoining properties.

## **D15.14 Minimum frontage for waterfront development**

### **Land to which this control applies**

The Waterways Locality and properties which abut the Pittwater Waterway - P21DCP-D15MDCP751

### **Uses to which this control applies**

Business Development

Industrial Development

Jetty

Other Development

Water recreation structure

### **Outcomes**

To minimise the individual and cumulative visual impact of waterfront development. (S)

### **Controls**

Waterfront development for private use shall not be permitted on land that does not have a frontage to the Pittwater Waterway (including allotments which only have a right of way to the waterway).

Where an existing allotment has a water frontage of less than 15.0 metres, limited development such as a jetty, ramp and pontoon will generally only be permitted. Multiple facilities below mean high water mark (i.e. boatsheds, jetty and slipway etc.) will not be permitted. Facilities should be shared with neighbouring waterfront properties to minimise the density and visual impact of foreshore development. Where individual facilities are desired, the applicant must demonstrate, to the satisfaction of Council, that shared facilities are not appropriate and that the objectives of this part would not be compromised.

The use of shared boating structures is encouraged for all land, particularly confined embayments and/or embayments characterised by shallow water.

### **Variations**

Nil

## D15.15 Waterfront development

### Land to which this control applies

The Waterways Locality and properties which abut the Pittwater Waterway excluding Crystal Bay Foreshore Area - P21DCP-D15MDCP752

### Uses to which this control applies

Business Development

Industrial Development

Jetty

Other Development

Water recreation structure

### Outcomes

Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater. (En)

Public access along the foreshore is not restricted. (S)

Waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners. (S, Ec)

Structures blend with the natural environment. (S)

Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway. (En, S)

To promote a mix of commercial waterfront development for the accommodation of boats, their repair and maintenance, and for organised waterfront development. (Ec)

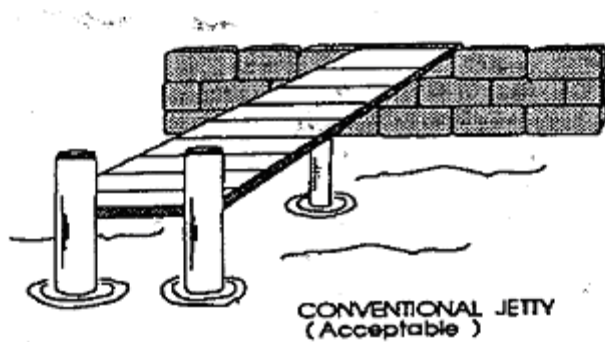
Waterfront development which does not comply with the outcomes of this clause are removed. (En, S, Ec)

### Controls

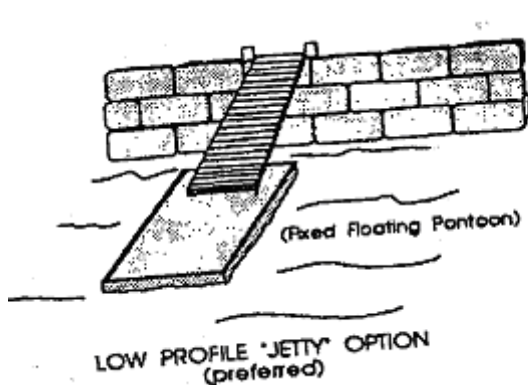
#### a) Jetties, Ramps and Pontoons

Ramp and pontoon structures are preferred in place of jetties, where practicable (Diagrams 1A and 1B).

#### Diagram 1A: Jetty Construction Option - Conventional Jetty



#### Diagram 1B: Jetty Construction Option - Preferred Configuration

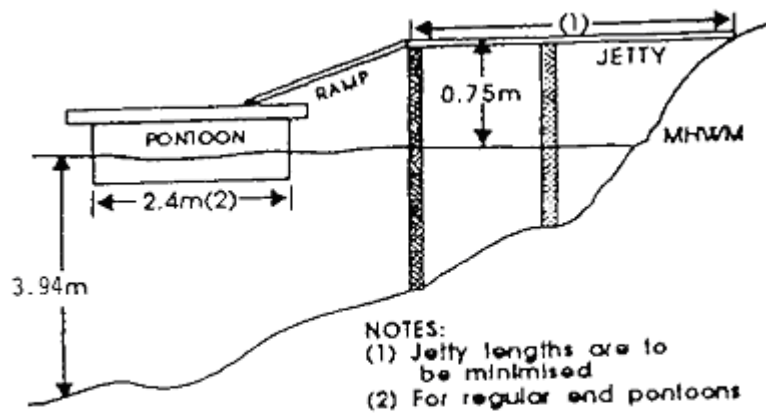


Where provided, jetties, ramps and pontoons shall meet the following criteria:

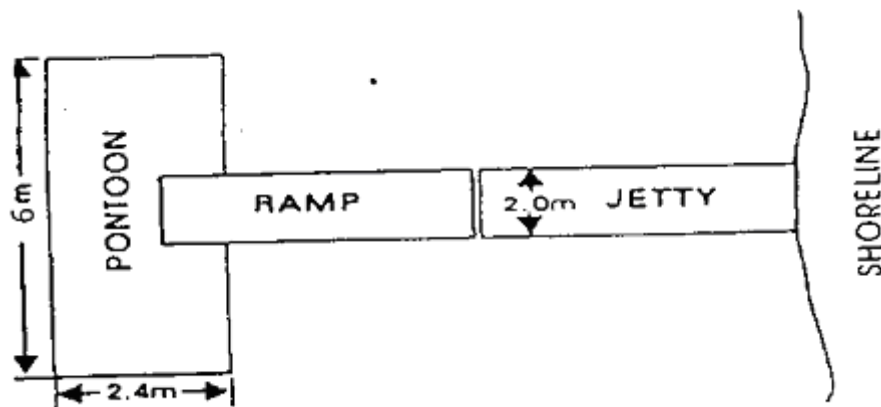
1. Handrails are to be located only on one side of the structure.
  2. Structures shall be located where at a maximum permissible water depth of 2.5 metres at low tide
  3. The minimum depth at the end of a jetty/pontoon should be:
    - 600mm at zero tide in the case of a pontoon (as per NSW Department of Primary Industries)
    - 600mm at mean low tide minimum in the case of a fixed jetty end (i.e. no pontoon)
  4. Structures shall generally be no greater in length than existing structures, and shall not impede general navigation or equitable access or use of the waterway by adjoining landowners. The length of any jetty is to be minimised. (Diagrams 2A and 2B)
  5. The construction of "L" or "T" ends or other types of elongations or steps at right angles to jetties shall not be permitted.
  6. The erection of structures above the finished surface of a jetty, ramp or pontoon, including sheds, overhead light fittings, benches and sinks, shall not be favoured, other than a small self contained service modules incorporating low voltage, low level lighting.
  7. Gates and like devices shall not be permitted across structures where public access around the foreshore is obstructed, or where such devices are visually obtrusive.
  8. Where considered appropriate, jetties shall be supported on piles. Solid fill structures such as groynes, or similar, shall not be permitted.

