



C4- Foreshore Locality Controls

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C4 - Foreshore Locality Controls

I. Sans Souci

Rocky Point Road to Wellington St



Figure 1. Locality 1: Sans Souci

Foreshore Building Line:
Between 7.6m - 23m.
Refer to Kogarah LEP 2012 FBL map

Development Setting: Urban

C4 – Foreshore Locality Controls

1.1 Existing Character

This locality is at the eastern extremity of Kogarah where the Georges River Estuary flows into Botany Bay under Captain Cook Bridge.

The flat landform of the area is generally unmodified, although the addition of concrete sea walls in parts of the locality has modified the foreshore.

The locality is characterised by a mix of residential development, public recreation areas, commercial marina and waterside facilities, including the Water Police and associated uses.

1.2 Views, Vistas and Landmarks

The main landmarks are the two bridges, being Tom Ugly's Bridge and Captain Cook Bridge, which dominate the visual character of the area.

1.3 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Seagrasses
- Rock shelves and scattered rock
- Tidal Public Foreshore Access
- Fish breeding/feeding ground

An ecological study may be required to be submitted with any application for development below MHWL.

Landscape

Little native vegetation remains. Existing landscape comprises mown grassed areas and exotic plantings.

This locality is also identified as a Habitat Reinforcement Area on Council's Green Web map.

C4 – Foreshore Locality Controls**1.4 Built Environment****Dwellings**

The existing dwellings in this locality are of a character and scale that relate to the landform. Extensive manipulation of the sites has not occurred and the original landform is generally intact.

There are no specific design controls for dwellings in this locality.

Ancillary Structures

This section of the foreshore is dominated by the St George Motor Boat Club and associated marina. Otherwise, private foreshore and water structures are minimal.

There are specific restrictions relating to ancillary structures and waterfront structures in this locality.

1.5 Heritage**Cultural Heritage**

Schedule 5 of Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this locality, there are no properties listed as heritage items.

Aboriginal Heritage

There is no evidence of Aboriginal archaeological sites located in this Locality.

1.6 Mapping Areas

This locality consists of one area. This area is consistent with the Department of Conservation and Land Management's Assessment of Crown Land at Georges River (Northern Shore).

This area is shown in the following map. You should locate your property and refer to the specific controls that apply.



Figure 2: Locality 1(a)

1.7 Water and Land Interface Development

Objectives

Improve the scenic quality of the foreshore by:

- (a) Maintaining and protecting existing native vegetation close to the water's edge and below the foreshore building line.
- (b) Retaining and protecting the natural landform.
- (c) Encouraging suitable landscaping below the foreshore building line.
- (d) Ensuring that any development close to the water's edge is suitably designed and treated to minimise its impact when viewed from the water.

Performance Criteria and Design Solutions

Development between MHWM and the FBL

- (1) The following table indicates the type of development: "permitted", "restricted" and "permitted, subject to specific controls" between Mean High Water Mark (MHWM) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	I (a)	Additional Comments/ controls
Development between MHW and FBL		
Boatsheds (single storey)	✓	The design and siting is to be in accordance with the controls in Part C3 Section 6.5.
Fencing (open form)	✓	<ul style="list-style-type: none"> Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.
Inclinators	✓	Inclinators are to be designed and sited in accordance with Part C3 Section 6.9.
Jetties and ramps	✗	<p>Jetties and ramps are restricted in this area for the following reasons:</p> <ul style="list-style-type: none"> Difficult to achieve depth of water and comply with the maximum length requirements To retain and encourage tidal foreshore access To protect and preserve the existing marine environment, which includes seagrass vegetation and fish breeding/fish feeding grounds.
Landscaping	✓	This Locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B2 apply.
Retaining walls	✓	<p>In addition to the controls contained in Part C1 Section 4.2, the following additional controls apply:</p> <ul style="list-style-type: none"> Where retaining walls face the foreshore they are to be constructed of coarse, rock faced stone or a stone facing and are to be no higher than 600mm above natural or existing ground level. Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.
Seawalls	○	Due to the flat nature of the land in this locality, Council may consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works. In these circumstances, the provisions of Part C3 Section 6.7 apply.



C4 – Foreshore Locality Controls

Locality	I (a)	Additional Comments/ controls
Development between MHW and FBL		
Sliprails	✓	Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation. Council will not support any application for a slipway which does not conform to natural foreshore levels and significantly obstructs practical public access along the foreshore. In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3, Section 6.4 for specific provisions.
Stairs	✓	Refer to Part C3 Section 6.9 for specific provisions
Swimming pools and spa pools	✓	Refer to Part C3 Section 6.6 for specific controls.

KEY ✕ - restricted ✓ - permitted ○ - permitted subject to specific controls

I.8 Water Based Development

Objectives

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain and encourage tidal public foreshore access.
- (c) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria and Design Solution

Development below MHW

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHW):

**C4 – Foreshore Locality Controls**

Locality	I (a)	Additional Comments/ controls
Development below MHWM		
Boatsheds (single storey)	✘	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWM.</p> <p>However, in certain circumstances, it may be more appropriate to site a boatshed below MHWM, particularly in areas where there may be an existing boatshed and its relocation to above MHWM will necessitate the removal of vegetation and disruption to the natural landform.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain, provided the occupation complies with the requirements of the Department of Lands, the NSW Department of Primary Industries and the requirements and objectives of this DCP.</p>
Jetties and ramps	✘	<p>Jetties and ramps are restricted in this area for the following reasons:</p> <ul style="list-style-type: none"> • Difficult to achieve depth of water and comply with the maximum length requirements • To retain and encourage tidal foreshore access • To protect and preserve the existing marine environment, which includes seagrass vegetation and fish breeding/fish feeding grounds.
Sliprails	○	<p>Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a slipway which does not conform to natural foreshore levels and significantly obstructs practical public access along the foreshore.</p> <p>In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.</p>



C4 – Foreshore Locality Controls

Locality	I (a)	Additional Comments/ controls
Development below MHWMM		
Stabilisation piles	✘	Stabilisation piles are only permitted in association with a jetty, ramp and pontoon structure. Council will not permit stabilisation piles where jetty, ramp and pontoon structures are restricted.
Swimming enclosures	✘	Swimming enclosures are restricted in these areas for the following reasons: <ul style="list-style-type: none">• To retain and encourage tidal public foreshore access.• To protect and preserve the existing marine environment, which includes seagrass vegetation and fish breeding/fish feeding grounds. The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHWMM.

KEY ✘ - restricted ✓ - permitted ○ - permitted subject to specific controls

2. Kogarah Bay

Wellington Street to Torwood Street

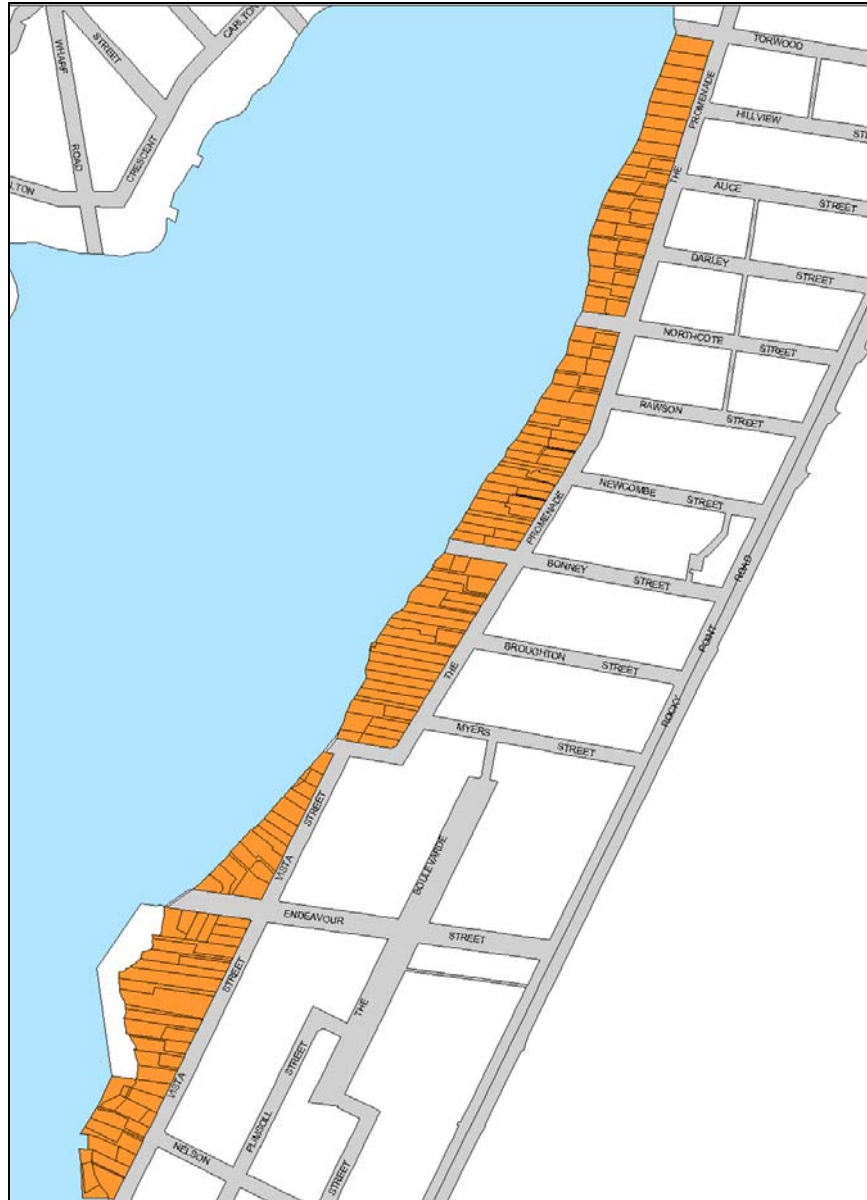


Figure 3. Locality 2: Kogarah Bay

Foreshore Building Line:

Between 7.6m - 45m

Refer to Kogarah LEP 2012 FBL map.

Development Setting: Urban

2.1 Existing Character

Kogarah Bay is the largest bay along the Georges River in the City of Kogarah.

The eastern side of the Bay is characterised by dense residential development, usually to the water's edge. The topography is flat and development along the frontage dominates the view.

In this section of the foreshore, public access to the foreshore is available from Len Reynolds Reserve (at Vista Street and The Promenade), Bonney Street and Endeavour Street Wharf and Northcote Reserve (at the end of Northcote Street). These areas provide both boat and pedestrian access to the foreshore as well as recreational facilities. Vegetation in this locality comprises of some remnant plantings within private land and garden planting.

2.2 Views, Vistas and Landmarks

The eastern side of Kogarah Bay provides views across a wide expanse of water to an area of similar character, albeit on more sloping topography on the western side of the Bay.

This view towards the western side of Kogarah Bay also includes the bushland and parkland character of Carss Park and its associated playing fields.

There are no significant landmarks in the area, although bushland in Carss Park and distant views of Tom Ugly's Bridge provide some visual variation.

C4 – Foreshore Locality Controls

2.3 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Seagrasses
- Tidal Beach
- Tidal Public Foreshore Access
- Fish breeding/feeding ground

An ecological study may be required to be submitted with any application for development below MHWL.

Landscape

Fragments of natural vegetation remain within private property and apart from a small number of individual native trees there is little evidence of natural shoreline elements.

This locality is identified as a Habitat Reinforcement Area on Council's Green Web map.

2.4 Built Environment

Dwellings

In this section of the waterway, buildings dominate the views from the water.

As the landform in this section of the waterway is relatively flat and the foreshore building line is set at 7.6m, larger dwellings are built close to the water's edge and in some cases appear as three storeys when viewed from the water. The use of inappropriate colours on roofs and walls, and the lack of landscaping also increase the visual impact of the built form, when viewed from the water.

Some of the larger sites in the locality may have the potential to be subdivided. This may result in the removal of the remaining remnant vegetation, close to the shoreline.

There are specific restrictions relating to dwellings and subdivision in this locality.

C4 – Foreshore Locality Controls**Ancillary Structures**

A large number of ancillary structures, including private watercraft facilities, of varying size and quality are visible within the foreshore area between Wellington Street and Vista Street.

In the section between The Promenade and Torwood Street, there are also a large number of ancillary structures, however the number of watercraft facilities is minimal.

There are specific restrictions relating to waterfront structures in this locality.

2.5 Heritage**Cultural Heritage**

Schedule 5 of Kogarah LEP 2012 identifies heritage items in Kogarah City.

In this Locality, the following properties are listed as heritage items:

Address	Item Name	Description of Item
133-135 The Promenade, Sans Souci		House and Garden
169 The Promenade, Sans Souci	"Cuzco"	House and Garden
17 Vista Street, Sans Souci	"Palmyra"	House
23 Vista Street, Sans Souci	"Ellesmere"	House and Garden
67 Vista Street, Sans Souci	"St Kilda House"	House and Garden

Prior to the preparation of a development application, you should check to ensure that your property is not heritage listed or is a site adjacent to a heritage item.

Aboriginal Heritage

There is no evidence of Aboriginal archaeological sites located in this Locality.

C4 – Foreshore Locality Controls**2.6 Mapping Areas**

This locality consists of two (2) smaller areas. These areas are consistent with the Department of Conservation and Land Management's Assessment of Crown Land at Georges River (Northern Shore).

Each of the areas is shown in the following maps. You should locate your property and refer to the specific controls that apply to each mapped area.

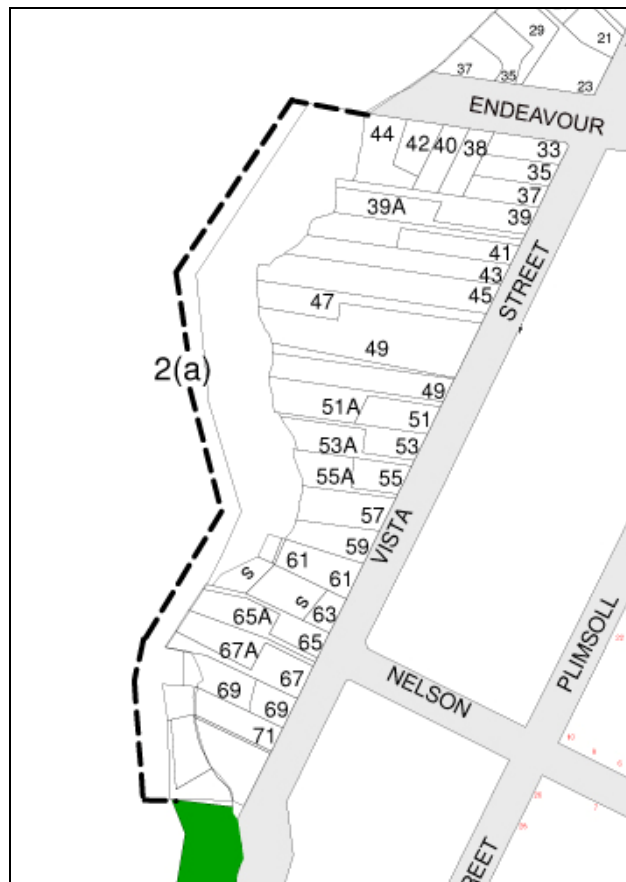


Figure 4. Locality 2(a)

C4 – Foreshore Locality Controls

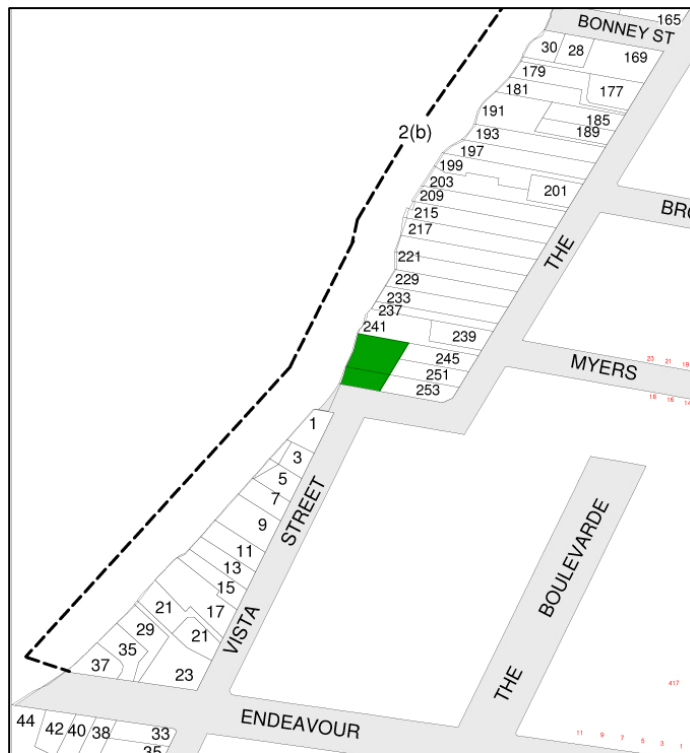


Figure 5. Locality 2(b)

C4 – Foreshore Locality Controls

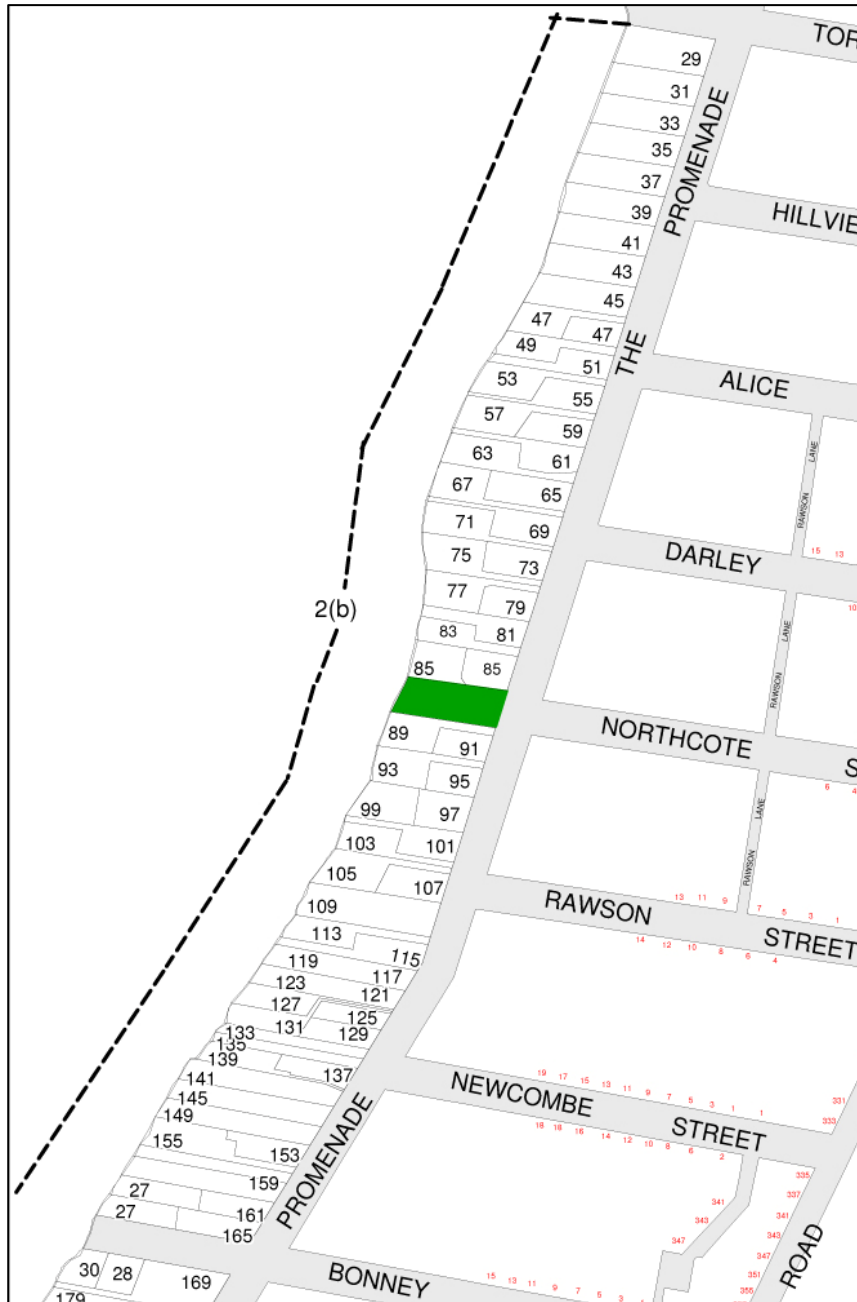


Figure 6. Locality 2(b)

2.7 Land-Water Interface Development

Objectives

Improve the scenic quality of the foreshore by:

- (a) Retaining and protecting the natural landform
- (b) Maintaining and protecting any existing native vegetation and landscaping close to the water's edge and below the foreshore building line.
- (c) Encouraging suitable landscaping below the foreshore building line.
- (d) Ensuring that any development close to the water's edge is suitably treated to minimise its impact when viewed from the water.

