1 FORESHORE AND WATERWAY DEVELOPMENT

This section applies to the following development uses proposed within the foreshore area (defined by LMLEP 2004), and contains Council’s specific requirements for Foreshore and Waterway developments. Other requirements are contained in the general development part (Part 2) and/or Area Plans (Part 3) of this DCP. Where a conflict exists between this section and the general development part, this section prevails.

Definitions:

Foreshore area – means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody.

Foreshore development – means a boatshed, jetty, slipway, boat ramp, in-ground swimming pool, inclinator, landscaping, barbeques or other similar structures.

Objectives

a. To protect the visual character and natural landscape of Lake Macquarie, by restricting the erection of buildings and structures at the Lake foreshore.

b. To preserve natural foreshore vegetation in order to retain the visual character of Lake Macquarie.

c. To maintain the stability of shorelines and to protect against erosion and siltation.

d. To permit private development of foreshore land while maintaining foreshore public reserves and maintaining public access to the foreshore.

Controls

1. All buildings and structures that are not foreshore development must be set back in accordance with the adopted foreshore building line.

2. Non-compliance with the foreshore building line will only be considered where the proposed development will provide greater compliance with the foreshore building line than existing buildings and structures, and those buildings or structures will be removed as part of the redevelopment. For public land, non-compliance with the foreshore building line will be considered where the development is in accordance with an adopted Plan of Management.

3. Foreshore development must be contained between the projected side boundaries of the land subject of the application.

4. A Visual Impact Statement must be prepared and submitted with all applications for foreshore development.

5. Domestic foreshore development is only permissible in conjunction with an existing approved dwelling.

6. Development uses other than those contained within this section of the DCP must not be developed in the foreshore area.

7. Foreshore development listed in Table 1 – Column 1 must not occur in the circumstances/ location identified by Table 1 – Column 2, except where the requirements of Table 1 – Column 3 are met.

<table>
<thead>
<tr>
<th>Column 1 Development Type</th>
<th>Column 2 Locations Where Not Favoured</th>
<th>Column 3 Except Where</th>
</tr>
</thead>
</table>
| Domestic and Community Jetties, Boat Ramps, Slipways, Boatsheds and Pontoons | ▪ Land adjoining a Foreshore Public Reserve or a Public Road.  
▪ Land adjoining land identified for acquisition as a proposed Foreshore Public Reserve. Shown hatched on the LEP Maps. | ▪ In tidal tributaries – the overall dimension of the domestic landing platform and/or pontoon, does not exceed 2.4 metres x 2.4 |
### Part 4 – Specific Land Uses
- **Foreshore & Waterway Development**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic berthing areas and mooring poles associated with jetties or the like.</td>
<td>Where aquatic flora and fauna may be affected.</td>
</tr>
<tr>
<td>Dredging</td>
<td>Anywhere in the Lake and Waterways Zone. Necessary to maintain navigation channels and is carried out in accordance with the SEPP (Infrastructure) 2007.</td>
</tr>
<tr>
<td>Domestic foreshore stabilisation treatment including those below DHWM.</td>
<td>Any development that does not comply with defined foreshore stabilisation treatment limit lines. Council is satisfied that: the development is necessary to control landslip, active erosion of the foreshore and persistent or continuing inundation. (Refer to DCP No.1 – Principles of Development, Guidelines Volume 1 - Foreshore Stabilisation Rehabilitation Guidelines, (LMCC 2006), or Estuarine Creekbank Stabilisation and Rehabilitation Guidelines (LMCC2007). the treatment results in rehabilitation of native lake foreshore vegetation.</td>
</tr>
<tr>
<td>Domestic derricks, davits and boat hoists.</td>
<td>Anywhere in the Lake and Waterways Zone.</td>
</tr>
<tr>
<td>Permanent, vessel and/or trolley parking and storage.</td>
<td>Anywhere in the Lake and Waterways Zone and within 3 metres landward of the DHWM.</td>
</tr>
<tr>
<td>Signs</td>
<td>Anywhere in the Lake and Waterways Zone.</td>
</tr>
</tbody>
</table>

#### 1.1 LAKE-BED MOORINGS

**Objectives**

a. To mitigate adverse impacts of moorings on ecological processes and marine life.
b. To ensure that moorings do not adversely affect the environmental integrity, water quality, or amenity of the Lake.

c. To minimise damage caused to the Lake bed by the use of anchors.