9. The finished jetty deck height shall be a maximum height of 1 metre above mean high water mark or 1.5 metres AHD.
10. The materials used for construction should not be deleterious to marine life, for example antifouling paints or treated woods must not be used;
11. Structures over Posidonia seagrass or over Zostera, Heterozostera, Halophila and Ruppia species of seagrass beds greater than 5 square metres in area will generally not be permitted unless special circumstances exist. Exemptions may include:
  - i. works that are clearly in the public interest (e.g. safe access points for boating or swimming, State significant development),
  - ii. proposed works that, by virtue of design and location, are unlikely to have a significant impact, and where the proponent is willing to undertake works to compensate for any aquatic habitat liable to be lost or damaged,
  - iii. where property access is only available by water and no other alternative sites exist.
12. Where applicable, pontoons are to be positioned beyond the outer edge of the seagrass and the portion of the jetty, ramp or pontoon crossing seagrass is to be meshed or constructed of a similar material that transmits light to the seafloor. There is to be no covering on top of the mesh;
13. Watercraft are not to be moored over or anchored within seagrass beds, and are not to be stored on the jetty, ramp or pontoon.

**Diagram 2A: Design Guidelines for Conventional Jetty, Ramp and Pontoon Structure - Elevation View**



**Diagram 2B: Design Guidelines for Conventional Jetty, Ramp and Pontoon Structure - Plan View**



#### b) Berthing Areas

Vessels shall be berthed at right angles to the mean high water mark to minimise visual impact on the foreshore, where practicable. Where this configuration may restrict navigation, vessels may be berthed parallel to mean high water mark provided such vessels are no greater in length than the maximum length of the distance between the lateral limits of the property less 4 metres, and provided that the parallel moored vessel does not restrict navigation. The Department of Primary Industries will generally not approve berthing areas over seagrass.

The maximum dimension for berthing areas perpendicular to shore shall be 5 metres x 9 metres in accordance with Diagrams 3A and 3B.

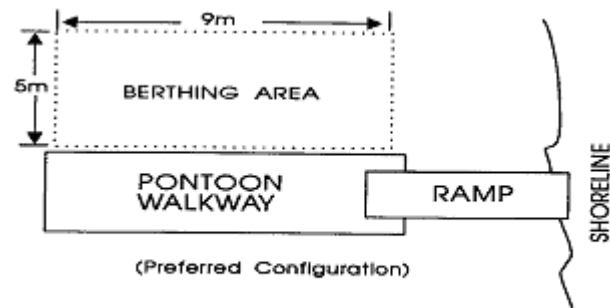
Mooring licences for a private swing mooring shall be relinquished by any person seeking approval for a berthing area. This is to promote a more equitable use of the waterway's resources.

Where provided, berthing areas shall meet the following criteria:

1. The proponent must demonstrate that they do not already hold, or cannot obtain, a swing mooring, marina berth or boat shed where they could reasonably store their boat;
2. That there is sufficient depth of water below the vessel being 600 mm depth at zero low tide ( -1.53 AHD);
3. That it does not extend beyond the seaward face of any related pontoon, piles or jetty steps;
4. That there is sufficient clearance from prolongation of adjoining boundaries (i.e. a minimum of 2.5 metres)
5. That it be designed and located to enable efficient and safe manoeuvring without impinging on adjoining neighbours; and
6. The size of vessel must be accommodated wholly within the lease area.

**Diagram 3A: Maximum Dimensions for Berthing Areas -Perpendicular to Shore (As per Department of Infrastructure Planning and Natural Resources requirements)**





**Diagram 3B: Maximum Dimensions for Berthing Areas - Parallel to Shore**

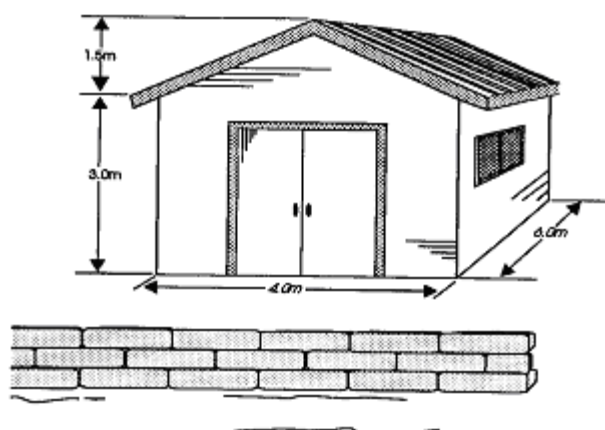
**c) Boatsheds**

Boatsheds shall meet the following criteria:

1. Boatsheds shall be located above mean high water mark on freehold land, where practicable. Where this cannot realistically be achieved, as much of the proposed boatshed as is practical must be located above mean high water mark to minimise encroachment onto the littoral zone below mean high water mark.
  2. Boatsheds shall be one storey and no greater than 4.5 metres in building height above the platform on which it is built, 4.0 metres in width and 6.0 metres in length, as illustrated in Diagram 4. The use of lofts or similar design concepts shall not be permitted.
  3. Boatsheds shall not prevent or hinder public foreshore access. Alternative access must be provided where a proposed boatshed is likely to make existing foreshore access below mean high water mark difficult.
  4. Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation any internal kitchen facilities, habitable rooms, shower or toilet facilities shall not be permitted. Roof areas of boatsheds shall not be used for recreational or observational purposes.
  5. Boatsheds shall be constructed of low maintenance materials that are of a tone and colour which is sympathetic to the surrounding setting. Structures proposed along the western foreshores, McCarrs Creek, Horseshoe Cove, Salt Pan Cove, Refuge Cove, Clareville and Careel Bay are to have specific regard for the natural landscaped character of the area. Reflective materials and finishes for private boatsheds shall not be permitted.
  6. The minimum floor level for proposed boatsheds shall be in accordance controls for foreshore development around the Pittwater Waterway.
  7. Boatsheds shall be able to be entirely enclosed. Boatsheds which either partially or wholly do not incorporate appropriate wall cladding shall not be permitted, as such structures tend to become visually obtrusive when viewed from the waterway.
  8. All electrical equipment and wiring shall be water tight below the designed flood/tidal inundation level.

Boatsheds which cannot meet these criteria are considered out of scale and character with the type of residential foreshore development that exists around the Pittwater Waterway. Boats which cannot be accommodated in the recommended size boatshed are considered inappropriate and should be accommodated using alternative facilities.

**Diagram 4: Design Guidelines for Boatsheds**



**d) Slipways and Launching Ramps**

Slipways and launching ramps are generally not favoured.

**e) Piles**

Freestanding or end piles are generally not favoured.

**f) Levitators**

Levitators are generally not favoured.

**g) Davits**

Davits are generally not favoured.

**Variations**

- a) Slipways and Launching Ramps

Council may consider slipways and launching ramps where structures are unlikely to detract from the visual character of the foreshore, will not affect marine vegetation and will not restrict public foreshore access.