Performance Criteria and Design Solution

Development between MHW M and the FBL

- I. The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHW M) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	2(a)	2(b)	Additional comments/ controls
Development between MHWM and FBL			
Boatsheds (single storey)	✓	✓	The design and siting is to be in accordance with the controls in Part C3 Section 6.5.
Fencing (open form)	✓	✓	<ul style="list-style-type: none"> Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.
Inclinators	✓	✓	Inclinators are to be designed and sited in accordance with Part C3 Section 6.9.
Jetties and ramps	✓	✗	<p>Jetties and ramps are restricted in Area 2(b) for the following reasons:</p> <ul style="list-style-type: none"> Difficult to achieve depth of water and comply with the maximum length requirements To retain and encourage tidal foreshore access To protect and preserve the existing marine environment, which may include seagrass vegetation and fish breeding/fish feeding grounds. Further documentation may need to be submitted in this regard. <p>In Area 2(a), jetties and ramps are permitted and are to comply with requirements of Part C3 Section 6.2. Council will also encourage that, where possible, these be shared structures so as to ensure that the scenic quality of the foreshore is maintained.</p>
Landscaping	○	○	<p>This Locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B2 apply.</p> <p>The following controls are in addition to those contained in Part B2 and Part C3 Section 6.10:</p> <p>In this section of the foreshore, landscaped areas below the FBL should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. Turf should be limited in this area. Details of planting are to be indicated on any landscape plan submitted to Council.</p>

KEY ✗ - restricted ✓ - permitted ○ - permitted subject to specific controls

**C4 – Foreshore Locality Controls**

Locality	2(a)	2(b)	Additional comments/ controls
Development between MHWMM and FBL			
Retaining walls	✓	✓	<p>In addition to the controls contained in Part C1 Section 4.2, the following additional controls apply:</p> <ul style="list-style-type: none"> • The natural landform is to be retained and the use of retaining walls and terracing is discouraged. • Where retaining walls face the foreshore they are to be constructed of coarse, rock faced stone or a stone facing and are to be no higher than 600mm above natural or existing ground level. • Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.
Seawalls	○	○	Due to the flat nature of the land in this locality, Council may consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works. In these circumstances, the provisions of Part C3 Section 6.7 apply.
Sliprails	✓	✓	<p>Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a sliprail which does not conform to natural foreshore levels and significantly obstructs practical public access along the foreshore.</p> <p>In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.</p>
Stairs	✓	✓	Refer to Part C3 Section 6.9 for specific provisions.
Swimming pools and spa pools	✓	✓	Refer to Section C3 Section 6.6 for specific controls.

KEY ✕ - restricted ✓ - permitted ○ - permitted subject to specific controls

C4 – Foreshore Locality Controls**2.8 Water Based Development****Objectives**

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain the natural landform of sites.
- (c) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners.
- (d) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria and Design SolutionDevelopment below MHW

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHW):

**C4 – Foreshore Locality Controls**

Locality	2(a)	2(b)	Additional comments/ controls
Development below MHWMM			
Boatshed (single storey)	✘	✘	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWMM.</p> <p>However, in certain circumstances, it may be more appropriate to site the boatshed below MHWMM, particularly in areas where there may be an existing boatshed and its relocation to above MHWMM will necessitate the removal of vegetation and disruption to the natural landform.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands, the NSW Department of Primary Industries and the requirements and objectives of this DCP.</p>
Jetties, ramps and pontoons	✓	✘	<p>Jetties and ramps are restricted in Locality 2(b) for the following reasons:</p> <ul style="list-style-type: none"> • Difficult to achieve depth of water and comply with the maximum length requirements • To retain and encourage tidal foreshore access • To protect and preserve the existing marine environment, which may include seagrass vegetation and fish breeding/ fish feeding grounds. <p>In Area 2(a), where jetties, ramps and pontoons are permitted, the structure may have an overall length in excess of 15m due to the tidal nature of Kogarah Bay.</p> <p>However, such facilities will not be permitted to protrude further into the Bay than a line joining the end of the adjacent authorised private structure on each side or sufficient to provide a depth of 2.2m at a berthing point at mean high water mark, whichever is the lesser distance. In such cases, Council will require hydrological data prepared by a registered surveyor to be submitted with the Development Application.</p> <p>In Area 2(a), Council encourages that where possible, jetties, ramps and pontoons be shared structures so as to minimise the proliferation of structures and ensure that the scenic quality of the bay is maintained.</p> <p>Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and having an additional private watercraft facility will not compromise the above objectives.</p>



C4 – Foreshore Locality Controls

Locality	2(a)	2(b)	Additional comments/ controls
Development below MHWM			
Sliprails	✓	✓	Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation. Council will not support any application for a sliprail which does not conform to natural foreshore levels and necessitates the removal of natural vegetation and sandstone rock shelves and outcrops. In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.
Stabilisation piles	✓	✗	Council may consider a maximum of two (2) freestanding end piles in Area 2(a) as the area is subject to moderate wave exposure. Stabilisation piles will only be permitted in association with a jetty, ramp and pontoon structure and where piles are permitted, no vessel is to be berthed permanently.
Swimming enclosures	✗	✗	Swimming enclosures are restricted in these areas for the following reasons: <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access. • To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds <p>The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHWM.</p>

KEY ✗ - restricted ✓ - permitted ○ - permitted subject to specific controls

C4 – Foreshore Locality Controls

2.9 Land Based Development

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL).

This section should be read in conjunction with other sections of this DCP, however where there is an inconsistency, the requirements of this section apply.

Objectives

- (a) Minimise the level of reflectivity for facades facing the foreshore.
- (b) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.
- (c) Minimise the visual impact of dwellings and retaining walls, when viewed from the water.

Performance Criteria and Design Solution

Land based development above the FBL

The following controls apply to land based development above the FBL and are in addition to any other controls contained within this DCP:

- (1) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.
- (2) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.
- (3) Buildings fronting 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.

C4 – Foreshore Locality Controls

- (4) Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:
 - (i) awnings or other features over windows;
 - (ii) recessing or projecting architectural elements; or
 - (iii) open, deep verandas.

2.10 Subdivision

Objectives

- (a) Protect, where possible, the natural features of the site, including the natural landform, tree canopy and remnant native vegetation.
- (b) Ensure that any future development on newly created allotments is consistent with the built form objectives for this Locality.

Performance Criteria and Design Solution

- (1) Land subdivision of properties fronting the foreshore should be designed to ensure that:
 - (i) all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area; and
 - (ii) the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) is consistent with the overall objectives of the locality.
- (2) In this regard, a comprehensive site analysis is to be submitted with all applications for land subdivision within this locality.

C4 – Foreshore Locality Controls

- (3) This analysis should take into account the final development which will occur on the site as a result of the subdivision and should address the following issues, where applicable:
- (i) the slope, topography and any natural features on the site;
 - (ii) trees and remnant native vegetation (particularly trees that form part of a continuous vegetation corridor);
 - (iii) view lines from within the proposed lot/s and from adjoining properties;
 - (iv) the visual impact of built development which will occur as a result of the subdivision process and its impact when viewed from the waterway; and
 - (v) the provision of landscaping, particularly along the foreshore.
- (4) In order to address these issues, the subdivision application must nominate a building envelope for each proposed lot within which any future building is to be contained. This building envelope should take into account the issues identified in the site analysis.

3. Kogarah Bay (North West)

Claydon Reserve to Carss Park between
Ramsgate Road and Parkside Drive



Figure 7. Locality 3: Kogarah Bay (North West)

Foreshore Building Line:

7.6m

Refer to Kogarah LEP 2012 FBL map.

Development Setting: Urban

Existing Character

Kogarah Bay is the largest bay along the Georges River in the City of Kogarah. This side of the Bay is characterised by dense residential development, usually to the water's edge.

The topography on the western side is slightly steeper than the eastern side but with similar built form. Due to the topography of the land, newer residential development generally appears as three storeys from the water. Vegetation generally comprises of remnant native vegetation and mown lawns and garden beds.

Water based development is generally limited in this locality due to the tidal nature of the Bay.

3.1 Views, Vistas and Landmarks

From this locality, views are available across Kogarah Bay to the east and south east to areas with a high level of built form and waterside ancillary development. There are no significant landmarks in the area.

3.2 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Seagrasses
- Tidal Beach
- Tidal Public Foreshore Access
- Fish breeding/feeding ground

An ecological study may be required to be submitted with an application for development below MHWM.

Landscape

Fragments of natural vegetation remain within private property and apart from a small number of individual native trees there is little evidence of natural shoreline elements.

This locality is identified as a Habitat Reinforcement Area on Council's Green Web map.

C4 – Foreshore Locality Controls

3.3 Built Environment

Dwellings

Large dwellings, some of which appear as three storey development, dominate views from the water. Due to the generally low-lying nature of the land in this locality, some dwellings appear more prominent because of the use of inappropriate colours on roofs and walls.

In most cases, much of the site has been cleared of any remnant native vegetation, making the visual intrusion of the development more prominent from the water.

There are specific controls for dwellings in this locality.

Ancillary Structures

A moderate number of ancillary structures are visible in the foreshore area. These mainly comprise of boatsheds, swimming pool walls and seawalls, some of which are in poor condition, and which detract from the visual quality of the waterway.

Private foreshore and water structures in this Locality are minimal due to the tidal nature of the Bay and the length of structures required to meet minimum depth of water.

There are specific restrictions relating to waterfront structures in this Locality.

3.4 Heritage

Cultural Heritage

Schedule 5 of Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this Locality, the following property is listed as a heritage item:

Address	Item Name	Description of Item
Lot 21, 28 Carlton Crescent, Kogarah Bay	"Bayview"	House and front garden

Prior to the preparation of a development application, you should check to ensure that your property is not heritage listed or is a site adjacent to a heritage item.

Aboriginal Heritage

There is no evidence of Aboriginal archaeological sites located in this Locality.

C4 – Foreshore Locality Controls

3.5 Mapping Areas

This locality consists of one area. This area is consistent with the Department of Conservation and Land Management's Assessment of Crown Land at Georges River (Northern Shore).

The area to which this locality applies is shown on the following map. You should locate your property and refer to the specific controls that apply.

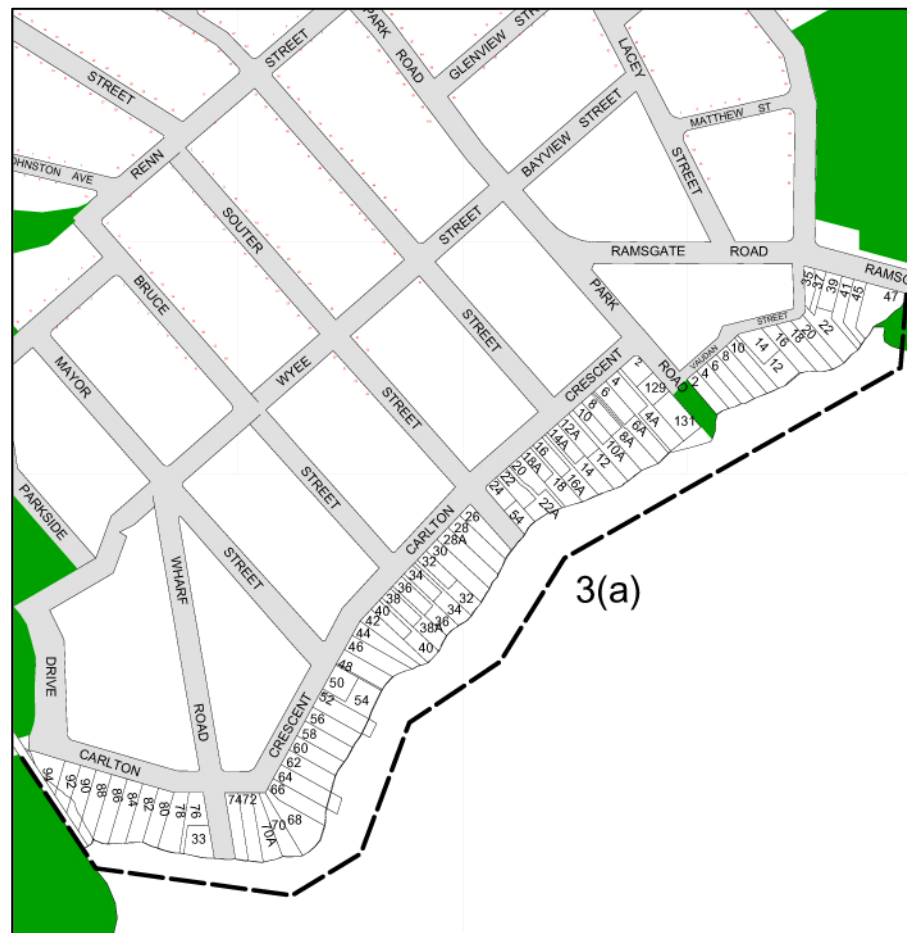


Figure 8. Locality 3(a)

3.6 Water and Land Interface Development

Objectives

Improve the scenic quality of the foreshore by:

- (a) Retaining the natural landform of sites.
- (b) Maintaining and protecting any native vegetation and landscaping close to the water's edge
- (c) Encouraging suitable landscaping below the foreshore building line.
- (d) Ensuring that any development close to the water's edge is suitably treated to minimise its impact when viewed from the water.

Performance Criteria and Design Solution

Development between MHWM and the FBL

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHWM) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	3(a)	Additional comments/controls
Development between MHWM and FBL		
Boatsheds (single storey)	✓	The design and siting is to be in accordance with the controls in Part C3 Section 6.5.
Fencing (open space)	✓	<ul style="list-style-type: none"> ▪ Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. ▪ Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.
Inclinators	✓	Inclinators are to be designed and sited in accordance with Part C3 Section 6.9.
Jetties and ramps	✗	<p>Jetties and ramps are restricted in Locality 3(a) for the following reasons:</p> <ul style="list-style-type: none"> ▪ Difficult to achieve depth of water and comply with the maximum length requirements ▪ To retain and encourage tidal foreshore access ▪ To protect and preserve the existing marine environment, which may include seagrass vegetation and fish breeding/fish feeding grounds. Further documentation may need to be submitted in this regard. <p>In area 3(a), jetties and ramps are permitted and are to comply with requirements of Part C3 Section 6.2. Council will also encourage that, where possible, these be shared structures so as to ensure that the scenic quality of the foreshore is maintained.</p>
Landscaping	○	<p>This Locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B2 apply.</p> <p>The following controls are in addition to those contained in Part C1 Section 1.3 Open Space and Part C3 Section 6.10:</p> <p>In this section of the foreshore, landscaped areas below the FBL should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. Turf should be limited in this area. Details of planting are to be indicated on any landscape plan submitted to Council.</p>
Retaining Walls	✓	<p>In addition to the controls contained in Part C1 Section 4.2, the following additional controls apply:</p> <ul style="list-style-type: none"> ▪ The natural landform is to be retained and the use of retaining walls and terracing is discouraged. ▪ Where retaining walls face the foreshore they are to be constructed of coarse, rock faced stone or a stone facing and are to be no higher than 600mm above natural or existing ground level. ▪ Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.

C4 – Foreshore Locality Controls

Locality	3(a)	Additional comments/controls
Development between MHW and FBL		
Seawalls	○	Due to the flat nature of the land in this locality, Council may consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works. In these circumstances, the provisions of Part C3 Section 6.7 apply.
Sliprails	✓	Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation. Council will not support any application for a slipway which does not conform to natural foreshore levels, significantly obstructs practical public access along the foreshore or necessitates the removal of estuarine vegetation and sandstone rock shelves and scattered rock. In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.
Stairs	✓	Refer to Part C3 Section 6.9 for specific provisions
Swimming pools and spa pools	✓	Refer to Part C3 Section 6.6 for specific controls.

KEY ✕ - restricted ✓ - permitted ○ - permitted subject to specific controls

C4 – Foreshore Locality Controls**3.7 Water Based Development****Objectives**

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain and encourage public tidal foreshore access
- (c) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners
- (d) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway

Performance Criteria and Design SolutionDevelopment below MHW

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHW):

**C4 – Foreshore Locality Controls**

Locality	3(a)	Additional comments/controls
Development below MHWM		
Boatsheds (single storey)	○	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWM.</p> <p>However, in certain circumstances, it may be more appropriate to site a boatshed below MHWM, particularly in areas where there may be an existing boatshed and its relocation to above MHWM will necessitate the removal of vegetation and disruption to the natural landform.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands, the NSW Department of Primary Industries and the requirements and objectives of this DCP.</p>
Jetties, ramps and pontoons	✘	<p>Jetties and ramps are restricted in this Locality for the following reasons:</p> <ul style="list-style-type: none"> • Difficult to achieve depth of water and comply with the maximum length requirements • To retain and encourage tidal foreshore access <p>To protect and preserve the existing marine environment, which may include seagrass vegetation and fish breeding/fish feeding grounds.</p> <ul style="list-style-type: none"> • To retain and protect any mud/sand flats and scattered rock.
Sliprails	✘	<p>Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/ seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a slipway which does not conform to natural foreshore levels and necessitates the removal of natural vegetation and sandstone rock shelves and outcrops.</p> <p>In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.</p>



C4 – Foreshore Locality Controls

Locality	3(a)	Additional comments/controls
Development below MHWM		
Stabilisation piles	✘	Stabilisation piles will only be permitted in association with a jetty, ramp and pontoon structure. Council will not permit stabilisation piles where jetty, ramp and pontoon structures are restricted.
Swimming Enclosures	✘	Swimming enclosures are restricted in this Locality for the following reasons: <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access. • To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds <p>The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHWM.</p>

KEY ✘ - restricted ✓ - permitted ○ - permitted subject to specific controls

3.8 Land Based Development

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL).

This Section should be read in conjunction with other sections of the DCP, however where there is an inconsistency, the requirements of this Section apply.

Objectives

- (a) Minimise the level of reflectivity for facades facing the foreshore.
- (b) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.

Performance Criteria and Design Solution

Land based development above the FBL.

- (l) The following controls apply to land based development above the FBL and are in addition to any other controls contained within this DCP:
 - (i) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%/50%.
 - (ii) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.

4. Carss Park

Carss Park to Shipwrights Bay

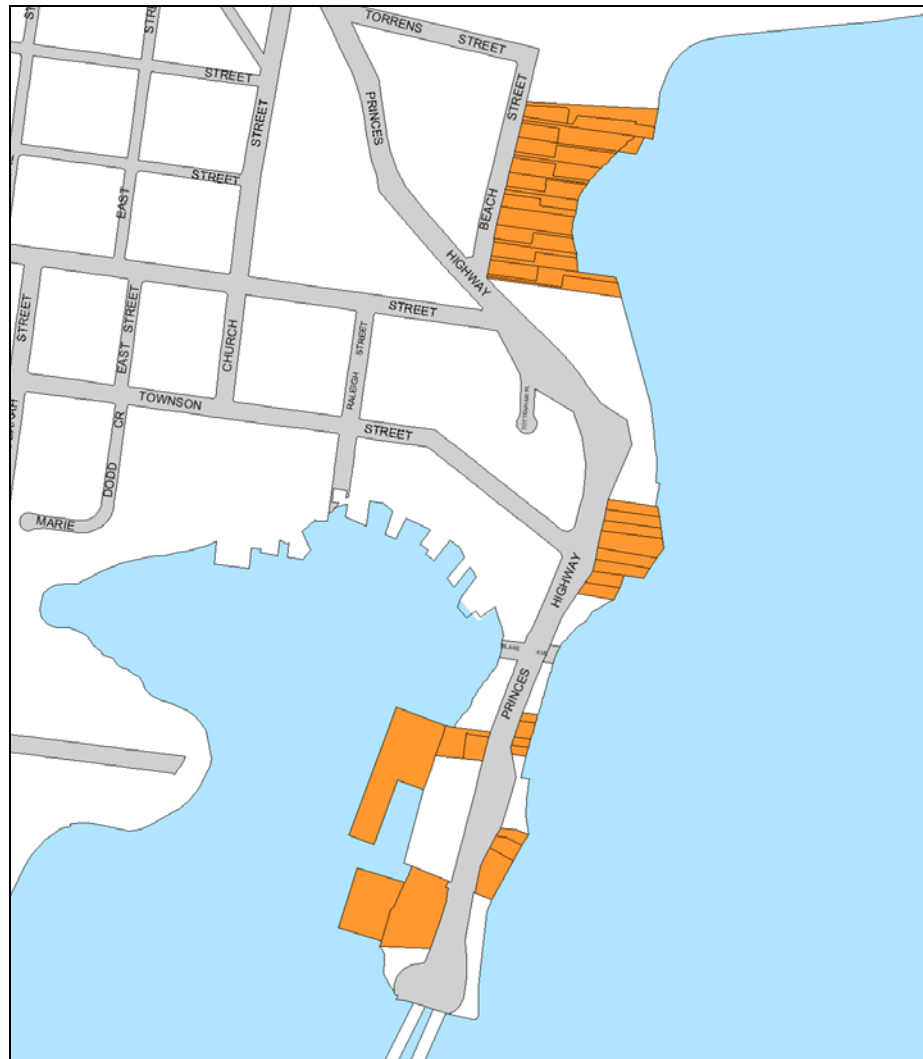


Figure 9. Locality 4: Carss Park to Shipwrights Bay

Foreshore Building Lines

7.6m, 12m, 15m, 24m, 30m and 45m
Refer to Kogarah LEP 2012 FBL map

Development Setting:

Urban/ Semi-urban

4.1 Existing Character

Dominated by the Princes Highway and the approach to Tom Ugly's Bridge along a narrow peninsula (Tom Ugly's Point), this locality signals the start of the sandstone cliffs along the bays and promontories, which characterise a considerable length of the Georges River foreshore.

The locality includes a number of public reserves including public boat ramps and the Kogarah Bay Sailing Club. Blakehurst Marina is also located on the western side of the peninsula, on the eastern side of Shipwrights Bay.

Due to the tidal nature of Kogarah Bay, water based development is limited on the eastern side of the peninsula. There are significantly more waterfront structures on the western side of the peninsula, including the private marina (part of the Sea Breeze Apartments development) and the commercial marina.

4.2 Views, Vistas and Landmarks

Views are available both across the estuary of the Georges River to Captain Cook Bridge and beyond, and to the west from that part of the foreshore to the west of the Princes Highway.

These are different in character ranging from broad expanses of water and major infrastructure (Captain Cook and Tom Ugly's Bridge) to more enclosed views with a higher proportion of natural vegetation along the foreshore. Both contain significant proportions of built form.