Controls

1. Moorings must be designed to mitigate adverse impacts on ecological processes and/or marine life by implementing fixed mooring structures that can be used as an alternative to anchors.

2. Moorings should be positioned to minimise adverse impacts on ecological processes including mitigating the removal of sea grasses.

1.2 DOMESTIC BOAT SHEDS

Objectives

a. To maintain the visual amenity and character of the Lake Macquarie foreshore.

b. To ensure that public access and safety is not adversely affected by the establishment of domestic boat sheds.

Controls

1. The height of a boat shed must not be greater than 3 metres for a skillion roof or 3.5 metres with a gable or hip roof.

2. The area of a boat shed must not be greater than 36 square metres (typically 4 x 9 metres).

3. The side of the boat shed fronting the Lake must not exceed 4 metres.

4. A boat shed must not include washing and/ or cooking facilities, habitable rooms, or entertaining areas/ facilities.

1.3 JETTIES

Objectives

a. To facilitate waterway recreation through jetty access to boats, where reasonable depth of water can be obtained without dredging.

b. To maintain the visual character and natural landscape of Lake Macquarie by reducing the number of jetties within the Lake through the use of shared jetties where adjoining private residences are present.

c. To mitigate adverse impacts of jetties on ecological processes and marine life.

d. To ensure that jetties do not adversely affect the amenity of the Lake or its foreshore.

Controls

1. Private domestic jetties must be sited to enable the shared use from at least three adjoining properties.

2. Where properties on either side of a proposed private domestic jetty site have existing (unshared) jetties, the application should consolidate the existing jetties to provide a new shared jetty. Where this cannot be achieved, written evidence must be provided indicating why sharing of existing jetties is not feasible.

3. Documentation must be submitted, which demonstrates that the proposed development will not adversely affect Lake Ecology or wildlife.

4. Jetties should maximise the passage of natural light through the structure and should achieve at least 40% light penetration.

5. The length of a jetty must be the shortest of:
1. i. the length necessary to achieve a water depth of 1.2 metres at the jetty end at the Indian Spring Low Water;
   ii. the average of any other jetties within 75 metres of the location of the proposed development;
   iii. 30 metres into the Lake from the Mean High Water Mark;

6. In addition to Control 5, the applicant must demonstrate that a minimum water depth of 600mm will be maintained on three sides of the jetty end at the Indian Spring Low Water. If this cannot be met, a jetty is not appropriate for the location.

7. The width of the jetty must be at least 1.2 metres, but not greater than 1.5 metres, however, additional width is permitted to accommodate the use of pre-fabricated materials, provided the variation is minimised.

8. The jetty end must be at least 1.8 x 2.4 metres with neither of these dimensions exceeding 4.2 metres, however, additional length or width is permitted to accommodate the use of pre-fabricated materials, provided the variation is minimised. A water depth of 600 mm must be achieved on three sides of the jetty end for mooring in varying weather conditions.

9. Prefabricated materials must be laid in such a way as to avoid creating a hazard for people using a wheelchair.

10. The finished surface of a domestic jetty must be at least 600 mm but not more than 750 mm above the mean high water mark.

11. To minimise visual impact, no component of the jetty should protrude more than 300mm above the finished surface of a jetty. Any necessary protrusions must be positioned to mitigate risk to users.

12. Public access along the Lake foreshore must not to be impeded.

13. Jetties must not comprise solid fill structures or groynes in whole, or in part.

14. Community jetties must be for the shared use of six or more properties, and must not be within 500 metres of another community jetty.