In such instances, the following criteria shall apply:

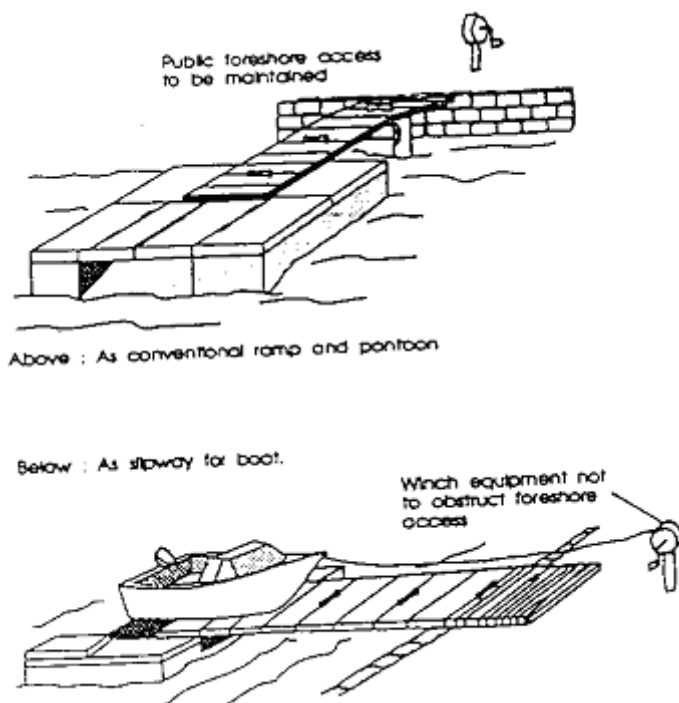
1. Innovative design which incorporates slipping facilities with other existing or proposed structures is encouraged (Diagram 5).
2. Structures, the storage of lightweight boats, and any winch equipment shall be entirely on private freehold land and shall not obstruct public foreshore access.
3. Structures shall be at ground level, where possible. Slipways from boatsheds, or reclamation must be recessed into the subject structure or work to minimise the height of the sliprails or boat ramp above the bed of the Pittwater Waterway. (Diagram 6).
4. Sliprails are to be in the form of two parallel rails, no more than 2 metres width apart, with either locking spreaders between the rails or bolted directly to the surface of the concrete without the use of spreaders or embedded in concrete to facilitate free access. (Diagram 7).
5. Timber construction is preferred for proposed boat ramps. Concrete ramps may be considered at bed level in certain locations such as at Crystal Bay, Winji Jimmi Bay, Palm Beach and Careel Bay or where it can be shown, to the satisfaction of Council, that the aims of this clause are not compromised. Other materials such as steel with bonded rust proof coating will also be considered.

The type of launching and retrieval facilities for marinas or commercial boatsheds will depend on site-specific factors inherent to the particular waterfront facility as well as its role. In this regard, Council is flexible in the type of systems it is prepared to consider including slipways, straddle hoists or travel lifts, floating dry docks, fixed or mobile cranes.

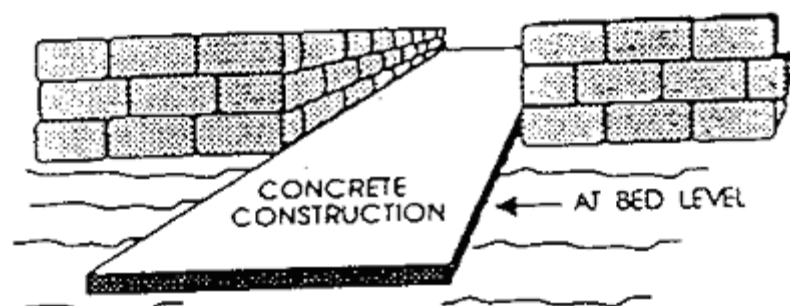
Proposed boat launching and retrieval facilities should not adversely restrict public foreshore access below mean high water mark. In this regard, where an existing structure restricts such access or where a proposed structure is likely to adversely impact upon any existing access, Council may require the applicant to provide alternative means to ensure that such access is maintained after also considering public safety.

Where a launching ramp is included within a marina or commercial boatshed complex, it shall be located so as to minimise interference with boat traffic to and from berthing areas.

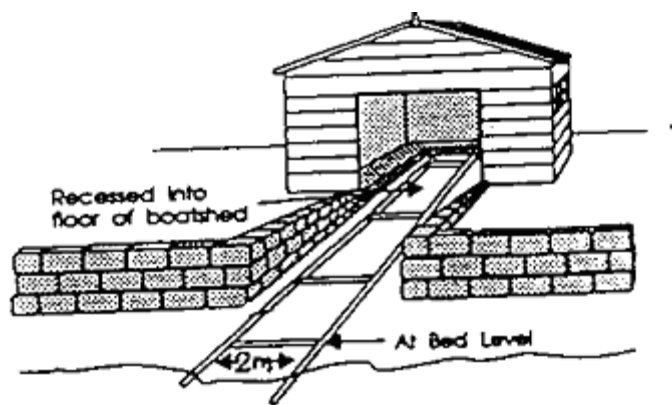
**Diagram 5: Suggested Dual Purpose Pontoon/Ramp and Slipway Structure for Boat Storage on Private Property.**



**Diagram 6: Design Guidelines for Private Boat Ramps**



**Diagram 7: Design Guidelines for Private Slipways**



## b) Piles

Council may consider freestanding or end piles where structures are unlikely to have a detrimental visual effect when viewed from the waterway, or in areas subject to heavy wave exposure to stabilise jetties, pontoons and berthed vessels.

In such instances, the following criteria shall apply:-

- Structures shall not have a height greater than indicated in the following table:

Type of Pile	Above MHW (metres)	AHD (metres)	Above HAT (metres)*
Jetty end	2.16	2.67	1.5
Pontoon Stabilisation	2.16	2.67	1.5
Berthing	2.16	2.67	1.5
Intermediate (jetty)	0.75	1.26	

- \* Highest Astronomical Tide which is 2.1 metres above zero Fort Denison Tide Gauge or 1.17 AHD.
- Structures shall be of timber or fibre reinforced concrete. Timber piles shall have a minimum diameter of 250mm and be stripped bare of bark above mean high water mark and be bound at the top by a metal ring to prevent splitting and be capped to prevent long term deterioration.
- Structures shall be treated in dark, natural colours above mean high water mark. End piles or free standing piles shall be painted white along the top 1 metre of the pile to facilitate visual prominence when viewed from the water at night and minimise any hazard to navigation. The use of alternative measures, such as reflective materials, to facilitate visual prominence may also be supported.
- Structures should be positioned at least 2 metres away from any Posidonia seagrass.

## c) Levitators

Council may consider levitators in some instances.

In such instances, the following criteria shall apply:

- Only a single levitator unit is to be installed fronting any residential property.
  - Only one boat is to be berthed/stored on or adjacent to any residential waterfront structure (not including levitators) unless part of a shared structure or where an existing approval has been issued.
  - Any boat stored on any levitator must be no greater than 6.0 metres in length and 3.0 metres in height measured from the bottom of the keel to the top of the superstructure, excluding the mast in the case of sailing vessels. Vessels up to 8.5 metres in length will be considered having regard to location, visual impact, bulk of the proposed boat, and impact on the visual quality of the Pittwater waterway.
  - The maximum lift of the levitator platform is to be set at 1.0m above mean high water mark.
  - Levitators are to be used for boat storage purposes only. Maintenance or painting of the hull of any boat stored on the levitator is not to be undertaken.
  - No signage is to be placed on any levitator.
  - A levitator is to be located parallel to a jetty in a manner that ensures the boat does not protrude further into the Pittwater Waterway than the end of the jetty structure.
  - The levitator structure and/or any boat stored on the levitator is to be a minimum of 2.0 metres clear of the perpendicular extension, from the shoreline, of the common side property boundaries below mean high water mark.

## d) Davits

Council may consider davits in some instances.

In such instances, the following criteria shall apply:

- Davits may only be used for the storage of small dinghies or runabouts, particularly in locations susceptible to bad weather or unfavourable wave conditions.
  - Davits shall not store any boat greater than 5.1 metres in length.
  - Davits shall be located parallel to a jetty to minimise the visual impact of any boat stored when viewed from the Pittwater Waterway, and to minimise any further encroachment beyond mean high water mark (Diagram 8).
  - Davits should not shade underlying or adjacent seagrasses.