Significant landmarks are the Captain Cook Bridge to the east and the sandstone cliffs and vegetated headlands to the west.

4.3 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Seagrasses
- Mud/Sand Flats, Scattered Rock, Rocky Foreshore
- Tidal Public Foreshore Access
- Fish breeding/feeding ground

An ecological study may be required to be submitted with an application for development below MHWL.

Landscape

A significant area of remnant natural vegetation is located in Dover Park, which is situated on the eastern side of Shipwrights Bay and a smaller and more scattered area exists adjacent to the sailing club, on privately owned land.

Otherwise existing vegetation is restricted to small remnants and individual specimens on private property.

The landform has been modified by the introduction of areas of reclamation with their associated seawalls along both sides of the peninsula leading to Tom Ugly's Bridge.

There are areas of isolated vegetation along the foreshore but these are not continuous.

This locality is identified as a Habitat Reinforcement Area on Council's Green Web map.

4.4 Built Environment

Dwellings

The land in this locality generally slopes from the Princes Highway, at the highest point, down to the water and as a result, dwellings generally appear as single storey from the Highway, but when viewed from the water appear as two/three storeys.

This locality contains a mix of dwelling types ranging from two/three storey dwellings, older style three storey walk ups and a newer four/five storey residential flat building development (the Sea Breeze Apartments) and Blakehurst Marina at the southern most point of the City of Kogarah on the former Sea Breeze Hotel site.

The majority of dwellings appear to be built very close to the foreshore. This may be a result of older building footprints and the smaller size of a number of the blocks, some of which are less than 300m².

There are specific controls for dwellings in this locality.

Ancillary

There are relatively few ancillary structures on the eastern side of the peninsula, except for those associated with the recreational facilities including seawalls and boat ramps.

Ancillary structures on the western side are more predominant due to the infrastructure associated with Blakehurst Marina. There are also a number of long private jetties in this section of the waterway.

There are specific restrictions relating to waterfront structures in this locality.

4.5 Heritage

Cultural Heritage

Schedule 5 of the Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this Locality, the following property is listed as a heritage item:

Address	Item Name	Description of Item
Princes Highway, Blakehurst	Georges River (Tom Ugly's) Bridge	Bridge

Prior to the preparation of a development application, you should check to ensure that your property is not heritage listed or is a site adjacent to a heritage item.

Aboriginal Heritage

The NSW National Parks and Wildlife Database indicates that there is evidence of Aboriginal archaeological sites (Middens) located in this Locality. These are situated in Dover Park.

4.6 Mapping Areas

This locality consists of four (4) smaller areas. These areas are consistent with the Department of Conservation and Land Management’s *Assessment of Crown Land at Georges River (Northern Shore)*.

Each of the areas are shown in the following maps. You should locate your property and refer to the specific controls which apply to each mapped area.

Note: The following controls do not apply to the commercial marina at No. 739 Princes Highway.

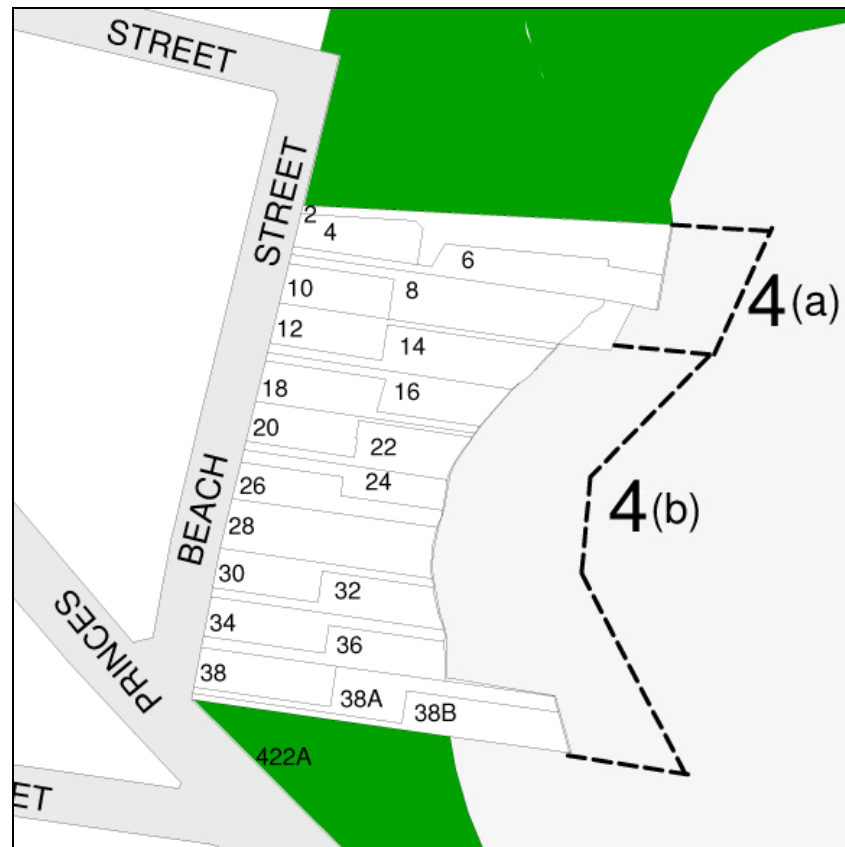


Figure 10. Locality 4(a) and 4(b)

C4 – Foreshore Locality Controls

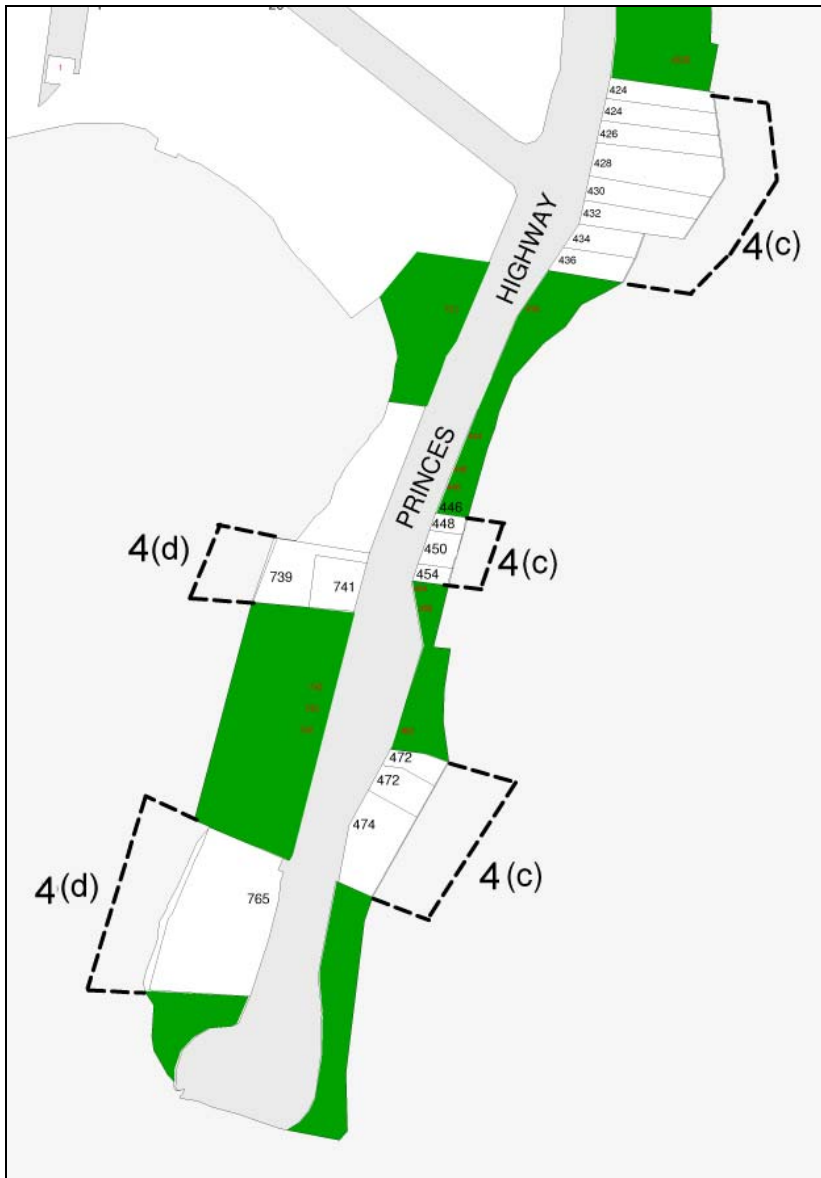


Figure 11. Locality 4(c) and 4(d)

4.7 Land/Water Interface Development

Objectives

Improve the scenic quality of the foreshore by:

- (a) Retaining the natural landform of sites.
- (b) Maintaining and protecting any native vegetation and landscaping close to the water's edge.
- (c) Encouraging suitable landscaping below the foreshore building line.
- (d) Ensuring that any development close to the water's edge is suitably treated to minimise its impact when viewed from the water.

Performance Criteria and Design Solutions

Development between MHWM and the FBL

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHWM) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	4(a)	4(b)	4(c)	4(d)	Additional comments/controls
Development between MHW and FBL					
Boatsheds (single storey)	✓	✓	✓	✓	The design and siting is to be in accordance with the controls in Part C3 Section 6.5.
Fencing (open form)	✓	✓	✓	✓	<ul style="list-style-type: none"> Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.
Inclinators	✓	✓	✓	✓	Inclinators are to be designed and sited in accordance with Part C3 Section 6.9.
Jetties and ramps	✓	✗	✗	✓	<p>Jetties and ramps are restricted in Areas 4(b) and 4(c) for the following reasons:</p> <ul style="list-style-type: none"> Difficult to achieve depth of water and comply with the maximum length requirements. To retain and encourage tidal foreshore access. To protect and preserve the existing marine environment, which may include seagrass vegetation and fish breeding/fish feeding grounds. Further documentation may need to be submitted in this regard. <p>In Locality 4(a) and 4(d), jetties and ramps will only be permitted where they comply with requirements of Part C3 Section 6.2.</p>
Landscaping	✓	✓	✓	✓	This Locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B2 Section 2 apply.
Retaining walls	✓	✓	✓	✓	<p>In addition to the controls contained in Part C1 Section 4.2, the following additional controls apply:</p> <ul style="list-style-type: none"> The natural landform is to be retained and the use of retaining walls and terracing is discouraged. Where retaining walls face the foreshore they are to be constructed of coarse, rock faced stone or a stone facing and are to be no higher than 600mm above natural or existing ground level. Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.

**C4 – Foreshore Locality Controls**

Locality	4(a)	4(b)	4(c)	4(d)	Additional comments/controls
Development between MHW and FBL					
Seawalls	○	○	○	○	Due to the flat nature of the land in this locality, Council may consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works. In these circumstances, the provisions of Part C3 Section 6.7 apply.
Sliprails	✓	✓	✓	✓	Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation. Council will not support any application for a slipway which does not conform to natural foreshore levels, significantly obstructs practical public access along the foreshore or necessitates the removal of estuarine vegetation and sandstone rock shelves and scattered rock. In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.
Stairs	✓	✓	✓	✓	Refer to Part C3 Section 6.9 for specific provisions.
Swimming pools and spa pools	✓	✓	✓	✓	Refer to Part C3 Section 6.6 for specific controls.

KEY

✘ - restricted

✓ - permitted

○ - permitted subject to specific controls

C4 – Foreshore Locality Controls

4.8 Water Based Development

Objectives

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain and encourage tidal public foreshore access.
- (c) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners.
- (d) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria and Design Solutions

Development below MHWM

- (l) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHWM):

**C4 – Foreshore Locality Controls**

Locality	4(a)	4(b)	4(c)	4(d)	Additional comments/controls
Development below MHWM					
Boatsheds (single storey)	✗	✗	✗	✗	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWM.</p> <p>However, in certain circumstances, it may be more appropriate to site a boatshed below MHWM, particularly in areas where there may be an existing boatshed and its relocation to above MHWM will necessitate the removal of vegetation and disruption to the natural landform.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands, the NSW Department of Primary Industries and the requirements and objectives of this DCP.</p>
Jetties, ramps and pontoons	✓	✗	✗	✓	<p>Jetties and ramps are restricted in Areas 4(b) and 4(c) for the following reasons:</p> <ul style="list-style-type: none"> • Difficult to achieve depth of water and comply with the maximum length requirements • To retain and encourage tidal foreshore access • To protect and preserve the existing marine environment, which may include seagrass vegetation and fish breeding/fish feeding grounds. <p>In areas where jetties, ramps and pontoons are permitted, the total overall length of the jetty and ramp structure must not exceed 15m and must reach useable water (600mm depth at 00 low tide or -1.53AHD).</p> <p>Council encourages in Locality 4(a) and 4(d), that where possible jetties, ramps and pontoons be shared structures so as to minimise the proliferation of structures and ensure that the scenic quality of the bay is maintained.</p> <p>Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council that a shared facility is not appropriate and having an additional private watercraft facility would not compromise the above objectives.</p>

**C4 – Foreshore Locality Controls**

Locality	4(a)	4(b)	4(c)	4(d)	Additional comments/controls
Development below MHWM					
Sliprails	✓	✓	✓	✓	<p>Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a slipway which does not conform to natural foreshore levels and necessitates the removal of natural vegetation and sandstone rock shelves and outcrops.</p> <p>In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.</p>
Stabilisation piles	✓	✗	✗	✗	<p>The Lands Inventory Sheet from Department of Lands indicates that area 4(a) is subject to moderate wave exposure. In this regard, Council may consider a maximum of two (2) end piles to stabilise a jetty or pontoon, where it is considered that they are required. The piles must be constructed in accordance with Part C3 Section 6.3.</p> <p>Where piles are permitted, no vessel is to be berthed permanently.</p>
Swimming Enclosures	✗	✗	✗	✗	<p>Swimming enclosures are restricted in these areas for the following reasons:</p> <ul style="list-style-type: none"> ▪ To retain and encourage tidal foreshore access. ▪ To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds ▪ The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHWM.

KEY ✗ - restricted ✓ - permitted ○ - permitted subject to specific controls

C4 – Foreshore Locality Controls

4.9 Land Based Development

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL).

This section should be read in conjunction with other sections of this DCP, however where there is an inconsistency, the requirements of this section apply.

Objectives

- (a) Site dwellings to minimise the loss of significant trees, remnant native vegetation and the sandstone landscape.
- (b) Design dwellings to minimise disturbance to the natural landform.
- (c) Minimise the level of reflectivity for facades facing the foreshore.
- (d) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.
- (e) Site swimming pools and ancillary development to minimise the impact on the landform and preserve existing trees.
- (f) Minimise the visual impact of retaining walls, when viewed from the water.

The following controls apply to land based development above the FBL and are in addition to any other controls contained within this DCP:

Performance Criteria and Design Solution

- (I) Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation and the natural landform is highly recommended. In this regard, Council may consider variations to setback and height requirements to retain existing ridgeline vegetation, particularly where it provides a backdrop to the waterway, but only where it can be demonstrated that the variations:
 - (i) do not increase the visual impact of the dwelling when viewed from the water;
 - (ii) still achieve a built form that is in scale and proportion with the site and adjoining development; and
 - (iii) the overall development complies with the floorspace requirements as contained in Part C I Section 1.2.1.

C4 – Foreshore Locality Controls

- (2) On sites where the slope exceeds 1:8 (12.5%), dwellings should not have the appearance from any elevation of being more than three levels from the water. Such developments should be stepped, with the bulk of the development setback as far from the water as possible
- (3) The maximum number of storeys at any point is two (2). However, in certain circumstances, Council may permit a variation to this requirement where the design of the dwelling results in a reduced building footprint and site coverage and results in the following:
 - (i) Preservation of topographic features of the site, including rock shelves and cliff faces;
 - (ii) Retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water; and
 - (iii) Minimised site disturbance through cutting and/or filling of the site (Refer to Figure 12-14).

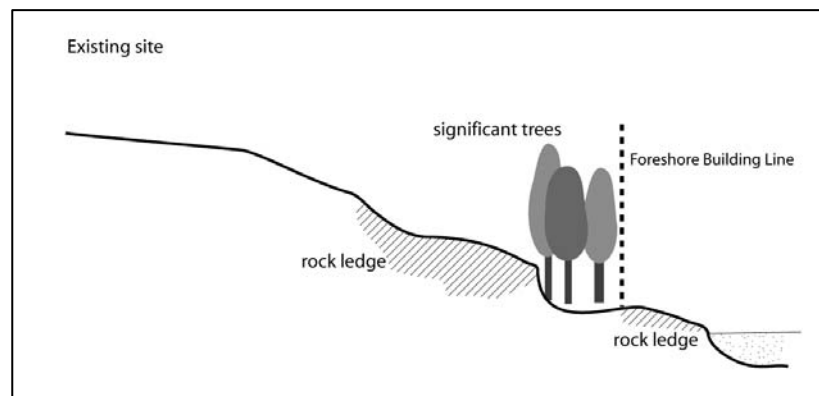


Figure 12: Existing site features should be retained where possible.

C4 – Foreshore Locality Controls

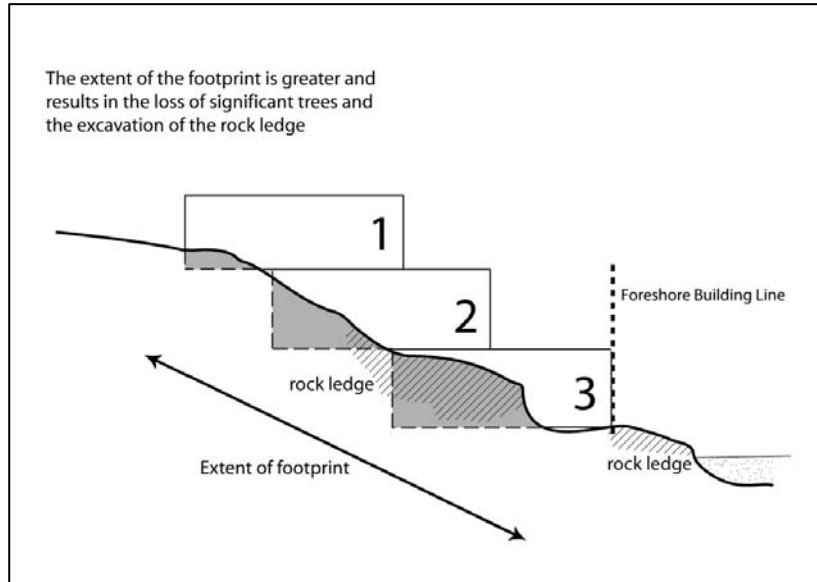


Figure 13: Proposed 3 Storey Development – Greater Footprint

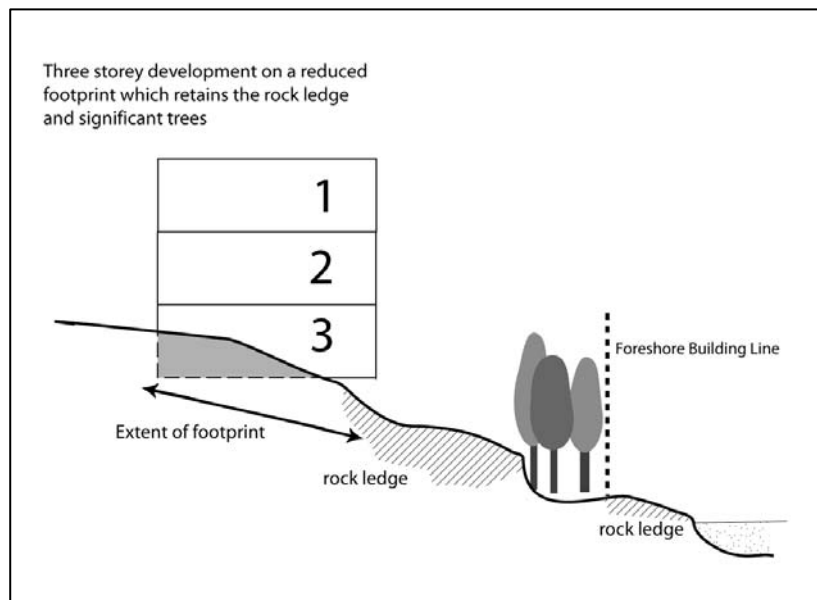


Figure 14: Proposed 3 Storey Development – Reduced Footprint

C4 – Foreshore Locality Controls

- (4) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.
- (5) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.
- (6) Swimming pools and surrounds should be sited in an area that minimises the removal of trees and limits impact on the natural landform features (rock shelves and platforms).
- (7) On steeper slopes, preference is given to the use of stable rock ledges and escarpments, as opposed to retaining walls. In circumstances where it is appropriate, a landscape batter is preferable to retaining walls.
- (8) Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.
- (9) Where there is a strong design character in existing buildings, new dwellings must, when viewed from the waterway, incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with that character.
- (10) Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:
 - (i) awnings or other features over windows;
 - (ii) recessing or projecting architectural elements; or
 - (iii) open, deep verandas.

C4 – Foreshore Locality Controls

5. Blakehurst South

Shipwrights Bay to Pleasant Way



Figure I5. Locality 5: Blakehurst South

Foreshore Building Lines

7.6m, 15m, 30m, & 72m

Refer to Kogarah LEP 2012 FBL map

Development Setting

Semi Urban

C4 – Foreshore Locality Controls**5.1 Existing Character**

Steeply sloping sites falling to the Bay and large dwellings on ridges characterise this section of the waterway. Due to the sloping nature of the land and the larger foreshore building line, many of the dwellings are substantially setback from the water. Some of the larger dwellings are set on large established double blocks.

Access roads at some distance from the foreshore have resulted in a number of very long lots with some battle-axe blocks.