15. Community jetties must have frontage to a Foreshore Public Reserve or other suitable public access.

16. A written agreement must be submitted, which outlines use, insurance, and maintenance of shared jetties. Licence holders of a community jetty must provide documented evidence of a public risk insurance policy of at least $10 million.

1.4 DOMESTIC BOAT LAUNCHING RAMPS AND SLIPWAYS

Objectives

a. To mitigate the impact of domestic boat launching ramps and slipways on the integrity of local ecological processes.

b. To maintain the visual amenity and character of the Lake Macquarie foreshore.

c. To ensure that public access and safety is not adversely affected by the establishment of a domestic boat launching ramp or slipway.

Controls

1. Domestic boat launching ramps should not be more than 5 metres long when measured from the Mean High Water Mark, and should not be more than 3 metres wide.

2. Slipways should not be more than 5 metres long when measured from the Mean High Water Mark, and should not be more than 1.2 metres wide.

3. Domestic boat launching ramps and slipways must achieve a depth of at least 600 mm at Indian Spring Low Water.
4. Domestic boat launching ramps and slipways must not protrude more than 150 mm above the natural bed of the Lake.

5. Measures must be implemented to reduce the risk of slipping on the surface of a domestic boat launching ramp or slipway.

6. Domestic boat launching ramps and slipways should be unobtrusive and must mitigate trip hazards and protruding components.

7. Public access along the Lake foreshore must not to be impeded.

8. Domestic boat launching ramps and slipways should be positioned to minimise adverse impacts on ecological processes including mitigating the need to remove sea grasses.

1.5 SWIMMING POOLS

Objectives

a. To mitigate the visual impact of development on views from the Lake.

b. To re-establish environmental integrity and foreshore vegetation, while also screening of foreshore development.

Controls

1. Swimming pools must be in-ground.

2. Swimming pools must be set back at least 7.2 metres from the Deed High Water Mark or from the lot boundary fronting the Lake where a foreshore reserve is present.

3. Swimming pools must be set back at least 1.2 metres from side boundaries.

4. The swimming pool or concourse must not exceed 1 metre above ground level (existing).

5. Pool safety fencing must be screened with native endemic foreshore vegetation to reduce its visual impact and to contribute towards re-establishing a native vegetated foreshore.

6. Landscaping must not provide climbing opportunities that may undermine the function of pool safety fencing.

7. Backwashing associated with cleaning the pool must be directed to the reticulated sewerage system or alternative disposal area as approved by Council.

1.6 FENCING

Objectives

a. To mitigate the visual impact of fencing on views from the Lake through vegetation screening.

b. To re-establish environmental integrity and foreshore vegetation, while also screening of foreshore development.

Controls

1. Fencing must not occur within 6 metres of the Deed High Water Mark.

2. Fencing in the area between the foreshore building line and 6 metres from the Deed High Water Mark must not exceed 1.2 metres.

3. Fencing must be screened with native endemic foreshore vegetation to reduce its visual impact and to contribute towards re-establishing a native vegetated foreshore.

1.7 FOreshore Stabilisation

Objectives

a. To ensure foreshore stabilisation works are designed and constructed to minimise environmental and visual impacts.
b. To re-establish the environmental integrity of the Lake foreshore.

**Controls**

1. Domestic foreshore stabilisation treatment must only be used to control erosion or landslip, retain authorised reclamation fill and prevent inundation.

2. The design of foreshore stabilisation works must protect through natural absorption of incident wave energy by incorporating high structural porosity and permeability with an upper surface of low gradient sloping lake-ward. Soft treatments are the preferred option and suit most conditions in Lake Macquarie. It is unlikely that sea walls, groynes, break walls or the like would be required or approved to address erosion problems associated with private properties.

3. The design and construction standards must comply with Council’s *Foreshore Stabilisation and Rehabilitation Guidelines*.

4. The domestic foreshore stabilisation treatment must be located wholly within private land above the DHWM, except in locations where foreshore stabilisation treatment limit lines have been approved.