### Diagram 8: Preferred Location for Davits



### Advisory Notes

Note: Structures below mean high water mark may require Council approval, and a permit from the Department of Primary Industries. Owners consent may also be required from the Department of Lands.

### Information to be shown on the Development Drawings

The drawings shall clearly indicate:

- any moorings to be relinquished and/or any existing facilities including those to be removed or modified; and
- the design, construction and materials of the proposed marine facility.

### Information to be included in the Statement of Environmental Effects

Information is to be provided that demonstrates compliance with the requirements of this control. In this regard where marine facilities and the like are proposed, an assessment of the control is required. Where practicle this information should be depicted on the submitted drawings.

## D15.16 Waterfront development - Crystal Bay foreshore area

### Land to which this control applies

Crystal Bay Foreshore Area - P21DCP-D15MDCP753

### Uses to which this control applies

Business Development  
Industrial Development  
Jetty  
Other Development  
Water recreation structure

### Outcomes

The reasonable expectations of landowners adjoining the foreshore of Crystal Bay are balanced to facilitate water access to the Bay, whilst preserving the amenity of the Bay. (En, S)

Maintenance of an open foreshore appearance with views to the centre and mouth of Crystal Bay. (S)

Public access around Crystal Bay is maximised. (S)

The amenity of the Bay is maintained through the establishment of appropriate development and building guidelines and requirements for structures below original mean high water mark. (S)

The visual intrusion of private facilities is minimised. (S)

Appropriate points within the Bay for public access for the launching of dinghies and sail craft by hand are identified. (S)

### Controls

Individual waterfront developments for private residential use shall not be permitted.

Only shared waterfront developments shall be permitted.

Waterfront development shall only be permitted in the form of a low profile jetty with a ramp, pontoon and berthing area. The following criteria shall apply:

1. The height of any jetty deck shall not exceed 0.75 metres above mean high water mark (1.26 Australian Height Datum AHD).
  2. The width of any jetty shall not exceed 2 metres.
  3. No more than one handrail shall be permitted on a jetty for safety.
  4. Waterfront development shall generally be no greater in length than adjoining facilities and shall not impede general navigation or equitable access or use of the waterway by adjoining landowners. The length of any jetty is to be minimised (Diagram 1).
  5.

Waterfront development shall be designed to permit safe pedestrian traffic to and from the jetty end at low tide; safe mooring of vessels; and the berthing of vessels perpendicular to the shoreline.
6. Pontoons shall be constructed with a minimum buoyancy of 2kPa and shall not exceed 2.4 metres x 3.6 metres.
7. Gates and like devices shall not be permitted across structures where public access around the foreshore is obstructed, or where such devices are visually obtrusive.
8. No more than one berthing area per waterfront property shall be permitted.
9. A berthing area shall be located perpendicular to the shoreline and shall not exceed 5 metres x 9 metres (Diagram 2).
10. A berthing area shall generally have a depth of 1 metre at low tide (1.925 AHD or 2.0 metres below zero (0) Fort Denison Tide Gauge).
11. Waterfront development shall not be used for berthing commercial or commercially used vessels.
12. Any mooring licence held by a landowner in Crystal Bay shall be relinquished, and the mooring structure removed. The mooring relinquished shall not be reallocated.
13. Davits and levitators shall not be permitted.
14. Freestanding piles used for berthing purposes or piles at the end of a jetty shall be no greater than 1.75 metres (2.26 AHD) above mean high water mark. Intermediate piles on jetties shall be no greater than 0.75m (1.26 AHD) above mean high water mark.
15. The top 0.5 metres of free standing piles or piles at the end of a jetty shall be stripped of bark and painted white and properly maintained by repainting.
16. Concrete launching ramps shall be no greater in width than 3.0 metres, and shall be constructed flush with the natural level of the reclaimed foreshore area, between the freehold property boundaries and the outer edge of the reclamation, and are to follow the slope of the existing inter tidal zone. Ramps shall be flush with the top of any seawall (Diagram 3).
17. Slip rails, winches and boat cradles shall not be permitted on ramps.
18. The operation of any approved winches, located on freehold land, shall not hamper public access along the foreshore for any extended period of time.

**Diagram 2: Maximum Dimensions for Berthing Areas -Perpendicular to Shore (As per Department of Infrastructure Planning and Natural Resources requirements)**

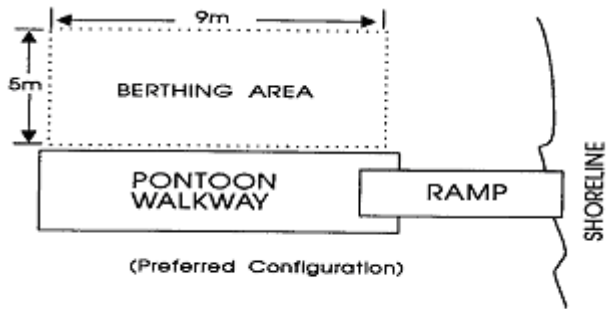
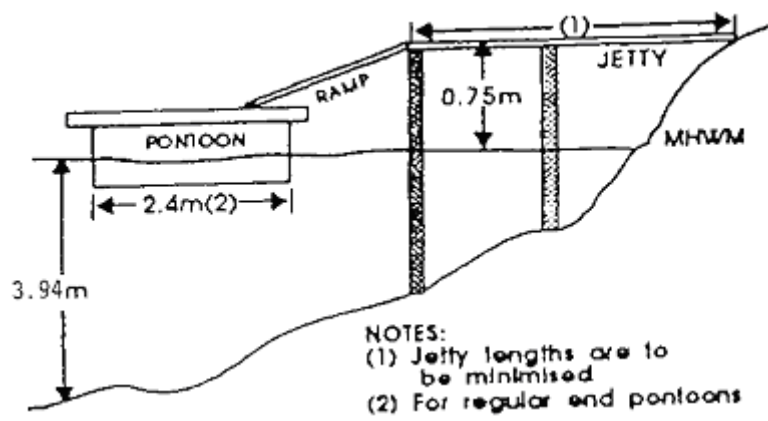
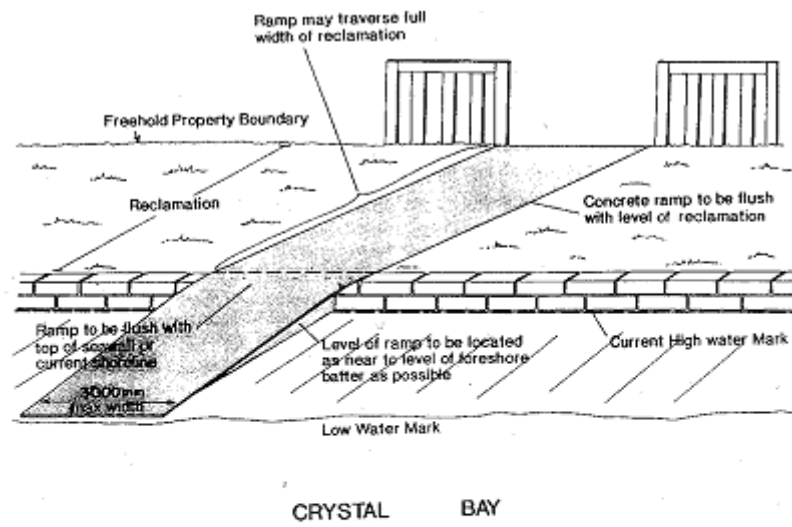