This locality is also characterised by a substantial vegetation corridor and sandstone cliff landscape. There is remnant native vegetation and mangroves along a substantial part of the foreshore, which is protected as a public reserve.

5.2 Views, Vistas and Landmarks

Views are available both to the east and west along and across the river and to adjacent headlands. There is a moderate to high level of built form with substantial areas of native vegetation.

The main landmarks are Captain Cook and Tom Ugly's Bridge and Tom Ugly's Point.

C4 – Foreshore Locality Controls**5.3 Natural Environment****Water**

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Seagrasses
- Mud/Sand Flats, Scattered Rock, Rocky Foreshore
- Tidal Public Foreshore Access
- Fish breeding/feeding ground

An ecological study may be required to be submitted with any application for development below MHWM.

Landscape

A substantial amount of natural vegetation remains in this section of the locality, and is particularly evident in the public reserve (which is a significant continuous strip along the foreshore) and along the steep slopes, in private properties.

There is also a substantial amount of vegetation, including remnant native canopy, on many of the privately owned properties. However, much of this vegetation remains under threat, particularly on sites with older dwelling houses where, due to the topography of the land, redevelopment of sites has generally resulted in large areas of terracing.

The sandstone cliffs also dominate the landscape character of this locality, which along with the remaining remnant vegetation provides an almost natural scenic quality at the water's edge.

This locality is also identified as a Habitat Reinforcement Area on Council's Green Web map.

C4 – Foreshore Locality Controls**5.4 Built Environment****Dwellings**

This locality is characterised by larger two/three storey dwellings, most of which are substantially setback from the water's edge, on the ridge. This has been the result of a number of factors, including the topography of the sites (steeply sloping to the water), the larger foreshore building line and the public open space corridor, which affects a substantial proportion of the water frontage in this locality.

There are specific controls for dwellings in this Locality.

Ancillary Structures

There are relatively few ancillary structures on the eastern side of the peninsula, within Shipwright's Bay, mainly due to the existence of the foreshore reserve.

Ancillary structures are more predominant on the western side of the peninsula where there are a number of jetties, ramps and pontoons and boatsheds, some of which are two storeys.

There are specific controls relating to ancillary structures in this locality.

C4 – Foreshore Locality Controls**5.5 Heritage****Cultural Heritage**

Schedule 5 of the Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this locality, the following properties are listed as heritage items:

Address	Item Name	Description of Item
139 Stuart St, Blakehurst		House garden
227 Stuart St, Blakehurst	Bald Face Point Reserve	Reserve

Prior to the preparation of a development application, you should check to ensure that your property is not heritage listed or is a site adjacent to a heritage item.

Aboriginal Heritage

The NSW National Parks and Wildlife Database indicates that there is evidence of Aboriginal archaeological sites (Middens and Rock Engravings) located in this locality. All of these sites are situated in Bald Face Point Reserve.

5.6 Mapping Areas

This locality consists of five (5) smaller areas. These areas are consistent with the Department of Conservation and Land Management's Assessment of Crown Land at Georges River (Northern Shore).

Each of the areas are shown in the following maps. You should locate your property and refer to the specific controls which apply to each mapped area.

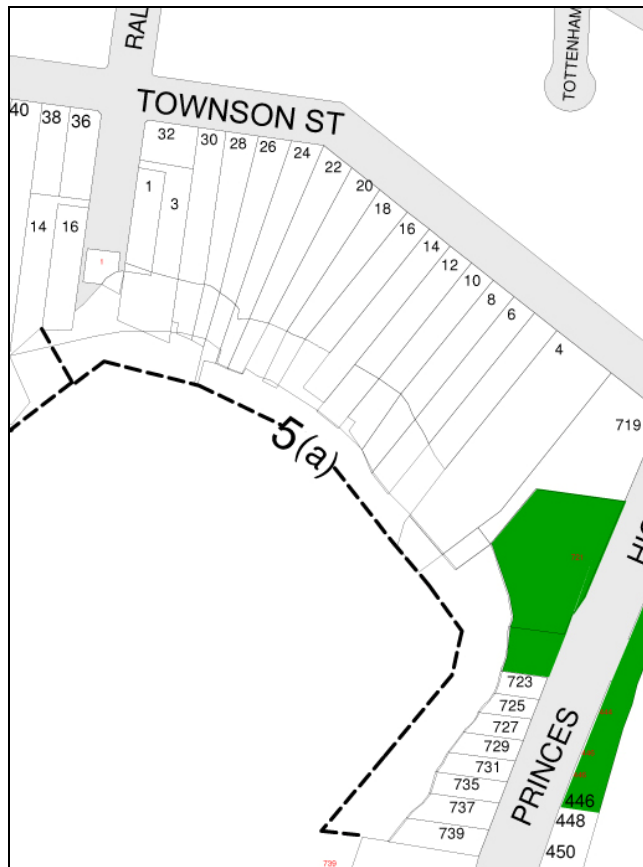


Figure 16. Locality 5(a)

C4 – Foreshore Locality Controls

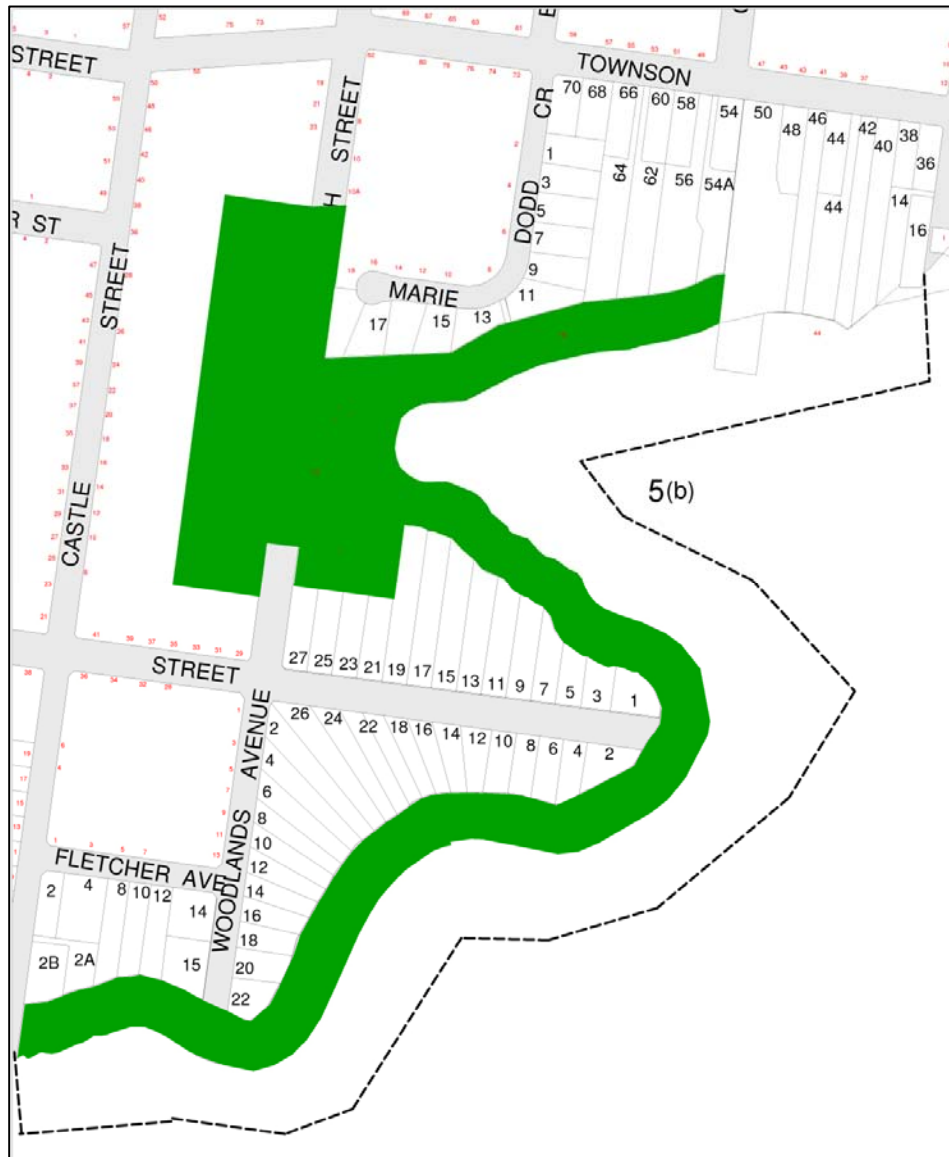


Figure 17. Locality 5(b)

C4 – Foreshore Locality Controls

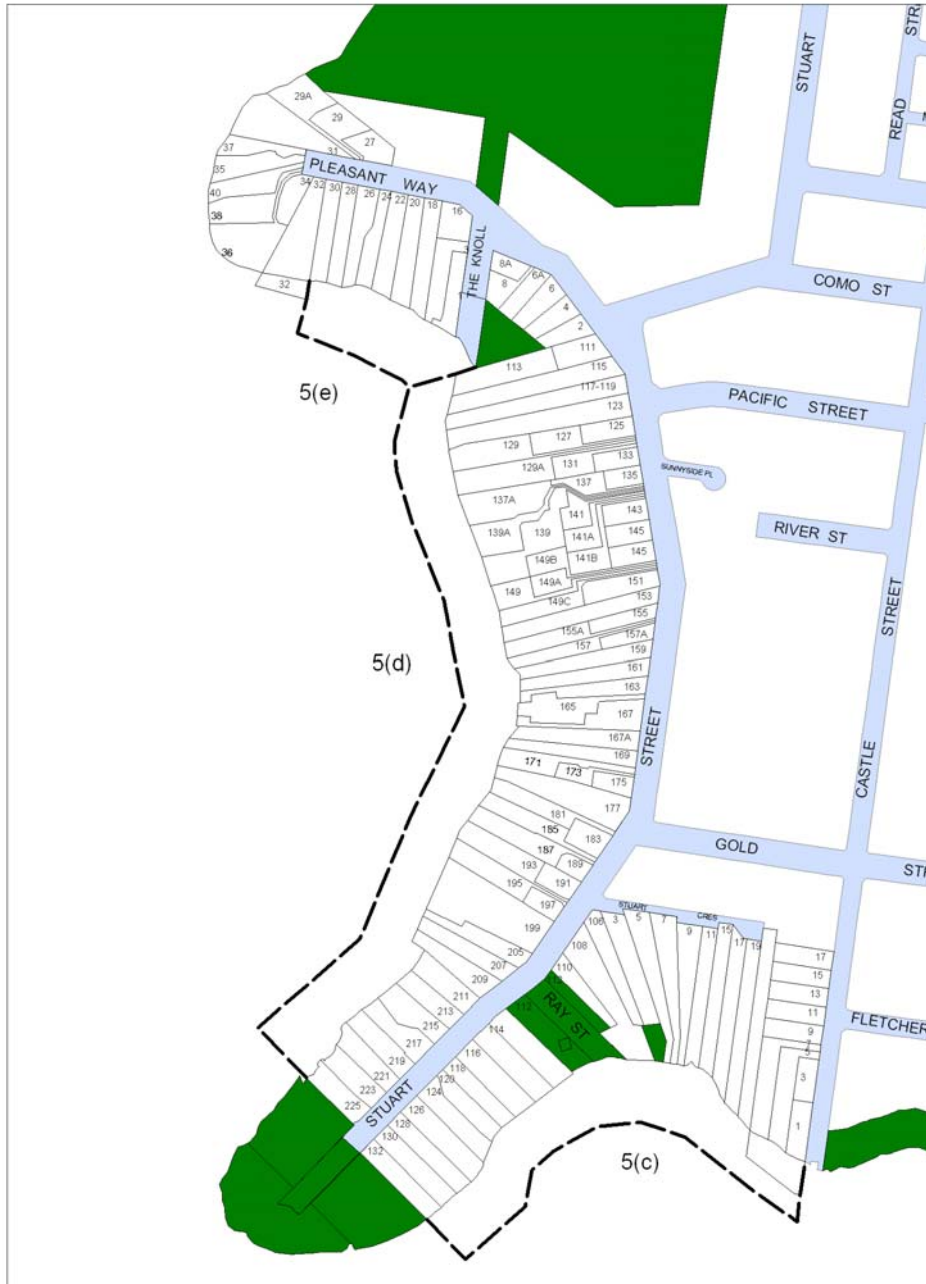


Figure 18. Localities 5(c), 5(d) and 5(e)

5.7 Water and Land Interface Development

Objectives

- (a) Improve the scenic quality of the foreshore by:
- (b) Retaining and protecting the natural landform and steep gradient sandstone foreshore.
- (c) Minimising site excavation close to the foreshore.
- (d) Maintaining and protecting the native vegetation corridor and remnant native vegetation close to the water's edge.
- (e) Retaining and enhancing existing native vegetation and tree canopy.

Performance Criteria and Design Solutions

Development between MHWMM and the FBL

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHWMM) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	5(a)	5(b)	5(c)	5(d)	5(e)	Additional Comments/controls
Development between MHWM and FBL						
Boatsheds (single storey)	✓	✓	○	○	○	<p>A portion of land within Area 5(b) is zoned REI - Public Recreation zone under KLEP2012. Within this zone, boatsheds are a prohibited use.</p> <p>The following controls apply to Areas 5(c), 5(d) and 5(e) in addition to the controls contained in Part C3 Section 6.5:</p> <p>Boatsheds should be sited so as to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops.</p>
Fencing (open form)	✓	✓	✓	✓	✓	<p>A portion of land within Area 5(b) is zoned REI - Public Recreation under KLEP2012. Within this zone fencing is a prohibited use.</p> <p>In all other areas:</p> <ul style="list-style-type: none"> Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.
Inclinators	✓	✓	✓	✓	✓	<p>A portion of land within Area 5(b) is zoned REI - Public Recreation zone under KLEP2012. Within this zone inclinators are a prohibited use.</p> <p>In addition to the controls contained in Part C3 Section 6.9, the following controls apply in this Locality:</p> <ul style="list-style-type: none"> Council will only consider the construction of an inclinator where it does not necessitate the removal of natural rock, trees and vegetation. Inclinators should not obscure or break a view line of the rock or cliff face. Shared use of facilities is preferable Inclinators and any associated infrastructure should be of colours that blend into the natural landscape.



C4 – Foreshore Locality Controls

Locality	5(a)	5(b)	5(c)	5(d)	5(e)	Additional Comments/controls
Development between MHWM and FBL						
Jetties and Ramps	○	○	○	✓	○	<p>A portion of land within Area 5(b) is zoned RE1- Public Recreation zone under KLEP 2012. Within this zone, jetties and ramps are a prohibited use.</p> <p>The following controls apply to areas identified with a 'O'.</p> <ul style="list-style-type: none"> • Jetties and ramps will only be permitted in these areas where they comply with the maximum length requirements as outlined in Part C3 Section 6.2. • In this regard, the total overall length of the jetty and ramp structure must not exceed 15m and must reach useable water (600mm depth at 00 low tide or - 1.53AHD). • In areas where they are permitted, Council will encourage that, where possible, these be shared structures so as to ensure that the scenic quality of the foreshore is maintained. <p>Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and by having an additional private watercraft facility, would not compromise the above objectives.</p>
Landscaping	✓	✓	✓	✓	✓	This locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B2 Section 2 apply.

**C4 – Foreshore Locality Controls**

Locality	5(a)	5(b)	5(c)	5(d)	5(e)	Additional Comments/controls
Development between MHWM and FBL						
Sliprails	✓	✓	✓	✓	✓	<p>A portion of land within Area 5(b) is zoned RE1 - Public Recreation zone under KLEP 2012. Within this zone, sliprails are a prohibited use.</p> <p>Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a sliprail which does not conform to natural foreshore levels significantly obstructs practical public access along the foreshore or necessitates the removal of estuarine vegetation and sandstone rock shelves and scattered rock. In this regard, any application must indicate how it meets the objectives of this section.</p> <p>Refer to Part C3 Section 6.4 for specific provisions.</p>
Stairs	✓	✓	○	○	○	<p>The following controls apply to areas identified with a '○':</p> <p>In addition to the controls contained in Part C3 Section 6.9 the following controls apply: In these areas it is preferable that access to the foreshore is achieved through non-excavated construction (for example, timber or steel stairs bolted to rock).</p>
Swimming pools and spa pools	✓	✓	✗	✗	✗	<p>A portion of land within Area 5(b) is zoned RE1 - Public Recreation under KLEP 2012. Within this zone, swimming pools and spa are a prohibited use.</p> <p>Swimming pools spa pools are restricted in areas 5(c), 5(d) and 5(e) for the following reasons:</p> <ul style="list-style-type: none"> • To protect the existing steep gradient foreshore and sandstone landscape. • To limit disturbance to significant tracts of remnant vegetation and canopy cover. • To maintain the scenic quality of the foreshore. • In these circumstances, it is considered that the pool should be sited above the foreshore building line.

KEY ✗ - restricted ✓ - permitted

○ - permitted subject to specific controls

C4 – Foreshore Locality Controls

5.8 Water Based Development

Objectives

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain and encourage tidal foreshore access.
- (c) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners.
- (d) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria and Design Solutions

Development below MHWM

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHWM):

**C4 – Foreshore Locality Controls**

Locality	5(a)	5(b)	5(c)	5(d)	5(e)	Additional Comments/controls
Development below MHWM						
Boatsheds (single storey)	×	×	×	×	×	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWM.</p> <p>However, in certain circumstances, it may be more appropriate to site a boatshed below MHWM, particularly in areas where there may be an existing boatshed and its relocation to above MHWM will necessitate the removal of vegetation and disruption to the natural landform.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands, the NSW Department of Primary Industries and the requirements and objectives of the relevant parts of this DCP.</p>
Jetties, ramps and pontoons	○	○	○	✓	○	<p>The following controls apply to Areas 5(a), 5(b) 5(c) and 5(e):</p> <ul style="list-style-type: none"> • Jetties and ramps will only be permitted in these areas where they comply with the maximum length requirements as outlined in Part C3 Section 6.2. • In areas where they are permitted, Council will encourage that where possible these be shared structures so as to ensure that the scenic quality of the foreshore is maintained. • Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and having an additional private watercraft facility would not compromise the above objectives.

**C4 – Foreshore Locality Controls**

Locality	5(a)	5(b)	5(c)	5(d)	5(e)	Additional Comments/controls
Development below MHW						
Sliprails	✓	✓	✓	✓	✓	Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation. Council will not support any application for a sliprail which does not conform to natural foreshore levels or necessitates the removal of natural vegetation and sandstone rock shelves and outcrops. In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.
Stabilisation piles	✗	✗	✗	✓	✓	Stabilisation piles are restricted in areas 5(a), 5(b) and 5(c) as the Lands Inventory Sheet from the Department of Lands indicates that these areas are subject to minimal wave exposure. Accordingly, it is considered that stabilisation piles are not required in these areas. In areas where they are permitted, Council may consider a maximum of two (2) freestanding end piles as the area is subject to moderate wave exposure. Stabilisation piles will only be permitted in association with a jetty, ramp and pontoon structure and no vessel is to be berthed permanently. The piles must be constructed in accordance with Part C3 Section 6.3.
Swimming enclosures	✗	✗	✗	✗	✗	Swimming enclosures are restricted in this locality for the following reasons: <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access. • To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds. • To retain and protect the mud/sand flats, reefs and scattered rock. The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHW.

KEY ✗ - restricted ✓ - permitted ○ - permitted subject to specific controls

5.9 Land Based Development

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL).

This Section should be read in conjunction with other sections of Part C this DCP, however where there is an inconsistency, the requirements of this section apply.

Objectives

- (a) Site dwellings to minimise the loss of significant trees, remnant native vegetation and the sandstone landscape.
- (b) Design dwellings, where appropriate, to minimise disturbance to the natural landform.
- (c) Minimise the level of reflectivity for facades facing the foreshore.
- (d) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.
- (e) Site swimming pools and ancillary development to minimise the impact on the landform and preserve existing trees.
- (f) Minimise the visual impact of retaining walls, when viewed from the water.

Performance Criteria and Design Solutions

The following controls apply to land based development above the FBL and are in addition to any other controls contained within this DCP:

- (l) Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation and the natural landform is highly recommended. In this regard, Council may consider variations to setback and height requirements to retain existing ridgeline vegetation, particularly where it provides a backdrop to the waterway, but only where it can be demonstrated that the variations:
 - i. do not increase the visual impact of the dwelling, when viewed from the water;
 - ii. still achieve a built form that is in scale and proportion with the site and adjoining development; and
 - iii. the overall development complies with the floorspace requirements as contained in Part C I Section 1.2.1.

C4 – Foreshore Locality Controls

- (2) On sites where the slope exceeds 1:8 (12.5%), dwellings should not have the appearance from any elevation of being more than three levels from the water. Such designs should be stepped with the bulk of the development setback as far from the water as possible
- (3) The maximum number of storeys at any point is two (2). However, in certain circumstances, Council may permit a variation to this requirement where the design of the dwelling results in a reduced building footprint and site coverage and results in the following:
 - (i) Preservation of topographic features of the site, including rock shelves and cliff faces;
 - (ii) Retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water; and
 - (iii) Minimised site disturbance through cutting and/or filling of the site (Refer to Figure 19-21).