Diagram 3: Concrete Boat Ramp Design Criteria



- Note
- 1) Ramp to be of reinforced concrete construction
  - 2) Development Application must be lodged with Council for Councils consent prior to construction

Boat sheds shall only be permitted on freehold land. Where provided, boat sheds shall meet the following criteria:

1. Only single storey boat sheds shall be permitted and shall not exceed 6.5 metres x 4 metres x 3 metres high (to the top of the walls). Low pitch, gable or hip roofs fronting the waterway will be preferred by Council to a maximum height of 1.5 metres above the side walls. Boat sheds exceeding these dimensions shall not be permitted. Boats which cannot be accommodated in a structure of this size should be stored elsewhere.
  2. Only a boat storage space and working space shall be permitted in a boat shed. Boat sheds shall not be converted to dwellings or any other use and shall not contain a shower or toilet.
  3. Roof areas shall not be used for recreational purposes.
  4. Boat sheds may be permitted within the foreshore building line where adequate setback from the foreshore property boundary is not available.

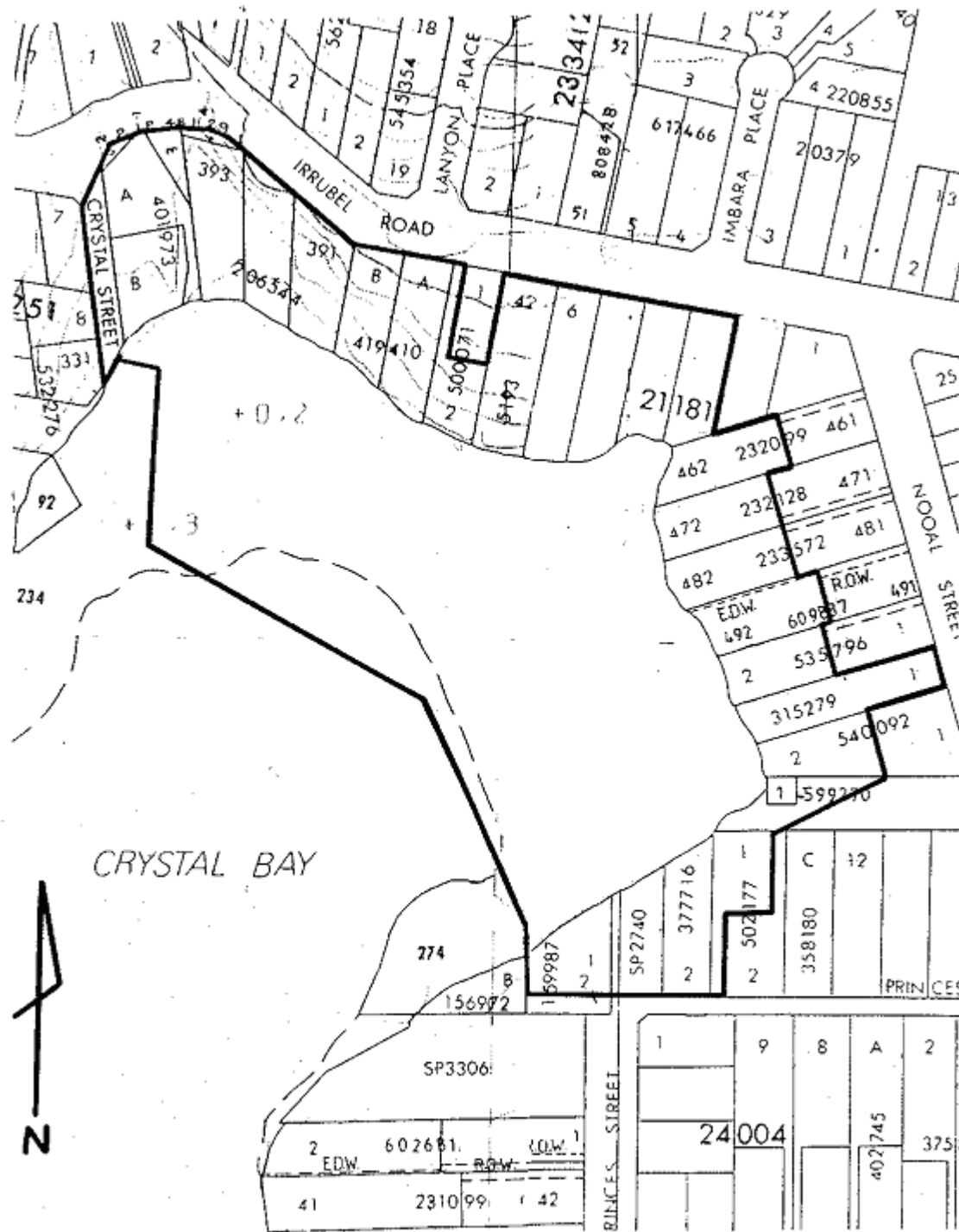
**Variations**

NIL

**Controls**

Figure 1





**FIGURE 1**

LAND TO WHICH THIS PLAN APPLIES

**Information to be shown on the Development Drawings**

The drawings shall clearly indicate:

- any moorings to be relinquished and/or any existing facilities including those to be removed or modified;
- which properties are sharing the marine facilities; and
- the design, construction and materials of the proposed marine facility.

**Information to be included in the Statement of Environmental Effects**

Information is to be provided that demonstrates compliance with the requirements of this control. In this regard where marine facilities and the like are proposed, an assessment of the control is required. Where practicle this information should be depicted on the submitted drawings.



## D15.17 Moorings

### Land to which this control applies

Waterways Locality - P21DCP-D15MDCP750

### Uses to which this control applies

Marina

Mooring

Mooring pen

### Outcomes

Adverse environmental effects of moorings on the aesthetic appearance of the Pittwater Waterway, its marine flora and fauna, and the impact on navigation, recreational opportunities and safety is minimised. (En, S, Ec)

Regard is had for the visual and physical cumulative effects of moorings and associated boating in the Pittwater Waterway. (En, S, Ec)

Regard is had for persons dependant on private water transport for commuting purposes. (S)

The removal of derelict vessels from moorings to enable a more efficient use of existing moorings in the Pittwater Waterway. (S)

Rationalisation and creation of designated private mooring areas with regard to the relative needs of licence holders for shore based support facilities and the availability of such facilities along the foreshore. (S)

Provision of appropriate levels of mooring numbers based on the real demand for such facilities while having due regard for the need to preserve the existing character of the Pittwater Waterway. (S)

### Controls

Mooring areas are identified on the Pittwater Mooring Area Map (Map 1). The maximum number of moorings per mooring area and the management of mooring areas shall be in accordance with the following table:

Mooring Area (refer to Pittwater Mooring Area Map)	Mooring Area Name	Maximum Number of Moorings Permitted
1	Barrenjoey Headland	7
2	Palm Beach	128
3,4	Careel Bay	432
5	Clareville	685
6,7	Refuge Cove	141
7	Salt Pan Cove	290
8	Horse Shoe Cove	126
9,10	Crystal Bay	70
11	Winji Jimmi	66
12	Winnererremy Bay	33
13,14,15,16	Bayview	529
17	McCarrs Creek	433
18	Elvina Bay	67
19,20	Lovett Bay	164
21	Towler's Bay/Morning Bay (resident moorings)	20
22	Towler's Bay/Morning Bay (club moorings)	32
23	Coaster's Retreat	107
24	Great Mackerel Beach	35
25	Scotland Island	276

The maximum number of moorings in the table applies collectively to private, club, commercial and public authority moorings.