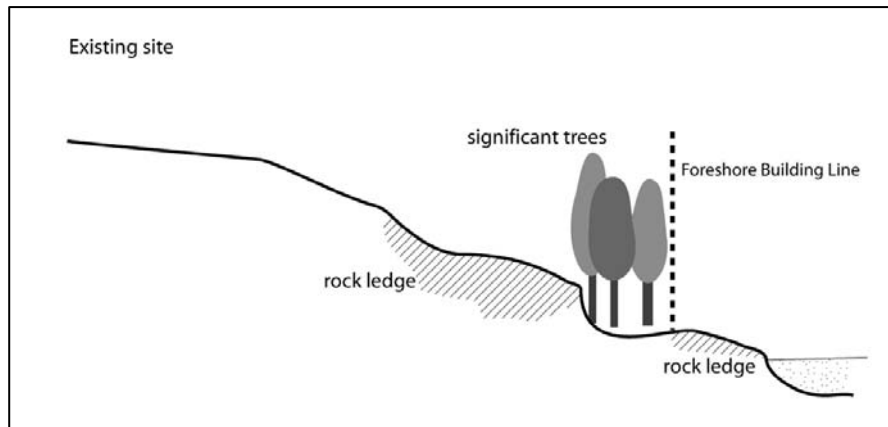


Figure 19. Existing site features should be retained where possible.

C4 – Foreshore Locality Controls

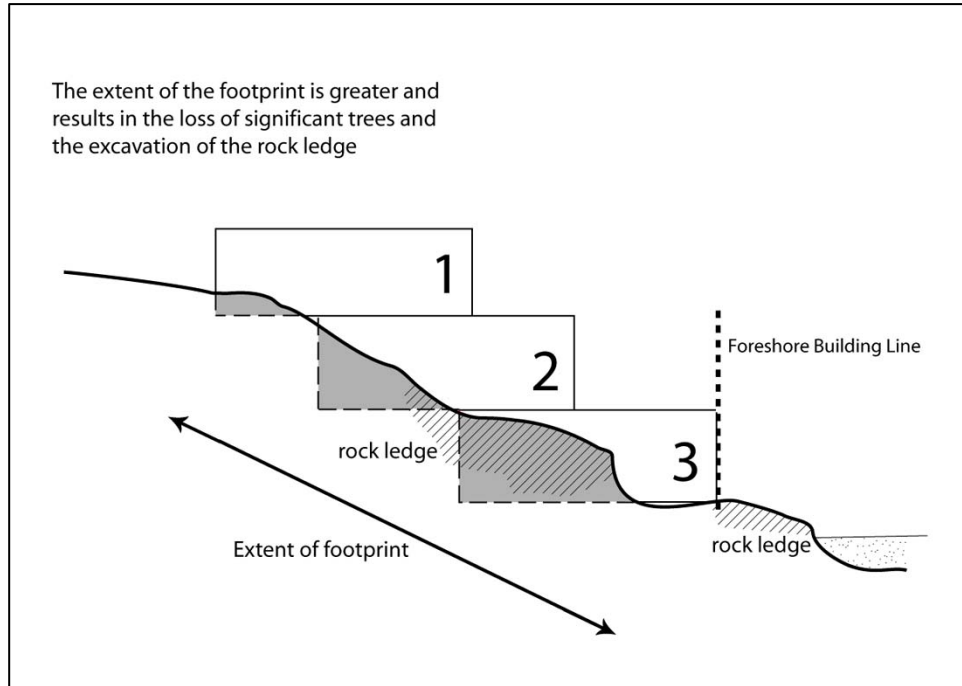


Figure 20. Proposed 3 storey development- greater footprint.

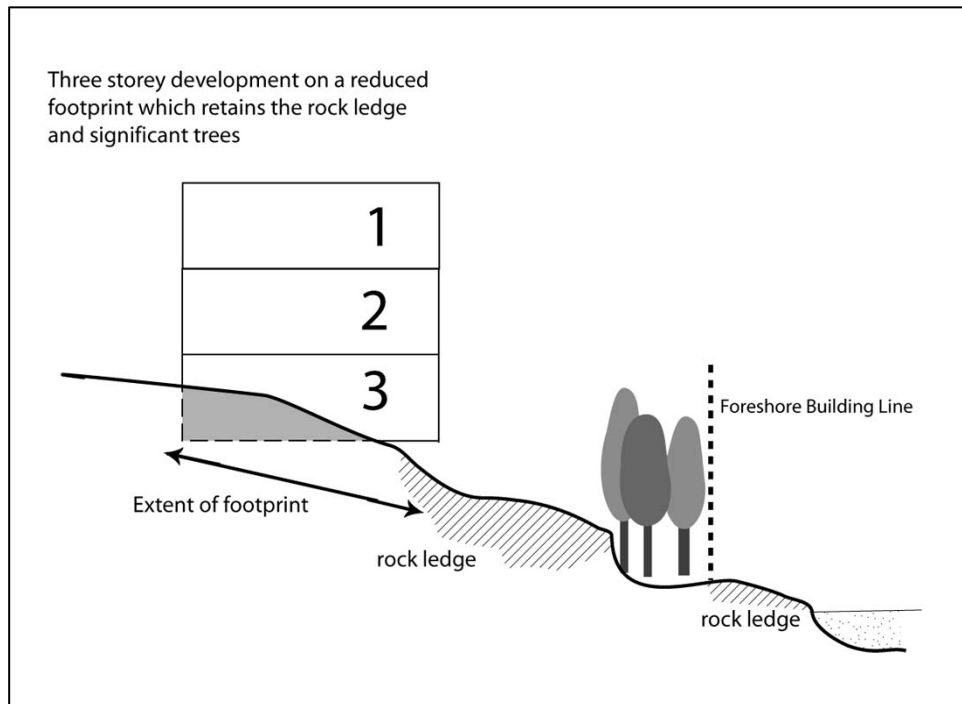


Figure 21. Proposed 3 Storey Development – Reduced Footprint

C4 – Foreshore Locality Controls

- (4) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.
- (5) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.
- (6) Swimming pools and surrounds should be sited in an area that minimises the removal of trees and limits impact on the natural landform features (rock shelves and platforms).
- (7) On steeper slopes, preference is given to the use of stable rock ledges and escarpments, as opposed to retaining walls. In circumstances where it is appropriate, a landscape batter is preferable to retaining walls.
- (8) Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.
- (9) Where there is a strong design character in existing buildings, new dwellings must, when viewed from the waterway incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with that character.
- (10) Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:
 - (i) awnings or other features over windows; or
 - (ii) recessing or projecting architectural elements; or
 - (iii) open, deep verandas.

6. Kyle Bay

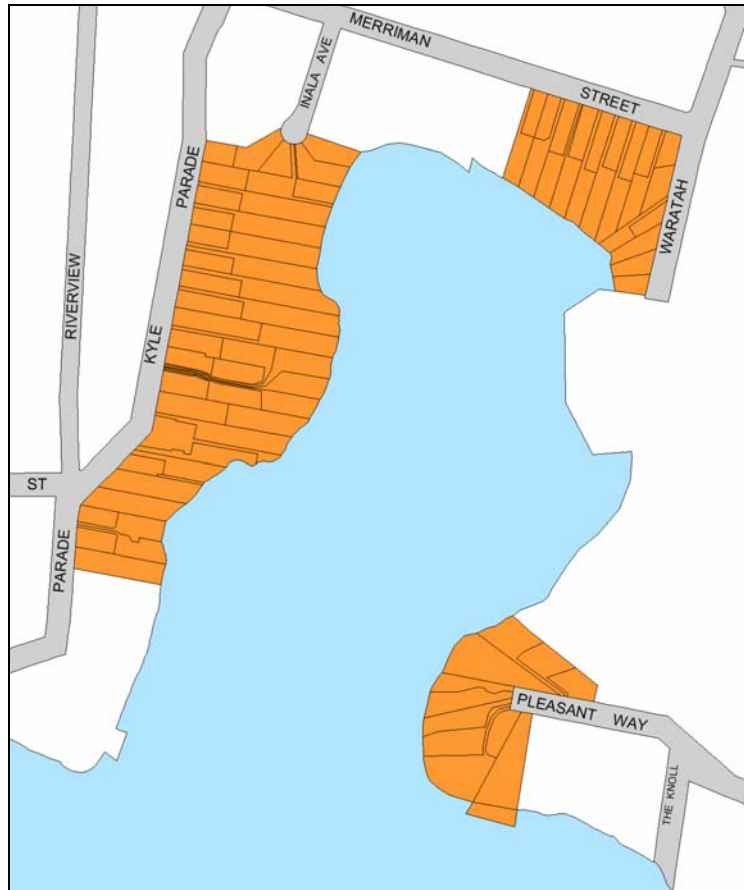


Figure 22. Locality 6: Kyle Bay

Foreshore Building Lines

Between 15m - 30m

Refer to Kogarah LEP 2012 FBL map

Development Setting

Semi Urban

6.1 Existing Character

Kyle Bay is a small inlet with an area of flat land at the head of the Bay. The character of the eastern shore of the Bay is dominated by remnant native vegetation, predominantly in Kyle Williams Reserve, while large dwellings situated on the ridge dominate the western shore.

The landform in this locality slopes down to the water however the slopes are not as steep as in some other areas along the River. Blocks in this locality are larger and have significant dwellings, which appear as three/four storeys when viewed from the River. Some of these are situated on the ridge above the canopy and are visually prominent when viewed from the water.

6.2 Views, Vistas and Landmarks

Views are predominantly across the bay to the headlands and across the river.

There are no significant landmarks in this locality, although the extensive area of native vegetation in Kyle Williams Reserve influences the character of the bay.

6.3 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Seagrasses
- Regenerating mangroves
- Distinctive rock formations along the western foreshore
- Mud/Sand Flats, Scattered Rock, Rocky Foreshore
- Tidal Public Foreshore Access
- Fish breeding/feeding ground

An ecological study may be required to be submitted with any application for development below MHWL.

Landscape

The landscape character of this Locality is varied. There is little native vegetation remaining at the head of the bay, adjacent to Kyle Bay Bowling Club, where mown grass prevails. However, Kyle Williams Reserve on the eastern shore of the Bay contains a significant expanse of native vegetation.

The existing vegetation is in good condition in Kyle Williams Reserve and within the residential area to the west. However, the public reserve at the head of the bay, adjacent to the Kyle Bay Bowling Club, shows little evidence of natural shoreline elements.

Within this Locality, the original landform has not been significantly modified although some remodelling of private land has taken place, particularly where sites have been redeveloped. This, coupled with the removal of significant areas of established vegetation and large areas of terracing, has resulted in a more urban character along the western shoreline.

The sandstone rock shelves also add to the landscape character of the Bay, however are less prominent on the western shore of the Bay, where significant redevelopment of sites has occurred.

This locality is also identified as a Habitat Reinforcement Area on Council's Green Web map.

6.4 Built Environment

Dwellings

This locality is characterised by larger dwellings, many of which are close to the water's edge. This is generally a result of larger blocks of land being subdivided to create smaller battle-axe allotments, below the ridge. The visual impact of development is then compounded by dwellings built both on the ridge and at the lower levels, closer to the water's edge.

There are specific controls for dwellings in this Locality.

Ancillary Structures

There are a substantial number of ancillary structures, including swimming pools (partially above ground) and terraced areas visible from the water in the Bay.

Ancillary structures are more predominant on the western side of the Bay, where there is a significant level of development, including seawalls, jetties (some of these are long jetties due to the shallow water at the head of the bay), floating pontoons and mooring pens. There are also a number of boat sheds and swimming pool structures, which are located below MHWMM, which detract from the scenic quality of the Bay.

There are specific controls relating to ancillary structures in this Locality.

6.5 Heritage

Cultural Heritage

Schedule 5 of Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this Locality, the following properties are listed as heritage items:

Address	Item Name	Description of Item
12A Merriman Street, Kyle Bay	Kyle Bay Bowling Club	Bowling Club
52 Waratah Street, Blakehurst	Kyle Williams House and Reserve	House & Garden

Prior to the preparation of a development application, you should check to ensure that your property is not heritage listed or is a site adjacent to a heritage item.

Aboriginal Heritage

The NSW National Parks and Wildlife Database indicates that there is evidence of Aboriginal archaeological sites (Middens) located in this Locality. These are situated in Kyle Williams Reserve.

6.6 Mapping Areas

This locality consists of four (4) smaller areas. These areas are consistent with the Department of Conservation and Land Management's Assessment of Crown Land at Georges River (Northern Shore).

Each of the areas is shown in the following maps. You should locate your property and refer to the specific controls, which apply to each mapped area.

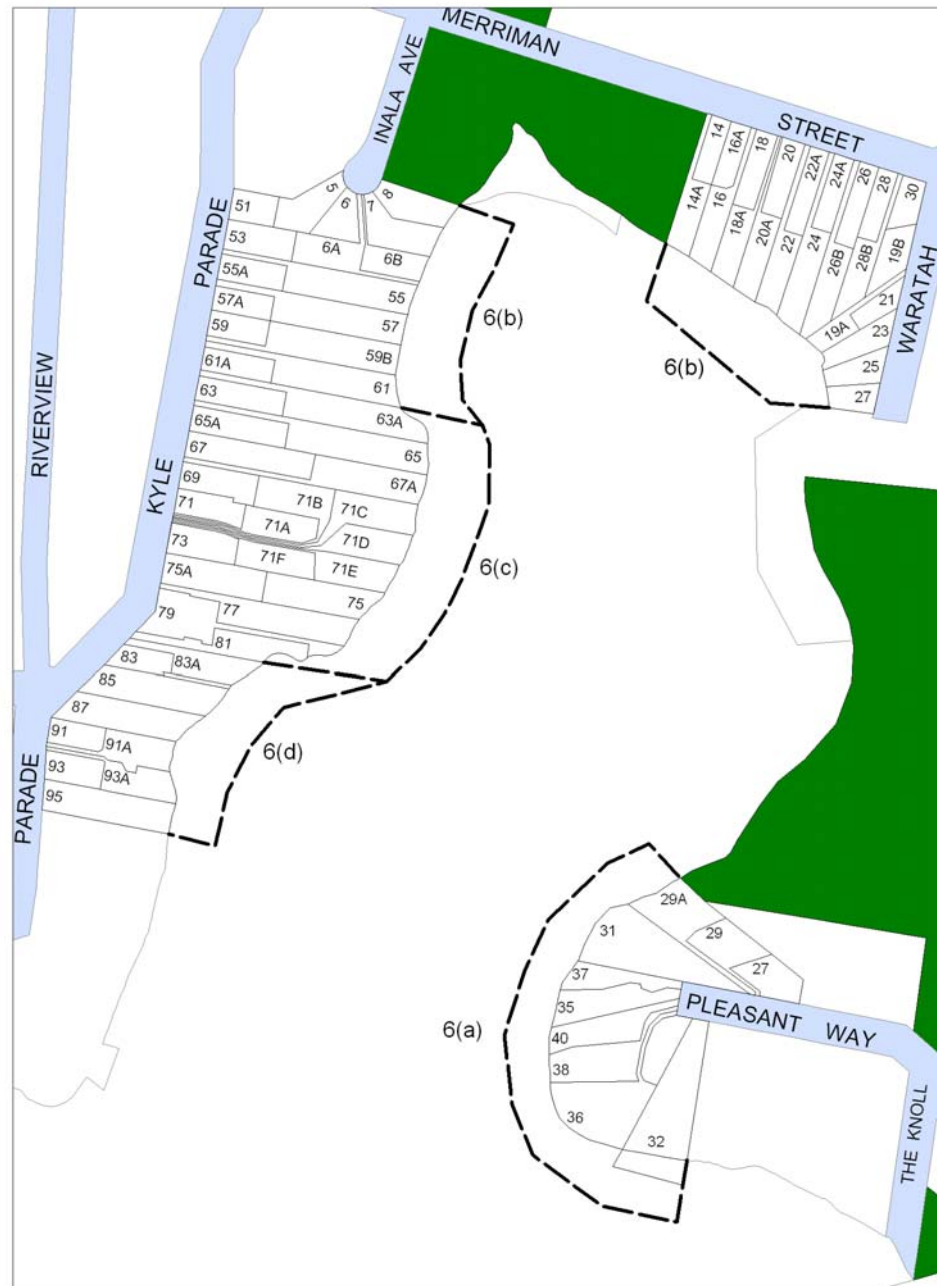


Figure 23. Locality 6(a), 6(b), 6(c) and 6(d)

6.7 Water and Land Interface Development

Objectives

Improve the scenic quality of the foreshore by:

- (a) Retaining and protecting the natural landform, particularly the steep gradient sandstone foreshore and rock formations on the western side of the Bay.
- (b) Minimising site excavation close to the foreshore
- (c) Maintaining and protecting the native vegetation corridor and remnant native vegetation close to the water's edge on the western side of the Bay.
- (d) Encouraging suitable landscaping below the foreshore building line.
- (e) Ensuring that any development close to the water's edge is suitably treated to minimise its impact when viewed from the water.

Performance Criteria and Design Solutions

Development between MHWL and the FBL

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHWL) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	6(a)	6(b)	6(c)	6(d)	Additional comments/controls
Development between MHW and FBL					
Boatsheds (single storey)	✓	✗	○	○	<p>In Area 6(a), the design and siting of boatsheds is to be in accordance with the controls in Part C3 Section 6.3.</p> <p>In Area 6(b), boatsheds are restricted due to the tidal nature of the Bay and to protect the mud/sand flats. Also, the waterfront in this section of the Bay has minimal boatshed structures at the water's edge.</p> <p>In addition to the controls contained in Part C3 Section 6.5, the following controls apply to areas 6(c) and 6(d):</p> <ul style="list-style-type: none"> Boatsheds should be sited so as to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops.
Fencing (Open form)	✓	✓	✓	✓	<ul style="list-style-type: none"> Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.
Inclinators	✓	✓	○	○	<p>In addition to the controls contained in Part C3 Section 6.9, the following controls apply to Areas 6(c) and 6(d):</p> <ul style="list-style-type: none"> Council will only consider the construction of an inclinators where it does not necessitate the removal of natural rock, trees and vegetation. Inclinators should not obscure or break a view line of the rock or cliff face. Shared use of facilities is preferable.

C4 – Foreshore Locality Controls

Locality	6(a)	6(b)	6(c)	6(d)	Additional comments/controls
Development between MHW and FBL					
Jetties and Ramps	✓	✗	✓	✓	<p>Jetties and ramps are restricted in area 6(b) for the following reasons:</p> <ul style="list-style-type: none"> To retain and encourage tidal foreshore access, where existing. To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds. To retain and protect the mud/sand flats, reefs and scattered rock. Jetties and ramps will only be permitted in areas 6(a), 6(c) and 6(d), where they comply with the maximum length requirements as outlined in Part C3 Section 6.2. <p>In this regard, the total overall length of the jetty and ramp structure must not exceed 15m and must reach useable water (600mm depth at 00 low tide or -1.53AHD).</p> <p>In areas where they are permitted, Council will encourage that, where possible, these be shared structures so as to ensure that the scenic quality of the foreshore is maintained.</p> <p>Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and having an additional private watercraft facility would not compromise the above objectives.</p>
Landscaping	✓	○	✓	✓	<p>This Locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B2 Section 2 apply.</p> <p>The following controls are in addition to those contained in Part B2 Section 2 and Part C3 Section 6.10 and apply to Area 6(b):</p> <ul style="list-style-type: none"> In this section of the foreshore, landscaped areas below the FBL should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. Turf should be limited in this area. Details of proposed planting are to be indicated on any landscape plan submitted to Council.