The maximum number of moorings in Pittwater shall not exceed the overall capped total of 3641. However, in consultation with NSW Maritime and other stakeholders, the restrictions for individual mooring areas may be increased if needed, with a subsequent reduction from other mooring areas where spare capacity exists.

Additional moorings in areas 17, 18, 19, 20, 21, 23, 24 and 25 are restricted to moorings for local residents in adjacent residential areas only.

Mooring Area 22 shall not be used for long term permanent mooring by chartered pleasure craft and boat/sailing craft.

In the event of a marine development being approved, the change of swing moorings to marina berths shall not alter the capped number of vessels in that area.

Where additional moorings are considered appropriate, moorings must be sited such that navigable water space is optimised and efficiently used and adverse visual impact is minimised and adequate shore-based infrastructure is available, including carparking, dinghy storage facilities, garbage disposal facilities, toilets, and loading and unloading facilities for boats.

### **Variations**

Nil

### **Advisory Notes**

Single swing moorings in association with marinas may constitute designated development under the Environmental Planning and Assessment Regulation 2000.

### **Information to be shown on the Survey Plan**

Surrounding mooring locations and any nearby shoreline features (i.e. jetties etc)

### **Information to be shown on the Site Plan**

The location of the proposed mooring in relation to other moorings and shoreline features.

### **Information to be included in the Statement of Environmental Effects**

An assessment of the mooring proposal in terms of the mooring number restrictions for the mooring area.

## D15.18 Seawalls

### Land to which this control applies

The Waterways Locality and properties which abut the Pittwater Waterway - P21DCP-D15MDCP751

### Uses to which this control applies

Business Development

Industrial Development

Jetty

Other Development

Water recreation structure

### Outcomes

Any adverse impact upon the marine flora, fauna or water quality of the locality is minimised. (En)

Development has due regard for other existing water based activities in the locality, particularly those which have recreational, residential or economic significance. (S, Ec)

Alienation of public foreshore land below mean high water mark is minimised. (S)

The impact of development may on the physical processes acting in the locality is minimised. (En)

Development is sympathetic to the natural character of the Pittwater Waterway. (En, S)

The occurrence of dredging in the Pittwater Waterway other than for general navigation purposes is minimised. (En)

### Controls

Seawalls shall not be permitted.

### Variations

Council may consider the construction of seawalls where there is potential for erosion from coastal process and protection of property is necessary.

In such instances, the following criteria shall apply:

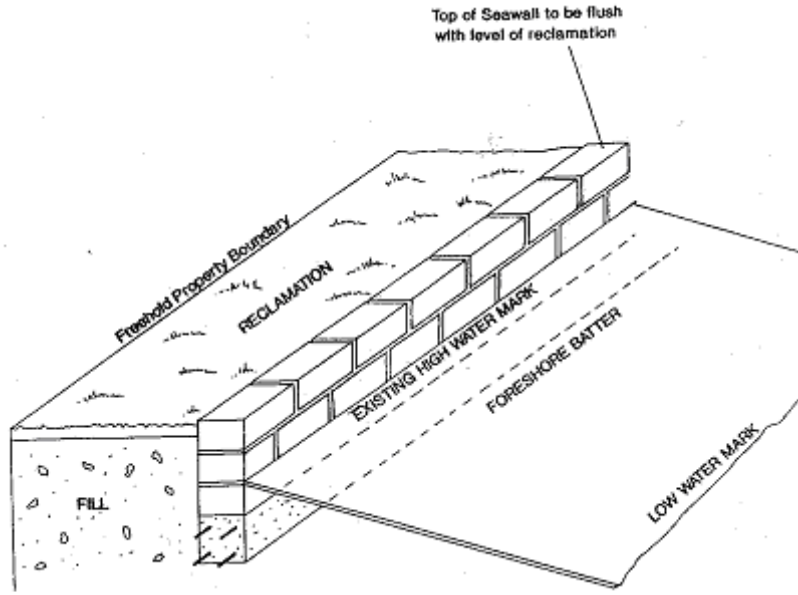
1. where possible, maintain the curvature of the existing shoreline;
  2. incorporate low profile walls, battered or stepped back from the foreshore wherever practicable, with a maximum recommended height of 1 metre above mean high water mark. (1.5 metres AHD);
  3. constructed of or faced in rectangular shaped sandstone, being either dressed or rough-cut in order to promote a uniform treatment along the foreshore. Alternative building materials, such as reconstructed sandstone concrete blocks or similar, which reflect a sandstone character shall also be suitable, particularly where greater structural strength may be required. Materials such as timber, concrete (including nylon mattress structures) gabions or other materials not in keeping with the character of the area shall not be permitted. Concrete/nylon mattress structures may be suitable for public drainage and associated bank stabilisation works where it can be demonstrated that such structures will not detract from the visual amenity of the locality.
  4. only clean fill is to be used behind sea walls.
  5. where practicable, sandy beach areas should be incorporated in front of seawalls.
  6. be designed so that the existing footprint is maintained (i.e. does not encroach any further into the intertidal zone) and the seawall is sloped back towards the property. There must be no additional reclamation of water land (requires a permit from the Department of Primary Industries) or replacement of the existing wall with a vertical seawall;
  7. that there is no mortaring of the seawall and a geotextile fabric is used behind the seawall to prevent loss of sediment through the seawall;
  8. should be rock rip rap, boulders or similar complex structures, and where possible incorporate further vertical and horizontal complexity.
  9. maximise the incorporation of native riparian and estuarine vegetation;
  10. create low sloping seawalls and/or incorporate changes of slope; and
  11. it is recommended that proponents consult with both the Coasts & Estuaries section of the Office of Environment and Heritage, and with the Aquatic Habitat Protection unit of the Department of Primary Industries.
  12. compliance with Environmentally Friendly Seawalls – A Guide to Improving the Environmental Value of Seawalls and Seawall-lined Foreshores in Estuaries (Sydney Metropolitan Catchment Management Authority 2009).