C4 – Foreshore Locality Controls

Locality	6(a)	6(b)	6(c)	6(d)	Additional comments/controls
Development between MHW and FBL					
Retaining Walls	○	✓	○	○	<p>The following controls apply to Areas 6(a), 6(c) and 6(d) in addition to the controls contained in Part C2 Section 3.2:</p> <ul style="list-style-type: none"> • The natural landform is to be retained and the use of retaining walls and terracing is discouraged. • Where retaining walls are required they are to be constructed of coarse, rock faced stone or with a stone facing and are to be no higher than 600mm above natural ground level.
Seawalls	○	○	✗	✗	<p>The following controls apply to Areas 6(a) and 6(b). Due to the nature of the foreshore in this locality and the existence of sandstone platforms and rock shelves close to the water's edge, Council will only consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works.</p> <p>In these circumstances, the following criteria shall apply:</p> <ol style="list-style-type: none"> (i) Natural sandstone blocks or sandstone facing over concrete walls are preferable to other materials (ii) Where existing sandstone seawalls are being extended or upgraded, similar sandstone coursing to match existing walls should be used. (iii) Rubble walls are not permitted and, if possible, existing rubble walls are to be replaced. (iv) Seawalls are to be no higher than 1.2AHD above MHW. Seawalls will generally be restricted in areas 6(c) and 6(d), and particularly where the foreshore is in its natural state. <p>Refer to Part C3 Section 6.7 for specific provisions.</p>

**C4 – Foreshore Locality Controls**

Locality	6(a)	6(b)	6(c)	6(d)	Additional comments/controls
Development between MHW and FBL					
Sliprails	✓	✗	✓	✓	<p>In Area 6(b) slipways are restricted due to the tidal nature of the bay and to protect the public tidal foreshore access.</p> <p>In other areas, sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a sliprail, which does not conform to natural foreshore levels or necessitates the removal of natural vegetation, particularly mangroves, and sandstone rock shelves and outcrops. In this regard, any application must indicate how it meets the objectives of this section.</p> <p>Refer to Part C3 Section 6.4 for specific provisions.</p>
Stairs	✓	✓	○	○	<p>In addition to the controls contained in Part C3 Section 6.9, the following controls apply to Areas 6(c) and 6(d):</p> <ul style="list-style-type: none"> In these areas it is preferable that access to the foreshore is achieved through non-excavated construction (for example, timber or steel stairs bolted to rock or stairs cut from the natural rock)
Swimming pools and spa pools	○	✓	○	○	<p>In addition to the controls contained in Part C3 Section 6.6, swimming pools and spa pools will be restricted in areas 6(a), 6(c) and 6(d), where:</p> <ul style="list-style-type: none"> Excessive excavation of the site is required. This is in order to protect the existing foreshore and sandstone landscape Removal of significant vegetation is proposed. This is to limit disturbance to significant tracts of remnant vegetation and canopy cover. <p>In these circumstances, it is considered that the pool should be sited above the foreshore building line.</p>

KEY ✗ - restricted ✓ - permitted ○ - permitted subject to specific controls

C4 – Foreshore Locality Controls

6.8 Water Based Development

Objectives

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain and encourage tidal foreshore access.
- (c) Permit watercraft facilities in areas where they will not have adverse visual and ecological impacts on the waterway.
- (d) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners.
- (e) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria & Design Solution

Development below MHWM

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHWM):

**C4 – Foreshore Locality Controls**

Locality	6(a)	6(b)	6(c)	6(d)	Additional comments/controls
Development below MHWM					
Boatsheds (single storey)	×	×	×	×	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWM.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands and the requirements and objectives of this DCP.</p>
Jetties, ramps and pontoons	○	○	✓	✓	<p>In Area 6(a), Jetties, ramps and pontoons will only be permitted where they comply with the maximum length requirements as outlined in Part C3 Section 6.2.</p> <p>The following controls apply to Area 6(b):</p> <ul style="list-style-type: none"> • Fixed jetties will only be permitted in this area where they do not exceed a maximum length of 15m. • Council will only consider an application for a jetty in this area where it can be shown that the proposed development: <ul style="list-style-type: none"> (i) will not result in any adverse damage to the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds; and (ii) retains and protects the mud/sand flats, reef and scattered rock. <p>Ramps and pontoons are restricted in Area 6(b) for the following reasons:</p> <ul style="list-style-type: none"> • To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds. • To retain and protect the mud/sand flats, reefs and scattered rock. <p>In areas 6(c) and 6(d), Council encourages that where possible, jetties, ramps and pontoons be shared structures so as to minimise the proliferation of structures and ensure that the scenic quality of the bay is maintained. Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and having an additional private watercraft facility would not compromise the objectives of this Section.</p>

**C4 – Foreshore Locality Controls**

Locality	6(a)	6(b)	6(c)	6(d)	Additional comments/controls
Development below MHWM					
Sliprails	✓	✗	✓	✓	<p>Sliprails are restricted in Area 6(b) due to the tidal nature of the bay and to protect the public tidal foreshore access.</p> <p>In other areas, sliprails will only be permitted in the form of the two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a sliprail which does not conform to natural foreshore levels or necessitates the removal of natural vegetation and sandstone rock shelves and outcrops.</p> <p>In this regard, any application must indicate how it meets the objectives of this Section. Refer to Part C3 Section 6.4 for specific provisions.</p>
Stabilisation piles	✗	✗	✗	✗	<p>Stabilisation piles are restricted in these areas as the Land Inventory Sheet from the Department of Lands indicates that these areas are subject to minimal wave exposure. Accordingly, it is considered that stabilisation piles are not required in these areas.</p>
Swimming Enclosures	✗	✗	✗	✗	<p>Swimming enclosures are restricted in this locality for the following reasons:</p> <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access. • To protect and preserve the existing marine environment, which may include extensive seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds • To retain and protect the mud/sand flats, reefs and scattered rock. <p>The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHWM.</p>

KEY ✗ - restricted ✓ - permitted ○ - permitted subject to specific controls

6.9 Land Based Development

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL).

This Section should be read in conjunction with other sections of Part C of this DCP, however where there is an inconsistency, the requirements of this Section apply.

Objectives

- (a) Site dwellings to minimise the loss of significant trees, remnant native vegetation and the sandstone landscape.
- (b) Design dwellings, where appropriate to minimise disturbance to the natural landform.
- (c) Minimise the level of reflectivity for facades facing the foreshore.
- (d) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.
- (e) Site swimming pools and ancillary development to minimise the impact on the landform and preserve existing trees.
- (f) Minimise the visual impact of retaining walls, when viewed from the water.

Controls

The following controls apply to land based development above the FBL and are in addition to any other controls contained within this DCP:

- (l) Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation is highly recommended. In this regard, Council may consider variations to setback and height requirements to retain existing ridgeline vegetation, particularly where it provides a backdrop to the waterway, but only where it can be demonstrated that the variations:
 - (i) do not increase the visual impact of the dwelling, when viewed from the water;
 - (ii) still achieve a built form that is in scale and proportion with the site and adjoining development; and
 - (iii) the overall development complies with the floorspace requirements as contained Part C1 Section 1.2.1.

C4 – Foreshore Locality Controls

- (2) On sites where the slope exceeds 1:8 (12.5%), dwellings should not have the appearance from any elevation of being more than three levels from the water. Such designs should be stepped, with the bulk of the development setback as far from the water as possible.
- (3) The maximum number of storeys at any point is two (2). However, in certain circumstances, Council may permit a variation to this requirement where the design of the dwelling results in a reduced building footprint and site coverage and results in the following:
 - (i) The preservation of topographic features of the site, including rock shelves and cliff faces;
 - (ii) The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water; and
 - (iii) Minimised site disturbance through cutting and/or filling of the site (See Figure 24-26).

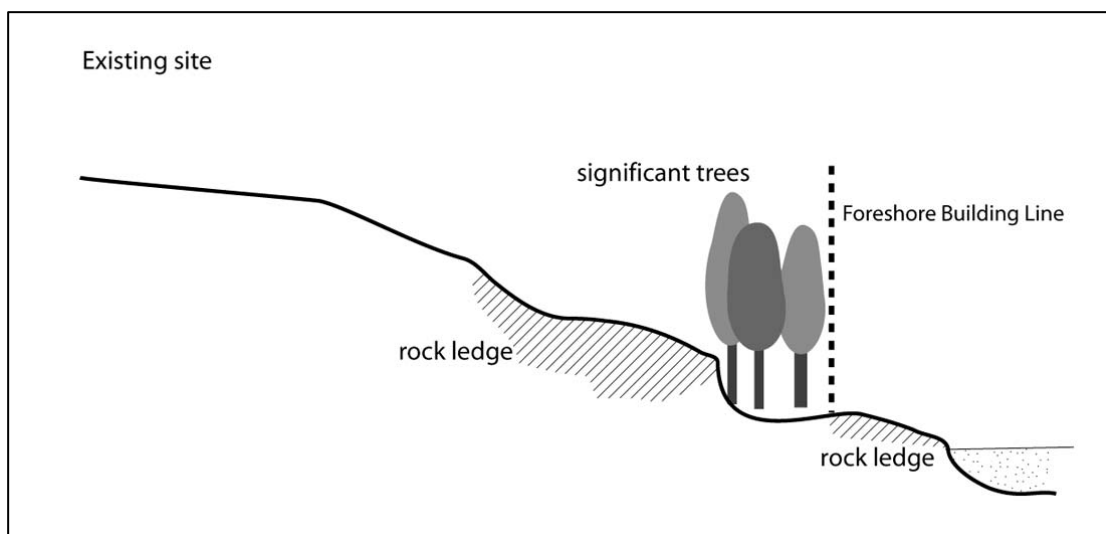


Figure 24: Existing site features should be retained where possible.

C4 – Foreshore Locality Controls

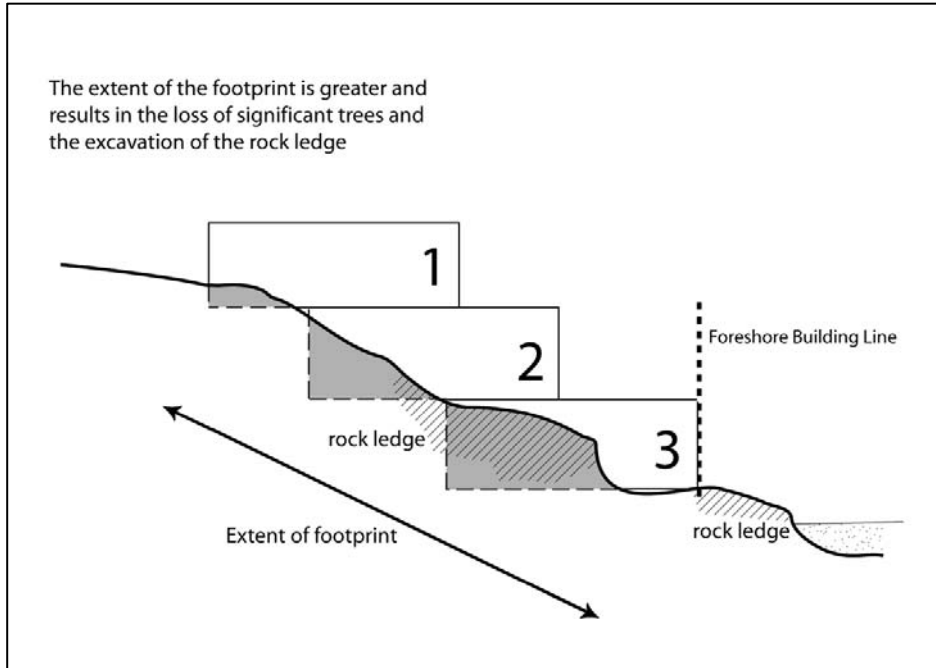


Figure 25: Proposed 3 Storey Development – Greater Footprint

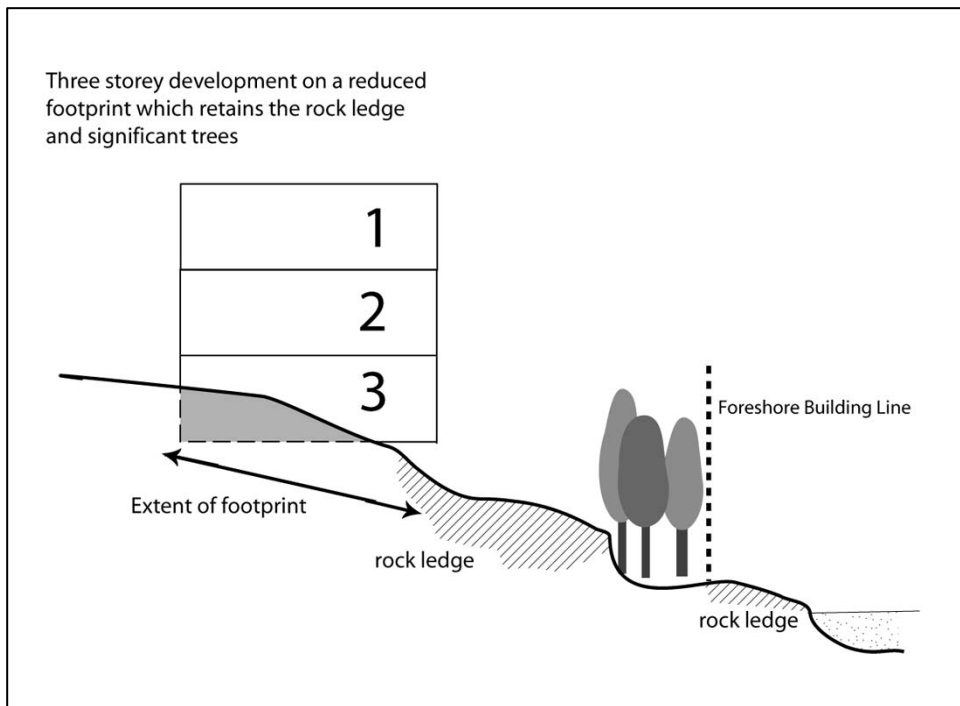


Figure 26: Proposed 3 Storey Development – Reduced Footprint

C4 – Foreshore Locality Controls

- (4) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.
- (5) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.
- (6) Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on natural landform features (rock shelves and platforms).
- (7) On steeper slopes, preference is given to the retention of natural stable rock ledge escarpments, as opposed to introducing retaining walls. In circumstances where it is appropriate, a landscape batter maybe preferable to retaining walls in the creation of terraced areas.
- (8) Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.
- (9) Where there is a strong design character in existing buildings, new dwellings must, when viewed from the waterway, incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with that character.
- (10) Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:
 - (i) awnings or other features over windows; or
 - (ii) recessing or projecting architectural elements; or
 - (iii) open, deep verandas.

7. Connells Point

Harness Cask Point to Connells Point

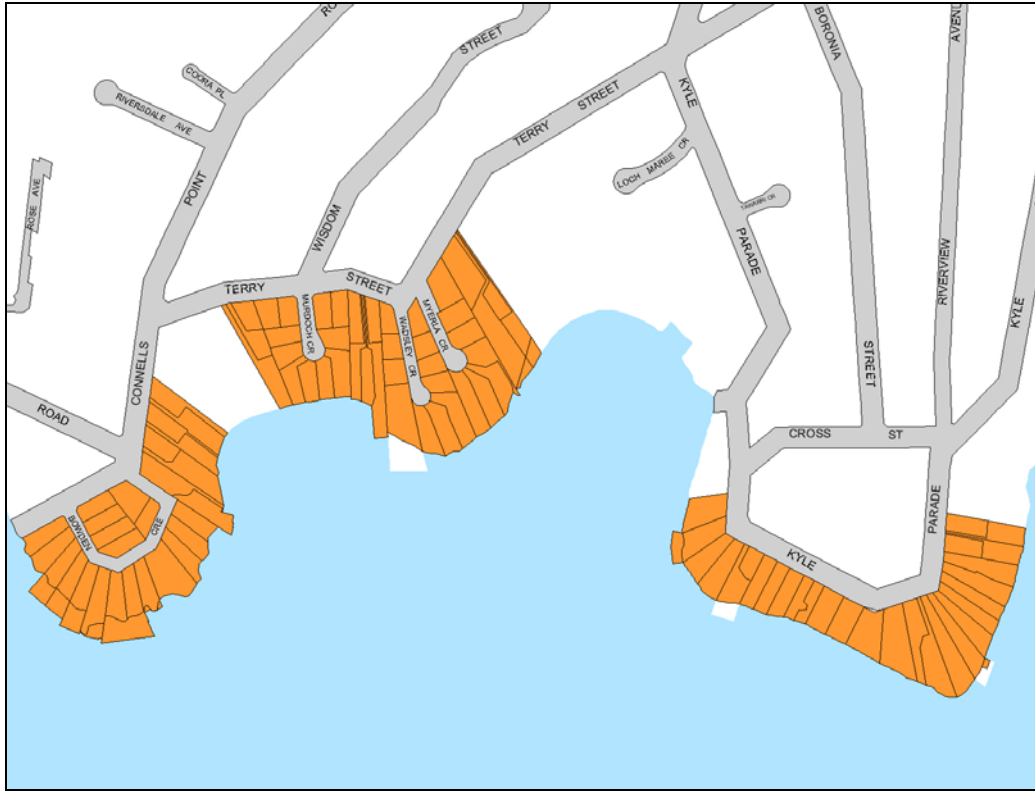


Figure 27: Locality 7: Connells Point

Foreshore Building Lines
Between 7.6m - 45m
Refer to Kogarah LEP 2012 FBL map

Development Setting
Semi Urban

Existing Character

At this point along the Bay, the topography starts to lower, relative to the river, from the western side of Kyle Bay promontory reaching a low point at Connells Point. As a result, slopes within this locality are less pronounced than elsewhere along the foreshore and the prominence of development close to the foreshore impacts on the visual quality when viewed from the Bay.

On average, the residential blocks in this locality are smaller and, as a result of subdivision, shorter, and dwellings are located closer to the water.

Two substantial areas of passive open space, being Donnelly Park and Connells Point Reserve, also dominate the foreshore.

7.1 Views, Vistas and Landmarks

Views are predominantly across Connells Bay to the headlands to the east and across the river to areas of substantial built form.

There are no significant landmarks in this area, although Como Rail Bridge is visible in the background for blocks facing west.

7.2 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Seagrasses
- Rocky foreshore
- Mud/Sand Flats
- Fish breeding/feeding ground

An ecological study may be required to be submitted with any application for development below MHWL.

Landscape

Within this locality, there is little evidence of natural shoreline vegetation, with the exception of a few individual specimens on existing private property.

The landscape character is dominated by some cultural plantings (Norfolk Island Pines and Californian Palms) but there remains little remnant native vegetation both on private land and in areas of open space. These cultural plantings are highly visible along the foreshore, but are alien to the native foreshore environment.

There remains some evidence of the original sandstone cliffs in some sections of the foreshore within this locality, however much of this has been removed through redevelopment and reclamation.

There is a high level of access to the foreshore due to the presence of Donnelly Park and Connells Point Reserve, however in these areas native vegetation is absent and the areas comprise of mainly mown grassed areas.

7.3 Built Environment

Dwellings

This locality is characterised by a mix of dwelling houses ranging from 1950s/60s style modest red brick dwellings to more contemporary dwellings. The newer dwellings are substantially larger.

At the eastern end of the locality on Harness Cask Point, the increased foreshore building line which ranges from 15m to 45m, and the larger blocks, has resulted in dwellings being substantially setback from the water's edge. However, these dwellings are just as visually prominent as dwellings in other parts of this Locality due to being set high on the blocks above the tree canopy.

At the western end of the locality, block sizes are substantially smaller than in the adjoining Bays and the foreshore building line ranges from 7.6m to 15m. In this section of the Locality, dwellings are built closer to the foreshore, and as a result are more prominent when viewed from the water.

Some of the more recent larger developments appear bulky when viewed from the water. This is generally due to the lack of articulation and is exacerbated by extensive terracing, which on some blocks extends beyond the main building down to the shoreline.

There are specific controls for dwellings in this Locality.

Ancillary Structures

Due to the size of many of the blocks and the nature of the dwellings on these blocks, there is limited space for ancillary structures, although a number have been built along the waterline and in reclamations below the Mean High Water Mark (MHW).

In this locality there is a moderate to high level of development below the MHW including seawalls, jetties, floating pontoons and moorings. There are also a number of boatshed and swimming pool structures, which are located below MHW, which detract from the scenic quality of the Bay. There are specific controls relating to ancillary structures in this Locality.

7.4 Heritage

Cultural Heritage

Schedule 5 of Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this Locality, the following property is listed as a heritage item:

Address	Item Name	Description of Item
290 Connells Point Road, Connells Point	Connells Point Reserve	Reserve

Aboriginal Heritage

The NSW National Parks and Wildlife Database indicates that there is evidence of Aboriginal archaeological sites (Middens) located in this Locality. These are situated in Donnelly Park.

7.5 Mapping Areas

This locality consists of four (4) smaller areas. These areas are consistent with the Department of Conservation and Land Management’s *Assessment of Crown Land at Georges River (Northern Shore)*.

Each of the areas is shown in the following maps. You should refer to the map and associated controls that apply to your property.

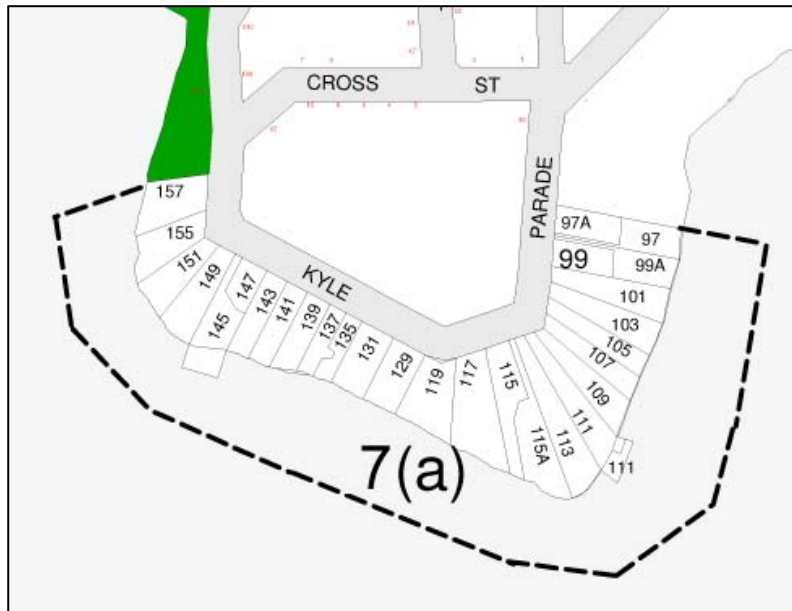


Figure 28: Mapping Area 7(a)

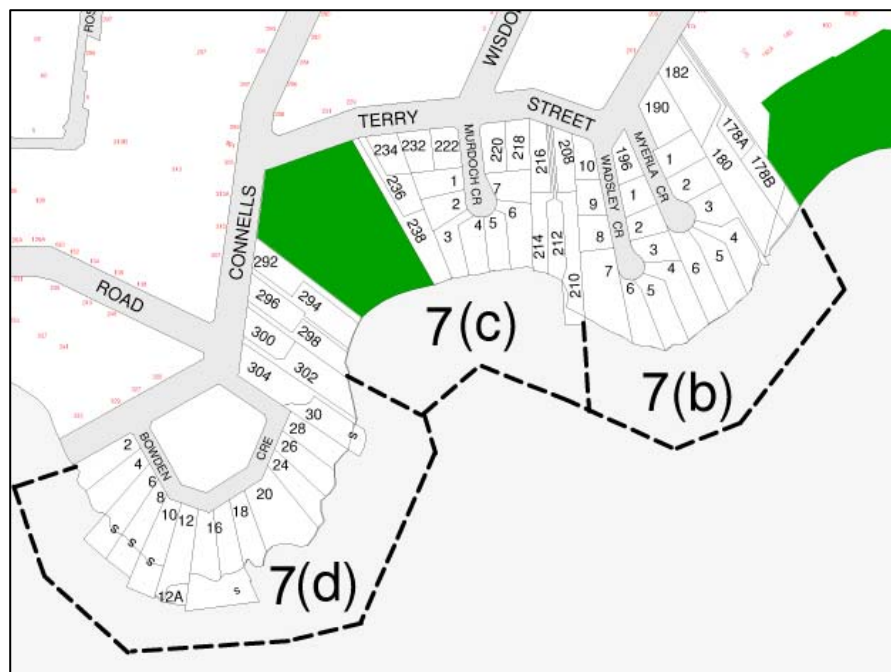


Figure 29: Mapping Area 7(b), 7(c) and 7(d).

7.6 Water and Land Interface Development

Objectives

Improve the scenic quality of the foreshore by:

- (a) Maintaining and protecting existing native vegetation close to the water's edge and below the foreshore building line.
- (b) Retaining and protecting the natural landform, particularly the sandstone foreshore and rock formations.
- (c) Encouraging suitable landscaping below the foreshore building line.
- (d) Ensuring that any development close to the water's edge is suitably designed and treated to minimise its impact when viewed from the water.

Performance Criteria & Design Solution

Development between MHWMM and the FBL

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHWMM) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	7(a)	7(b)	7(c)	7(d)	Additional comments/controls
Development between MHWM and FBL					
Boatsheds (Single Storey)	○	○	✘	✓	<p>In Area 7(d), the design and siting of boatsheds is to be in accordance with the controls in Part C3 Section 6.5.</p> <p>In Area 7(c), boatsheds are restricted due to the tidal nature of the bay and to protect the mud/sand flats. Also, the waterfront in this section of the bay has minimal boat shed structures at the water's edge.</p> <p>In addition to the controls contained in Part C3 Section 6.5, the following controls apply to areas 7(a) and 7(b):</p> <ul style="list-style-type: none"> Boatsheds should be sited so as to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops.
Fencing (open form)	✓	✓	✓	✓	<ul style="list-style-type: none"> Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. Fences are to be constructed of open form materials to enable vines, creepers or hedges to provide natural cover.
Inclinators	✓	✓	✓	✓	The design and siting of inclinators is to be in accordance with Part C3 Section 6.9.

**C4 – Foreshore Locality Controls**

Locality	7(a)	7(b)	7(c)	7(d)	Additional comments/controls
Development between MHWM and FBL					
Jetties and ramps	✓	✓	✗	✓	<p>Jetties and ramps are restricted in area 7(c) for the following reasons:</p> <ul style="list-style-type: none"> To retain and encourage tidal foreshore access, where existing. To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds To retain and protect the mud/sand flats, reefs and scattered rock. <p>Jetties and ramps will only be permitted in areas 7(a), 7(b) and 7(d), where they comply with the maximum length requirements as outlined in Part C3 Section 6.2.</p> <p>In this regard, the total overall length of the jetty and ramp structure must not exceed 15m and must reach useable water (600mm depth at 00 low tide or -1.53AHD).</p> <p>In areas where they are permitted, Council will encourage that where possible these be shared structures so as to ensure that the scenic quality of the foreshore is maintained.</p> <p>Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate to the satisfaction of Council that a shared facility is not appropriate and by having an additional private watercraft facility would not compromise the above objectives.</p>
Retaining Walls	○	○	○	○	<p>In addition to the controls contained in Part C2 Section 3.2, the following controls apply in this locality:</p> <ul style="list-style-type: none"> The natural landform is to be retained and the use of retaining walls and terracing is discouraged. Where retaining walls are required they are to be constructed of coarse, rock faced stone or with a stone facing and are to be no higher than 600mm above natural ground level.

**C4 – Foreshore Locality Controls**

Locality	7(a)	7(b)	7(c)	7(d)	Additional comments/controls
Development between MHW and FBL					
Seawalls	✓	✗	✗	○	<p>The following additional controls apply to Area 7(d).</p> <p>Due to the nature of the foreshore in this locality and the existence of sandstone platforms and rock shelves close to the water's edge, Council will only consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works.</p> <p>In these circumstances, the following criteria shall apply:</p> <ul style="list-style-type: none"> • Natural sandstone blocks or sandstone facing over concrete walls are preferable to other materials. • Where existing sandstone seawalls are being extended or upgraded, similar sandstone coursing to match existing walls should be used. • Rubble walls are not permitted and, if possible, existing rubble walls are to be replaced. • Seawalls are to be no higher than 1.2AHD above MHW. <p>Seawalls will generally be restricted in Areas 7(b) and 7(c), and particularly where the foreshore is in its natural state.</p> <p>Refer to Part C3 Section 6.7 for specific provisions.</p>
Sliprails	✓	✓	✗	✓	<p>In Area 7(c) slipways are restricted due to the tidal nature of the bay and to protect the public tidal foreshore access.</p> <p>In other areas, sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a sliprail, which does not conform to natural foreshore levels or necessitates the removal of natural vegetation, particularly mangroves, and sandstone rock shelves and outcrops. In this regard, any application must indicate how it meets the objectives of this section.</p> <p>Refer to Part C3 Section 6.4 for specific provisions.</p>



C4 – Foreshore Locality Controls

Locality	7(a)	7(b)	7(c)	7(d)	Additional comments/controls
Development between MHW and FBL					
Stairs	✓	✓	✓	✓	Refer to Part C3 Section 6.9, for specific provisions.
Swimming pools and spa pools	○	○	✓	✓	<p>The following controls apply to areas 7(a) and 7(b). In addition to the controls contained in Part C3 Section 6.6, swimming pools and spa pools will be restricted in these areas where:</p> <ul style="list-style-type: none"> Excessive excavation of the site is required. This is in order to protect the existing foreshore and sandstone landscape Removal of significant vegetation is proposed. This is to limit disturbance to significant tracts of remnant vegetation and canopy cover. <p>In these circumstances, it is considered that the pool should be sited above the foreshore building line.</p>

KEY ✕ - restricted ✓ - permitted ○ - permitted subject to specific controls

C4 – Foreshore Locality Controls

7.7 Water Based Development

Objectives

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain and encourage tidal foreshore access.
- (c) Permit watercraft facilities in areas where they will not have adverse visual and ecological impacts on the waterway.
- (d) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners.
- (e) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria & Design Solution

Development below MHW

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHW):

**C4 – Foreshore Locality Controls**

Locality	7(a)	7(b)	7(c)	7(d)	Additional comments/controls
Development below MHWMM					
Boatsheds (Single Storey)	×	×	×	×	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWMM.</p> <p>However, in certain circumstances, it may be more appropriate to site a boatshed below MHWMM, particularly in areas where there may be any existing boatshed and its relocation to above MHWMM will necessitate the removal of vegetation and disruption to the natural landform.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands and the requirements and objectives of this DCP.</p>
Jetties, ramps and pontoons	✓	✓	×	✓	<p>Jetties, ramps and pontoons are restricted in Area 7(c) for the following reasons:</p> <ul style="list-style-type: none"> • To retain and encourage tidal public foreshore access, where existing. • To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds • To retain and protect the mud/sand flats, reefs and scattered rock. <p>The following controls apply to areas 7(a), 7(b) and 7(d):</p> <ul style="list-style-type: none"> • Jetties, ramps and pontoons will only be permitted in these areas where they comply with the maximum length requirements as outlined in Part C3 Section 6.2. <p>Council encourages where possible, jetties, ramps and pontoons be shared structures so as to minimise the proliferation of structures and ensure that the scenic quality of the bay is maintained. Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and by having an additional private watercraft facility would not compromise the above objectives.</p>

**C4 – Foreshore Locality Controls**

Locality	7(a)	7(b)	7(c)	7(d)	Additional comments/controls
Development below MHWM					
Sliprails	✓	✓	✗	✓	<p>Sliprails are restricted in Area 7(c) due to the tidal nature of the bay and to protect the public tidal foreshore access.</p> <p>In other areas, sliprails will only be permitted in the form of the two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a sliprail which does not conform to natural foreshore levels or necessitates the removal of natural vegetation and sandstone rock shelves and outcrops. In this regard, any application must indicate how it meets the objectives of this Section.</p> <p>Refer to Part C3 Section 6.4 for specific provisions.</p>
Stabilisation piles	✓	✓	✗	✓	<p>In Area 7(d), Council may consider a maximum of two (2) freestanding end piles as the area is subject to moderate wave exposure. Stabilisation piles will only be permitted in association with a jetty, ramp and pontoon structure, and where piles are permitted, no vessel is to be berthed permanently.</p> <p>These piles must be constructed in accordance with Part C3 Section 6.3.</p>
Swimming enclosures	✗	✗	✗	✗	<p>Swimming enclosures are restricted in these areas for the following reasons:</p> <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access. • To protect and preserve the existing marine environment, which may include extensive seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds • To retain and protect the mud/sand flats, reefs and scattered rock. <p>The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHWM.</p>

KEY ✗ - restricted ✓ - permitted ○ - permitted subject to specific controls

7.8 Land Based Development

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL).

This section should be read in conjunction with other sections of this DCP, however where there is an inconsistency, the requirements of this section apply.

Objectives

- (a) Site dwellings to minimise the loss of significant trees, remnant native vegetation and the sandstone landscape.
- (b) Design dwellings, where appropriate to minimise disturbance to the natural landform.
- (c) Minimise the level of reflectivity for facades facing the foreshore.
- (d) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.
- (e) Site swimming pools and ancillary development to minimise the impact on the landform and preserve existing trees.
- (f) Minimise the visual impact of retaining walls, when viewed from the water.

Performance Criteria & Design Solutions

Land based development above the FBL

The following controls apply to land based development above the FBL and are in addition to any other controls contained within this DCP:

- (l) Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation is highly recommended. In this regard, Council may consider variations to setback and height requirements to retain existing ridgeline vegetation, particularly where it provides a backdrop to the waterway, but only where it can be demonstrated that the variations:
 - (i) do not increase the visual impact of the dwelling, when viewed from the water;
 - (ii) still achieve a built form that is in scale and proportion with the site and adjoining development; and

C4 – Foreshore Locality Controls

- (iii) the overall development complies with the floorspace requirements as contained in Part C1 Section 1.2.1.
- (2) On sites where the slope exceeds 1:8 (12.5%), dwellings should not have the appearance from any elevation of being more than three levels from the water. Such designs should be stepped, with the bulk of the development setback as far from the water as possible.
- (3) The maximum number of storeys at any point is two (2). However, in certain circumstances, Council may permit a variation to this requirement where the design of the dwelling results in a reduced building footprint and site coverage and results in the following:
 - (i) The preservation of topographic features of the site, including rock shelves and cliff faces;
 - (ii) The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water, and
 - (iii) Minimised site disturbance through cutting and/or filling of the site (Refer to Figure 30-32).

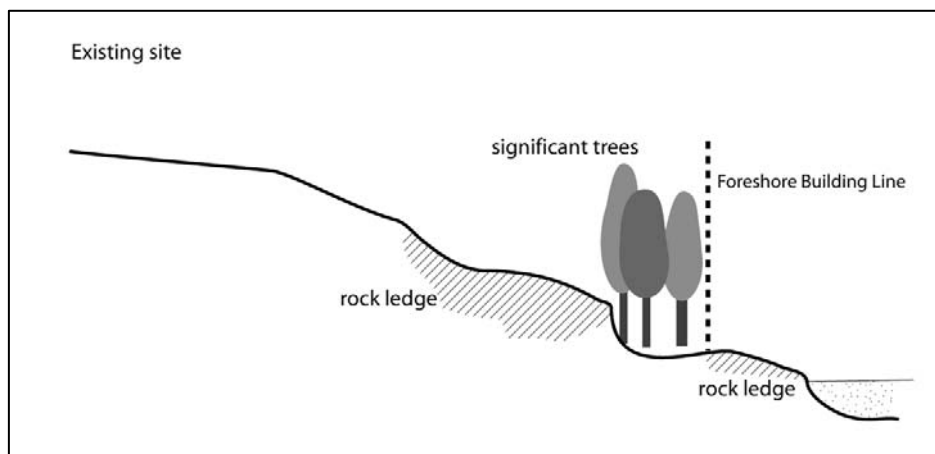


Figure 30: Existing site features should be retained where possible.

C4 – Foreshore Locality Controls

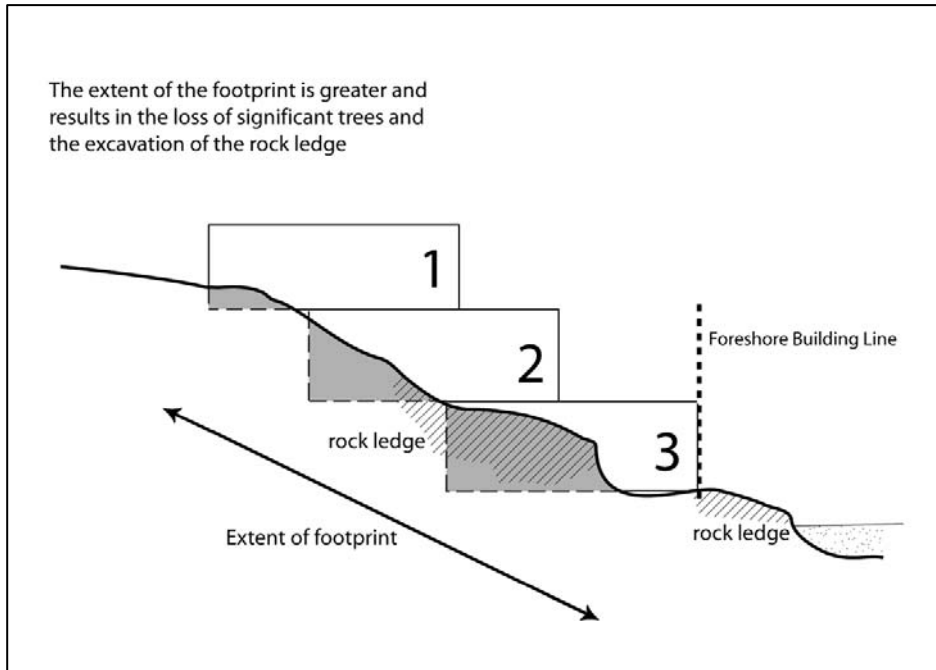


Figure 31. Proposed 3 Storey Development – Greater Footprint

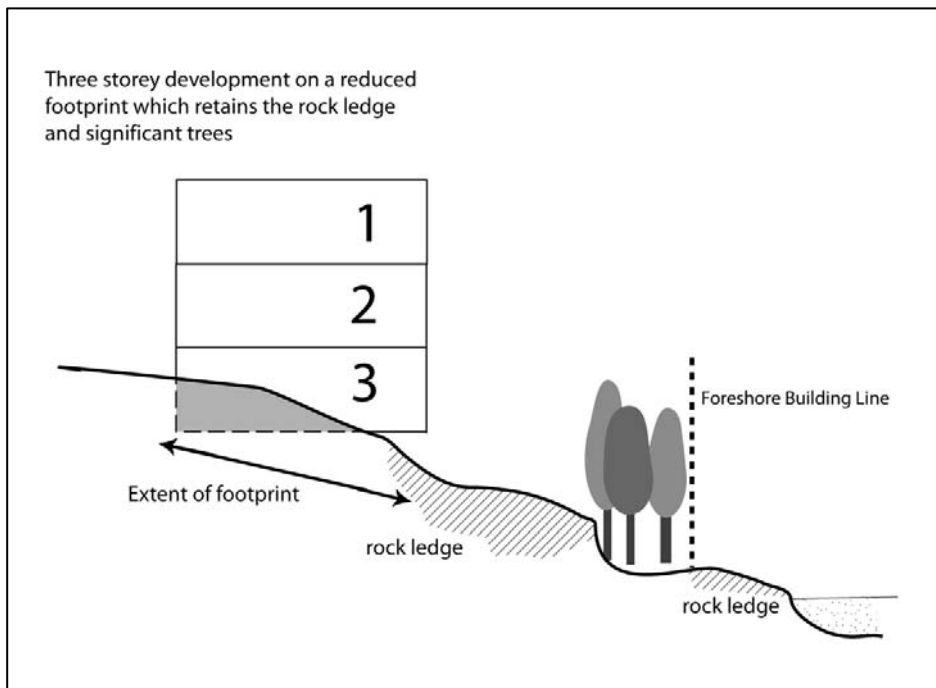


Figure 32. Proposed 3 Storey Development – Reduced Footprint

C4 – Foreshore Locality Controls

- (4) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.
- (5) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.
- (6) Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on natural landform features (rock shelves and platforms).
- (7) On steeper slopes, preference is given to the retention of natural stable rock ledge escarpments, as opposed to introducing retaining walls. In circumstances where it is appropriate, a landscape batter maybe preferable to retaining walls in the creation of terraced areas.
- (8) Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.
- (9) Where there is a strong design character in existing buildings, new dwellings must, when viewed from the waterway incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with that character.
- (10) Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:
 - (i) awnings or other features over windows;
 - (ii) recessing or projecting architectural elements; or
 - (iii) open, deep verandahs.

8. Oatley Bay

Connells Point to Poulton Park



Figure 33. Locality 9: Oatley Bay

Foreshore Building Lines

Between 7.6m - 15m

Refer to Kogarah LEP 2012 FBL map

Development Setting

Semi Urban

C4 – Foreshore Locality Controls

Existing Character

The character of this locality varies from highly urbanised in the southern section of the bay, at Connells Point to more natural at the water's edge at the entry point into Oatley Bay.

This difference is due to a number of factors including the topography of the sites, which gradually rises from a low point at Connells Point to become more steep fronting Oatley Bay. Also, larger blocks in Oatley Bay, coupled with the larger foreshore building line and the open space corridor, which affects a number of properties south of Poulton Park.

At the head of the bay is Poulton Park, which is a large area of open space and includes mangroves, wetlands as well as passive open space facilities. There is also a substantial amount of remnant native vegetation in Poulton Park and Redin Place Reserve, which provides a more scenic quality at the head of the Bay.

8.1 Views, Vistas and Landmarks

Views are predominantly across Oatley Bay to areas of moderate to high built form. From the entry point into Oatley Bay, which is marked by low sandstone cliffs, the view north is to Poulton Park, which is dominated by mangroves and remnant native vegetation.

8.2 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Seagrasses
- Regenerating mangroves
- Distinctive rock formations along the western foreshore
- Mud/Sand Flats, Scattered Rock, Rocky Foreshore
- Tidal Public Foreshore Access
- Fish breeding/feeding ground

An ecological study may be required to be submitted with any application for development below MHWL.

Landscape

Little foreshore vegetation remains at the waterline up to the head of the bay. The ridgeline canopy is generally intact and there is evidence of remnant vegetation on larger properties in Oatley Bay and adjoining Redin Place Reserve.

This section of Oatley Bay also has one of the largest areas of mangrove in the Georges River. These are found on the eastern shore at the head of the bay adjoining Poulton Park.

Some fringing mangroves remain at the head of the bay, with dense remnant native vegetation in Poulton Park, Redin Place Reserve and south of the Reserve, however these are not continuous.

The original landform along the bay has not been significantly modified but the wetlands at the head of the bay have been filled to provide public open space and recreational facilities. There remains some evidence of the original sandstone rock shelves and platforms in some sections of the foreshore within this locality, however much of this has been removed through redevelopment and terracing of sites.

This locality is identified as a Habitat Reinforcement Area on Council's Green Web map.

8.3 Built Environment

Dwellings

This locality is characterised by larger dwellings, many of which are close to the water's edge. This is particularly evident at Connells Point, and at the entry to Oatley Bay and is generally a result of larger blocks of land being subdivided to create smaller battle-axe allotments, below the ridge. The visual impact of development is then compounded by dwellings built both on the ridge and at the lower levels, closer to the water's edge.

Towards the head of Oatley Bay, the slope is less pronounced and there is a significant amount of vegetation and landscape features, including sandstone platforms that have been retained close to the water's edge. This, coupled with the increased foreshore building line and the larger block size, has resulted in dwellings being substantially setback from the water's edge, and provides a more natural scenic quality.

Some of the more recent developments in this section of the bay have resulted in sites being extensively terraced. In some cases, this terracing extends beyond the main building and has resulted in the significant loss of natural vegetation and is out of character in this section of the bay when viewed from the water.

There are specific restrictions relating to dwellings in this locality.

Ancillary Structures

Ancillary structures are generally integrated with the dwelling in the southern part of the bay due to smaller block sizes. There are a number of swimming pools which are close to the water's edge and elevated out of the ground. In most cases, the sides of the pool are exposed and have not been sufficiently treated, increasing the visual impact when viewed from the water.

There is a moderate to high level of water activity in this locality, with short jetties where the water is deep, and a proliferation of boatshed/houses and large jetties in the shallower water further up the bay.

There are specific restrictions relating to ancillary structures in this locality.

8.4 Heritage

Cultural Heritage

Schedule 5 of Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this Locality, there are no properties listed as heritage items.

Aboriginal Heritage

The NSW National Parks and Wildlife Database indicates that there is evidence of Aboriginal archaeological sites (Middens) located in this Locality. These are situated in Redin Place Reserve.

8.5 Mapping Areas

This locality consists of four (4) smaller areas. These areas are consistent with the Department of Conservation and Land Management's Assessment of Crown Land at Georges River (Northern Shore).

Each of the areas is shown in the following maps. You should refer to the map and associated controls that apply to your property.