Within the Crystal Bay Foreshore area, the following controls shall specifically apply:

1. only dwarf seawalls shall be permitted along the foreshore of the Bay.
  2. be wholly constructed or faced in regular dressed sandstone blocks, reconstructed sandstone face blocks or reconstructed sandstone tiles; and
  3. have a battered slope located in front of it constituting the intertidal beach zone; and
  4. be flush to the top of the seawall with the reclamation located behind it (Diagram 1); and
  5. not have a height greater than 0.75 metres above mean high water mark (1.26 AHD); and

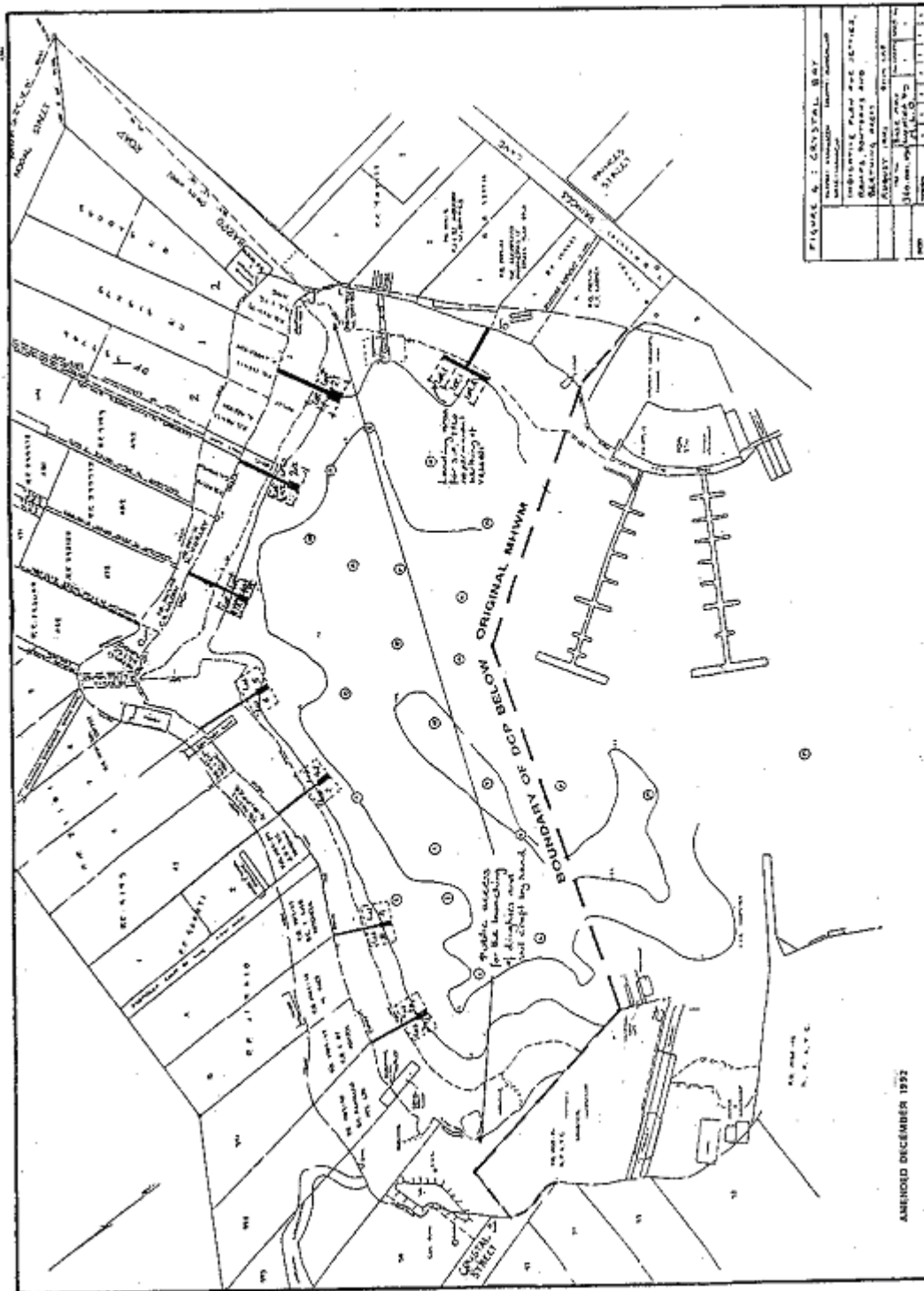
- be aligned generally in a position which accords with the physical high water mark (Diagram 2) and form a continuous and uniform alignment with any existing adjoining, approved seawall.

**Diagram 1**



**Controls**

**Diagram 2:**



**Advisory Notes**

For further information on seawalls see Environmentally Friendly Seawalls – A Guide to improving the Environmental Value of Seawalls and Seawall-lined Foreshores in Estuaries from Sydney Metropolitan Catchment Management Authority (SMCMA) available at their website.

**Information to be shown on the Development Drawings**

Clear details of the location, dimensions and materials to be used in the construction of any seawalls.

**Information to be included in the Statement of Environmental Effects**

An assessment of the seawalls impact on the visual character and amenity of the waterfront. Reference should be made in the assessment to the control outcomes.

**Technical Reports and Supporting Information**

A Coastal Engineer's report assessing the impacts of the seawall in protecting the development site and adjoining properties.

## **D15.19 Dredging**

### **Land to which this control applies**

The Waterways Locality and properties which abut the Pittwater Waterway - P21DCP-D15MDCP751

### **Uses to which this control applies**

Business Development  
Industrial Development  
Jetty  
Other Development  
Water recreation structure

### **Outcomes**

Any adverse impact upon the marine flora, fauna or water quality of the locality is minimised. (En)

Development has due regard for other existing water based activities in the locality, particularly those which have recreational, residential or economic significance. (S, Ec)

Alienation of public foreshore land below mean high water mark is minimised. (S)

The impact of development on the physical processes acting in the locality is minimised. (En)

Development is sympathetic to the natural character of the Pittwater Waterway. (En, S)

The occurrence of dredging in the Pittwater Waterway other than for general navigation purposes is minimised. (En)

Retention of the existing bed of the Pittwater Waterway, in as natural a state as practicable, where general public boating/recreational opportunities are not adversely affected. (En, S, Ec)

### **Controls**

Dredging shall not be permitted.

### **Variations**

Council may consider dredging for private boat purposes where it can be demonstrated that:

1. the site is or has been susceptible to sediment accretion due to man made influences; and
  2. dredging works will not have an adverse impact on the Pittwater Waterway; and
  3. adjacent erosion, sediment accretion, weed or litter accumulation or adverse effects upon wave patterns are unlikely to result;
  4. the site is not over or in the immediate vicinity of fish hauling grounds, seagrass beds or other significant natural estuarine habitats; and
  5. the site is unlikely to require unreasonable continued maintenance.

In such instances, the following criteria shall apply:

1. Dredging to a depth greater than 3.94 metres below mean high water mark (-3.425m AHD) shall not be permitted. This is to ensure that the substrate remains within the euphotic zone while still providing a reasonable depth of water for boat access.
2. A buffer zone of 50 metres to seagrass beds and 30 metres to mangroves shall be maintained between the dredged area and vegetation.
3. The shape of a dredged channel shall be largely determined by the type of bed sediment that is to be dredged and the nature of the currents in the locality, and will be considered on a merit basis.
4. Sediment ponds and/or silt curtains must be incorporated to ensure that entrained silt from dredging operations is not returned to the waterway.
5. Dredged material shall be disposed of in a responsible manner. The disposal of dredged material elsewhere into the Pittwater Waterway shall not be permitted.

Within the Crystal Bay Foreshore area, the following controls shall specifically apply:

1. Dredging shall only be permitted where such dredging is to restore an adequate navigable depth of the Bay in accordance with Part XIA Consent 78/163, or is associated with the installation of utility services.
  2. Dredged material is to be disposed of at approved dumping sites on land or at sea. Redepositing of material in the Bay or elsewhere in the Pittwater waterway shall not be permitted.

### **Advisory Notes**

Consent must be obtained from Council for dredging works. Consent will also be required from State Government agencies, and it is recommended that proponents consult with both the Department of Trade and Investment Crown Lands and the Department of Primary Industries, as a minimum.

Refer to State Environmental Planning Policy (Infrastructure) 2007, noting that it is still a requirement to obtain all necessary approvals, licenses, permits or concurrences.

### **Information to be shown on the Survey Plan**

Location and depth of all underwater features including existing seabed conditions and proposed changes in seabed conditions (e.g. seagrass areas).

**Information to be shown on the Site Plan**

Dredging area in relation to shore and surface facilities.

**Information to be shown on the Development Drawings**

Dredging limit, dredging depths and existing seabed levels. Batter slopes should be clearly shown on sections.

**Information to be included in the Statement of Environmental Effects**

An analysis of the dredging proposal which clearly details why the dredging is required, and that the proposal does not constitute designated development, and is not prohibited. The analysis should address the control outcomes.

**Technical Reports and Supporting Information**

- A Coastal Engineer's report assessing the impacts of the dredging proposal.
- A Marine Biologist's report assessing the impacts of the proposal.



## **D15.20 Commercial waterfront development - pollution prevention**

### **Land to which this control applies**

Waterways Locality - P21DCP-D15MDCP750

### **Uses to which this control applies**

Business Development

Industrial Development

Other Development

### **Outcomes**

To minimise any likely adverse environmental impact on the water quality and marine flora and fauna of the Pittwater Waterway. (En)

Development does not adversely affect the amenity or character of adjoining land, particularly residential or public recreation areas. (S)

### **Controls**

Waste material and sewage shall be managed on-site in a manner that is not likely to pollute the environment.

Garbage receptacles are to be provided on all proposed marina walkways and are to have self-closing lids to prevent escape of rubbish by way of wind, birds or other animals. At a minimum, garbage receptacles are to be placed near the head and ends of any marina walkways. A separate appropriate solid waste container is to be provided for any workshop area.

Runoff from hardstand areas shall be treated so that litter and other solid waste materials are not transported to the waterway. Trash racks, sedimentation control structures, or other devices, as considered necessary by Council, are to be installed and maintained by the operator at all times.

Pollution generating activities and any associated wastes, including that from boat scrapings, grease and oil from hard stand areas washing down facilities or workshops shall not be permitted to enter stormwater collection systems.

Where provided, fuel supply systems shall be designed to contain spillage and be provided with flameproof electrical fittings. The location of boat access to such facilities is to be designed for ease of navigation, preferably with a one-way travel direction with minimal travel through any berthing areas.

Appropriate anti-pollution devices will be required to be installed for all development which has the potential to result in pollutants or other waste entering the Pittwater Waterway and which is likely to adversely affect the water quality, flora or fauna of the area. Since the design of such devices can vary through time and with technological advances, Council will require the installation of those devices which are considered to be the most appropriate at the time. As a guide, the minimum type of devices that are likely to be required include the following:

1. Fuelling areas: Spillage containment booms and oil absorbent materials for areas over the water; and pavements graded and drained to oil arrester pits for areas above mean high water mark.
2. Workshops: Pavements graded and drained to oil arrester pits for new proposals and floating boom devices for existing older style boatsheds and the like.

All liquid wastes are to be collected and either removed off site or directed to an approved sewerage management system as is considered appropriate by Council and relevant authorities.

Wastes are not to be directly discharged into the Pittwater Waterway.

Noise from commercial or waterfront facilities is to be controlled in accordance with the "Pollution" Control contained within this document. In particular:

1. public address systems shall not be permitted;
2. operation of machinery (i.e. being part of workshop facilities, air conditioning, generators, compressors or other apparatus) shall only be permitted where it can be demonstrated to the satisfaction of Council, that the amenity of adjoining areas will not be adversely affected;
3. shot/grit blasting of vessels using abrasive particles may be permitted in specified areas where suitably designed protective booths approved by Council are provided and noise levels and operating hours restricted.
4. the repair and maintenance of vessels involving the emission of intrusive noise is to be confined to Monday to Friday 7am to 5pm and Saturday 9am to 1pm local time. No work is to be undertaken on Sundays where such work, in the opinion of Council, is likely to interfere with the amenity of the neighbourhood by the emission of noise, chemical or physical pollutants or otherwise.
5. spray painting, sanding and planing operations shall be carried out in spray painting booths or other approved enclosures with mechanical ventilation to capture airborne paint and particles and with approved noise attenuation controls where required.

### **Variations**

Nil

**Information to be included in the Statement of Environmental Effects**

An analysis of the proposal demonstrating how it has been designed and will be operated so as to not cause any pollution.

**Technical Reports and Supporting Information**

A report and plans prepared by a suitably qualified professional outlining the waste holding and pollution control measures to be incorporated into the proposal to achieve the control requirements.

## **D15.21 Charter boat facilities**

### **Land to which this control applies**

Waterways Locality - P21DCP-D15MDCP750

### **Uses to which this control applies**

Boatshed

Charter and tourism boating facility

Marina

### **Outcomes**

To facilitate the opportunity for charter boat facilities in Pittwater. (Ec)

To minimise any adverse impact on the Pittwater waterway and adjoining development. (En)

### **Controls**

Where a commercial marina or boatshed is to be used as the principal location for passengers to embark and disembark from charter boats, on-site facilities are to be provided including:

- Carparking;
- Toilets;
- Garbage and recycling disposal;
- Solid waste disposal; and
- Sewerage pumpout facilities for boats in accordance with any State Government gazetted regulations.
- Vessels used for food preparation and/or service must comply with the Guidelines for Mobile Food Vending Vehicles, published by the NSW Food Authority Regulations (inclusive of the Food Authority Notification requirements).
- All charter boats must dispose of sewerage and wastewater to sewerage pump ashore facilities.
- All charter boats must have a current documented contract which provides for the disposal of waste and recyclable materials generated by its operation.
- The business operation must comply with the Protection of the Environment Operations Act 1997.

On-site facilities required to operate a charter boat business from a marina where the marina berths are privately owned are the responsibility of the owner/applicant of the proposal. The applicant cannot simply propose to increase the demand of the facilities and not expect to provide any additional facilities. This will be assessed on a merit basis.

### **Variations**

Nil

### **Information to be shown on the Survey Plan**

Where charter boat facilities are to be provided as part of a commercial marina or boatshed operation (or other waterfront activity), an analysis is to be provided of the proposal demonstrating that it does not adversely impact on the Pittwater waterway and adjoining development.

### **Technical Reports and Supporting Information**

A report, floor plans and supporting documentation is to be submitted demonstrating that waste disposal and the food premises construction standards will be achieved in accordance with the requirements of the control.

## **D15.22 Masterplan - Careel Bay**

### **Land to which this control applies**

Land in the Careel Bay Study Area - P21DCP-BCMDCP088

### **Uses to which this control applies**

All Uses

### **Outcomes**

To achieve the desired future character of the Locality.

Development addresses the issues identified in the Careel Bay Masterplan. (En, S, Ec)

A sense of place is provided by acknowledging the setting, history, landscaping and character and to give residents a sense of belonging and community pride. (S)

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To ensure that development adjacent to Careel Bay compliments the landscape character, public use and enjoyment of the Bay. (En, S)

### **Controls**

Development is to appropriately address the issues identified in the Careel Bay Masterplan.

### **Variations**

Nil

### **Information to be included in the Statement of Environmental Effects**

An analysis of the character of the proposed development in terms of its impact on Careel Bay demonstrating that the proposal:

- Achieve the desired future character of the locality. (S)
- The development addresses the relevant issues identified in the masterplan (S, Ec)
- Development acknowledges the setting , history and landscaping and character; (S, Ec)
- The development responds tom reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (S, En)