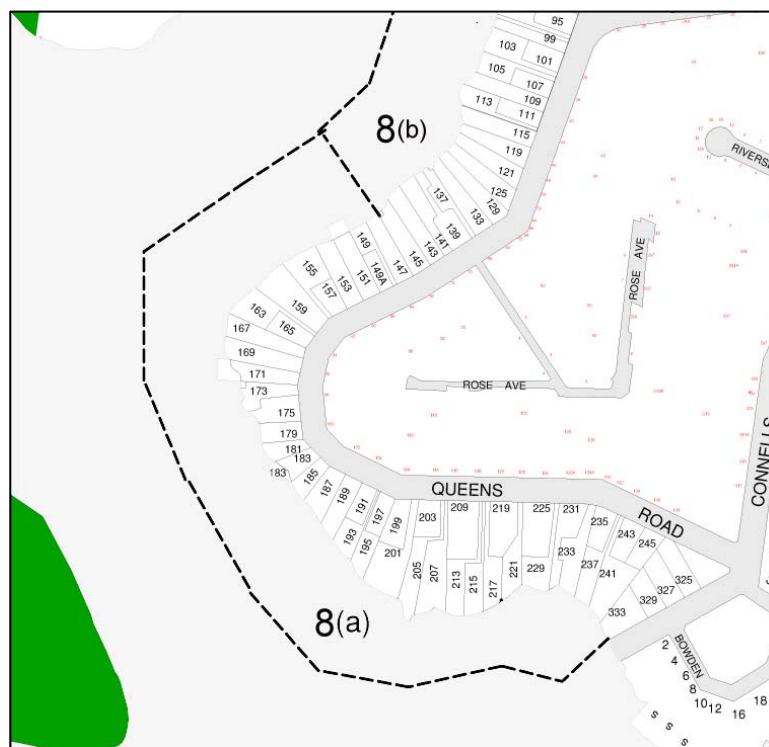


Figure 35. Mapping Areas 8(a) and 8(b)

C4 – Foreshore Locality Controls

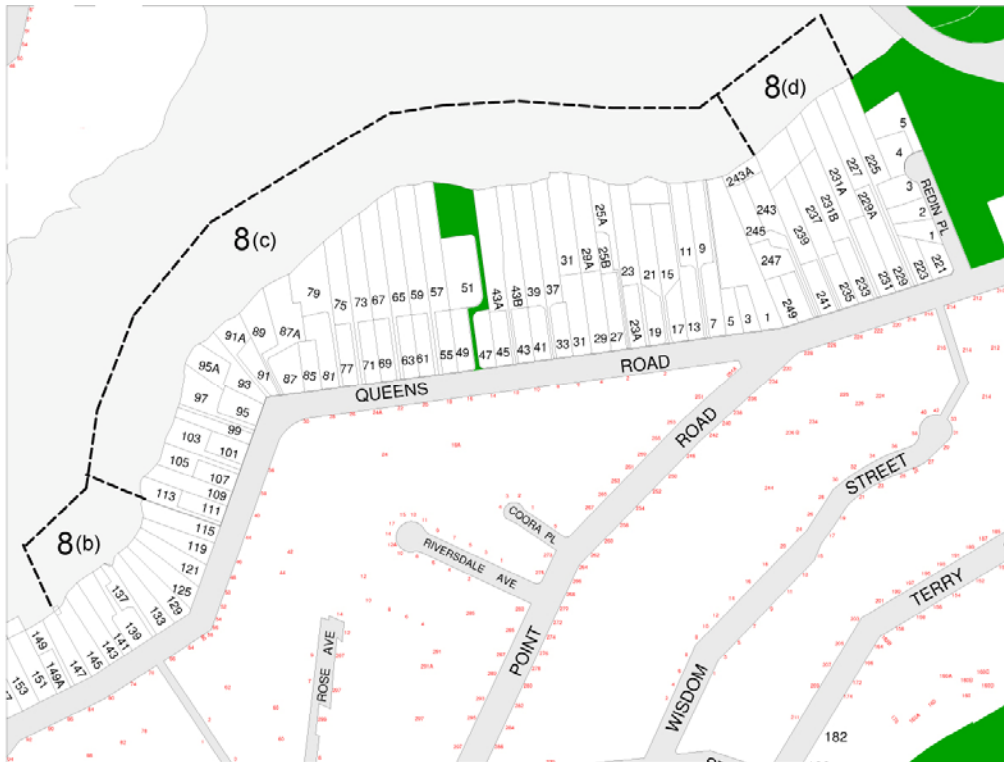


Figure 36. Mapping Areas 8(b) and 8(c), and 8(d)

8.6 Water and Land Interface Development

Objectives

Improve the scenic quality of the foreshore by:

- (a) Maintaining and protecting existing native vegetation close to the water's edge and below the foreshore building line.
- (b) Retaining and protecting the natural landform, particularly the sandstone foreshore and rock formations.
- (c) Encouraging suitable landscaping below the foreshore building line.
- (d) Ensuring that any development close to the water's edge is suitably designed and treated to minimise its impact when viewed from the water.

Performance Criteria & Design Solution

Development between MHWM and the FBL

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHWM) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	8(a)	8(b)	8(c)	8(d)	Additional comments/controls
Development between MHWMM and FBL					
Boatsheds (Single Storey)	○	○	○	○	<p>A portion of land within Area 8(d) is zoned RE1 - Public Recreation under KLEP 2012.</p> <p>The following controls apply to the remaining areas, in addition to the controls contained in Part C3 Section 6.5:</p> <ul style="list-style-type: none"> Boatsheds should be sited so as to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops.
Fencing (open form)	✓	✓	✓	✓	<p>A portion of land within Area 5(b) is zoned RE1 - Public Recreation under KLEP 2012.</p> <p>In all other areas:</p> <ul style="list-style-type: none"> Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.
Inclinators	○	○	○	○	<p>A portion of land within Area 8(d) is zoned RE1 - Public Recreation under KLEP 2012.</p> <p>In addition to the controls contained in Part C3 Section 6.9, the following controls apply to the remaining areas:</p> <ul style="list-style-type: none"> Council will only consider the construction of an inclinator where it does not necessitate the removal of natural rock, trees and vegetation. Inclinators should not obscure or break a view line of the rock or cliff face. Shared use of facilities is preferable.

C4 – Foreshore Locality Controls

Locality	8(a)	8(b)	8(c)	8(d)	Additional comments/controls
Development between MHW and FBL					
Jetties and Ramps	○	○	○	✘	<p>Jetties and ramps are restricted in Area 8(d) for the following reasons:</p> <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access, where existing. • To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds • To retain and protect the mud/sand flats, reefs and scattered rock. <p>The following controls apply to Areas 8(a), 8(b) and 8(c):</p> <ul style="list-style-type: none"> • Jetties and ramps will only be permitted in these areas where they comply with the maximum length requirements as outlined in Part C3 Section 6.2. • In this regard, the total overall length of the jetty and ramp structure must not exceed 15m and must reach useable water (600mm depth at 00 low tide or -1.53AHD). • In areas where they are permitted, Council will encourage that, where possible, these be shared structures so as to ensure that the scenic quality of the foreshore is maintained. <p>Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and by having an additional private watercraft facility, that the above objectives would not be compromised.</p>
Landscaping	○	✓	✓	✓	<p>This Locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B2 Section 2 apply.</p> <p>The following controls are in addition to those contained in Part B2 Section 2 and Part C3 Section 6.10 and apply to Area 8(a):</p> <ul style="list-style-type: none"> • In this section of the foreshore, landscaped areas below the FBL should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. • Turf should be limited in this area. Details of proposed planting are to be indicated on any landscape plan submitted to Council.



C4 – Foreshore Locality Controls

Locality	8(a)	8(b)	8(c)	8(d)	Additional comments/controls
Development between MHWM and FBL					
Retaining Walls	○	○	○	○	<p>In addition to the controls contained in Part C2 Section 3.2, the following controls apply in this locality:</p> <ul style="list-style-type: none"> • The natural landform is to be retained and the use of retaining walls and terracing is discouraged. • Where retaining walls are required they are to be constructed of coarse, rock faced stone or with a stone facing and are to be no higher than 600mm above natural ground level. • Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.
Seawalls	○	○	○	○	<p>The following controls apply to this locality:</p> <ul style="list-style-type: none"> • Due to the nature of the foreshore in this locality and the existence of sandstone platforms and rock shelves close to the water's edge, Council will only consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works. <p>In these circumstances, the following criteria shall apply:</p> <ul style="list-style-type: none"> • Natural sandstone blocks or sandstone facing over concrete walls are preferable to other materials • Where existing sandstone seawalls are being extended or upgraded, similar sandstone coursing to match existing walls should be used. • Rubble walls are not permitted and, if possible, existing rubble walls are to be replaced. • Seawalls are to be no higher than 1.2AHD above MHWM. <p>In these circumstances, Council will not permit the removal of any natural rock to create a seawall.</p> <p>Refer to Part C3 Section 6.7 for specific provisions.</p>



C4 – Foreshore Locality Controls

Locality	8(a)	8(b)	8(c)	8(d)	Additional comments/controls
Development between MHW and FBL					
Sliprails	✓	✓	✓	✓	<p>A portion of land within Area 8(d) is zoned REI - Public Recreation under KLEP 2012.</p> <p>In other areas, sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a sliprail which does not conform to natural foreshore levels, significantly obstructs practical public access along the foreshore or necessitates the removal of estuarine vegetation and sandstone rock shelves and scattered rock. In this regard, any application must indicate how it meets the objectives of this section.</p> <p>Refer to Part C3 Section 6.4 for specific provisions.</p>
Stairs	✓	○	○	○	<p>In addition to the controls contained in Part C3 Section 6.9, the following controls apply to areas 8(b), 8(c) & 8(d):</p> <ul style="list-style-type: none"> • In these areas it is preferable that access to the foreshore is achieved through non-excavated construction (for example, timber or steel stairs bolted to rock).
Swimming pools and spa pools	✓	○	○	○	<p>A portion of land within Area 8(d) is zoned REI - Public Recreation zone in Kogarah LEP 2012. Within this zone swimming pools and spa are a prohibited use.</p> <p>In addition to the controls contained in Part C3 Section 6.6, swimming pools and spa pools will be restricted in areas 8(b), 8(c) and 8(d) where:</p> <ul style="list-style-type: none"> • Excessive excavation of the site is required. This is in order to protect the existing foreshore and sandstone landscape • Removal of significant vegetation is proposed. This is to limit disturbance to significant tracts of remnant vegetation and canopy cover. <p>In these circumstances, it is considered that the pool should be sited above the foreshore building line.</p>

KEY ✕ - restricted ✓ - permitted ○ - permitted subject to specific controls

8.7 Water Based Development

Objectives

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain and encourage tidal foreshore access, where appropriate.
- (c) Permit watercraft facilities in areas where they will not have adverse visual and ecological impacts on the waterway.
- (d) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners.
- (e) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria & Design Solution

Development below MHWM

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHWM):

**C4 – Foreshore Locality Controls**

Locality	8(a)	8(b)	8(c)	8(d)	Additional comments/controls
Development below MHWMM					
Boatsheds (Single Storey)	✘	✘	✘	✘	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWMM.</p> <p>However, in certain circumstances, it may be more appropriate to site a boatshed below MHWMM, particularly in areas where there may be any existing boatshed and its relocation to above MHWMM will necessitate the removal of vegetation and disruption to the natural landform.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands, the NSW Department of Primary Industries and the requirements and objectives of this DCP.</p>
Jetties, ramps and pontoons	○	○	○	✘	<p>Jetties, ramps and pontoons are restricted in Area 8(d) for the following reasons:</p> <ul style="list-style-type: none"> • To retain and encourage tidal public foreshore access, where existing. • To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds. • To retain and protect the mud/sand flats, reefs and scattered rock. <p>The following controls apply to Areas 8(a), 8(b) and 8(c):</p> <ul style="list-style-type: none"> • Jetties, ramps and pontoons will only be permitted in these areas where they comply with the maximum length requirements as outlined in Part C3 Section 6.2. <p>In areas 8(c) and 8(d), Council encourages where possible, jetties, ramps and pontoons be shared structures so as to minimise the proliferation of structures and ensure that the scenic quality of the bay is maintained. Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate to the satisfaction of Council that a shared facility is not appropriate and having an additional private watercraft facility would not compromise the objectives of this Section.</p>

KEY ✘ - restricted ✓ - permitted ○ - permitted subject to specific controls

**C4 – Foreshore Locality Controls**

Locality	8(a)	8(b)	8(c)	8(d)	Additional comments/controls
Development below MHWMM					
Sliprails	✓	✓	✓	✓	Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation. Council will not support any application for a sliprail which does not conform to natural foreshore levels or necessitates the removal of natural vegetation and sandstone rock shelves and outcrops. In this regard, any application must indicate how it meets the objectives of this section. Refer to Part C3 Section 6.4 for specific provisions.
Stabilisation piles	✗	✗	✗	✗	Stabilisation piles are restricted in these areas as the Land Inventory Sheet from the Department of Lands indicates that these areas are subject to minimal wave exposure. Accordingly, it is considered that stabilisation piles are not required in these areas.
Swimming enclosures	✗	✗	✗	✗	Swimming enclosures are restricted in these areas for the following reasons: <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access. • To protect and preserve the existing marine environment, which may include extensive seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds • To retain and protect the mud/sand flats, reefs and scattered rock. • The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHWMM.

KEY ✗ - restricted

✓ - permitted

○ - permitted subject to specific controls

8.8 Land Based Development

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL). It also applies to those properties that are affected by the RE1- Public Recreation zone under KLEP 2012 as the impact of proposed development above the zoning affectation has the potential to have an adverse impact (Area 8(d)).

This Section should be read in conjunction with other sections of Part C of this DCP, however where there is an inconsistency, the requirements of this section apply.

Objectives

- (a) Site dwellings to minimise the loss of significant trees, remnant native vegetation and the sandstone landscape.
- (b) Design dwellings, where appropriate to minimise disturbance to the natural landform.
- (c) Minimise the level of reflectivity for facades facing the foreshore.
- (d) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.
- (e) Site swimming pools and ancillary development to minimise the impact on the landform and preserve existing trees.
- (f) Minimise the visual impact of retaining walls, when viewed from the water.

Controls

Land based development above the FBL

The following controls apply to land based development above the FBL and are in addition to any other relevant controls contained within this DCP:

- (1) Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation is highly recommended. In this regard, Council may consider variations to setback and height requirements to retain existing ridgeline vegetation, particularly where it provides a backdrop to the waterway, but only where it can be demonstrated that the variations:
 - (i) do not increase the visual impact of the dwelling, when viewed from the water;

C4 – Foreshore Locality Controls

- (ii) still achieve a built form that is in scale and proportion with the site and adjoining development; and
 - (iii) the overall development complies with the floorspace requirements as contained Part C1 Section 1.2.1.
- (2) On sites where the slope exceeds 1:8 (12.5%), dwellings should not have the appearance from any elevation of being more than three levels from the water. Such designs should be stepped, with the bulk of the development setback as far from the water as possible.
- (3) The maximum number of storeys at any point is two (2). However, in certain circumstances, Council may permit a variation to this requirement where the design of the dwelling results in a reduced building footprint and site coverage and results in the following:
- (i) The preservation of topographic features of the site, including rock shelves and cliff faces;
 - (ii) The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water, and
 - (iii) Minimised site disturbance through cutting and/or filling of the site (See Figure 36-38).

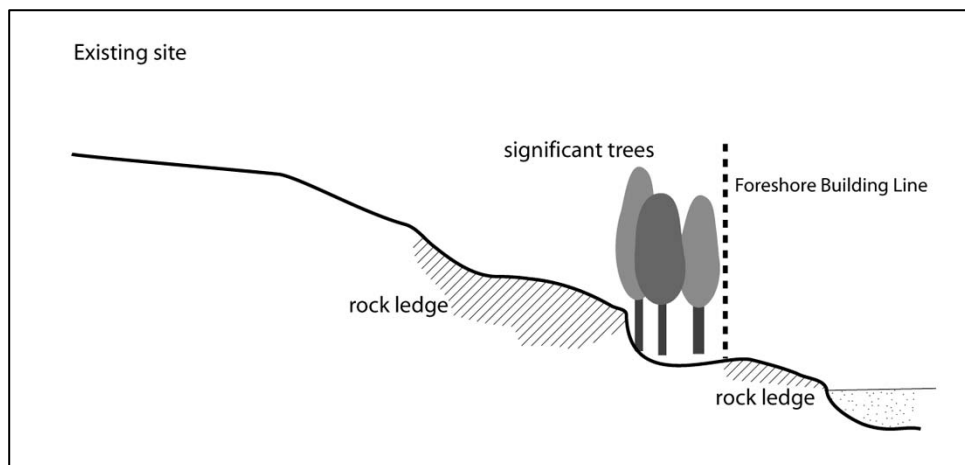


Figure 36: Existing site features should be retained where possible.

C4 – Foreshore Locality Controls

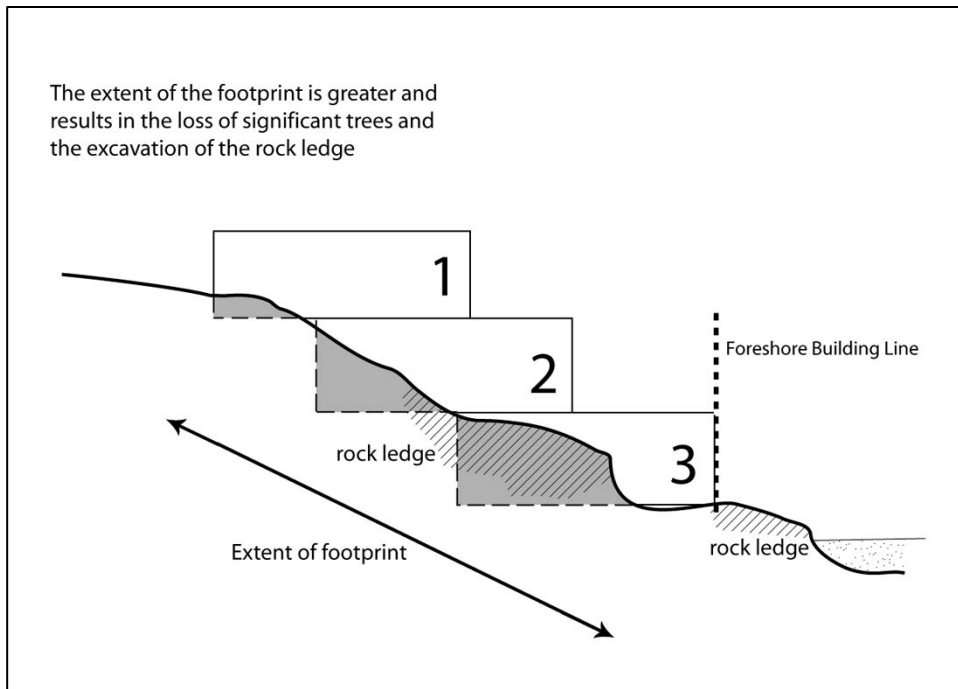


Figure 37: Proposed 3 Storey Development – Greater Footprint

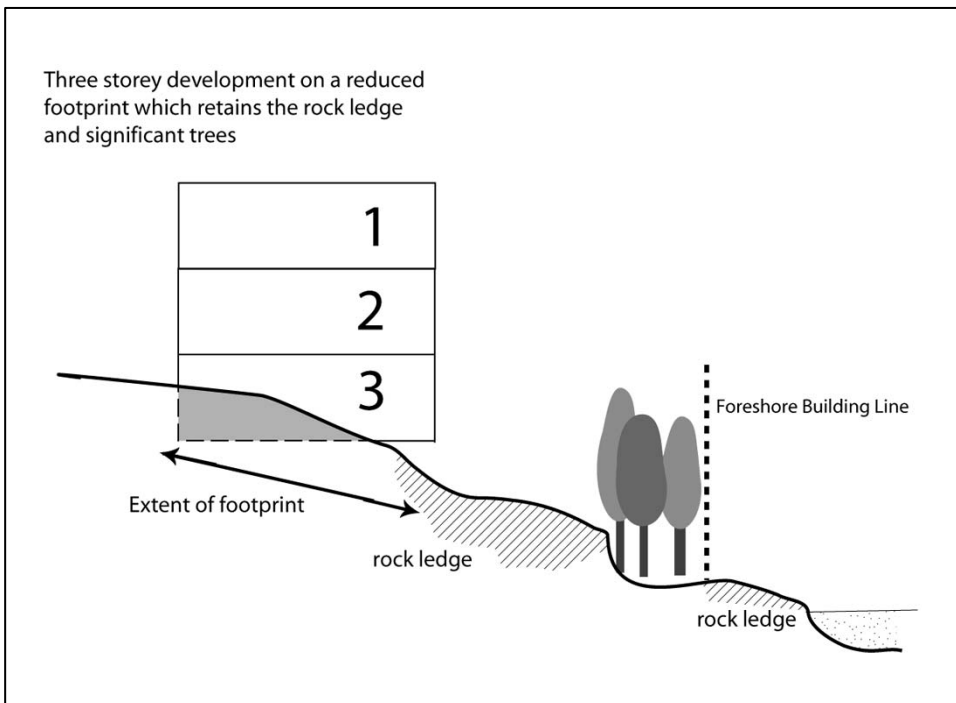


Figure 38: Proposed 3 Storey Development – Reduced Footprint

C4 – Foreshore Locality Controls

- (4) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.
- (5) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.
- (6) Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on natural landform features (rock shelves and platforms)
- (7) On steeper slopes, preference is given to the retention of natural stable rock ledge escarpments, as opposed to introducing retaining walls. In circumstances where it is appropriate, a landscape batter maybe preferable to retaining walls in the creation of terraced areas.
- (8) Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.
- (9) Where there is a strong design character in existing buildings, new dwellings must, when viewed from the waterway incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with that character.
- (10) Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:
 - (i) awnings or other features over windows;
 - (ii) recessing or projecting architectural elements; or
 - (iii) open, deep verandas.

9. Oatley Bay

Poulton Park to Oatley Point Reserve

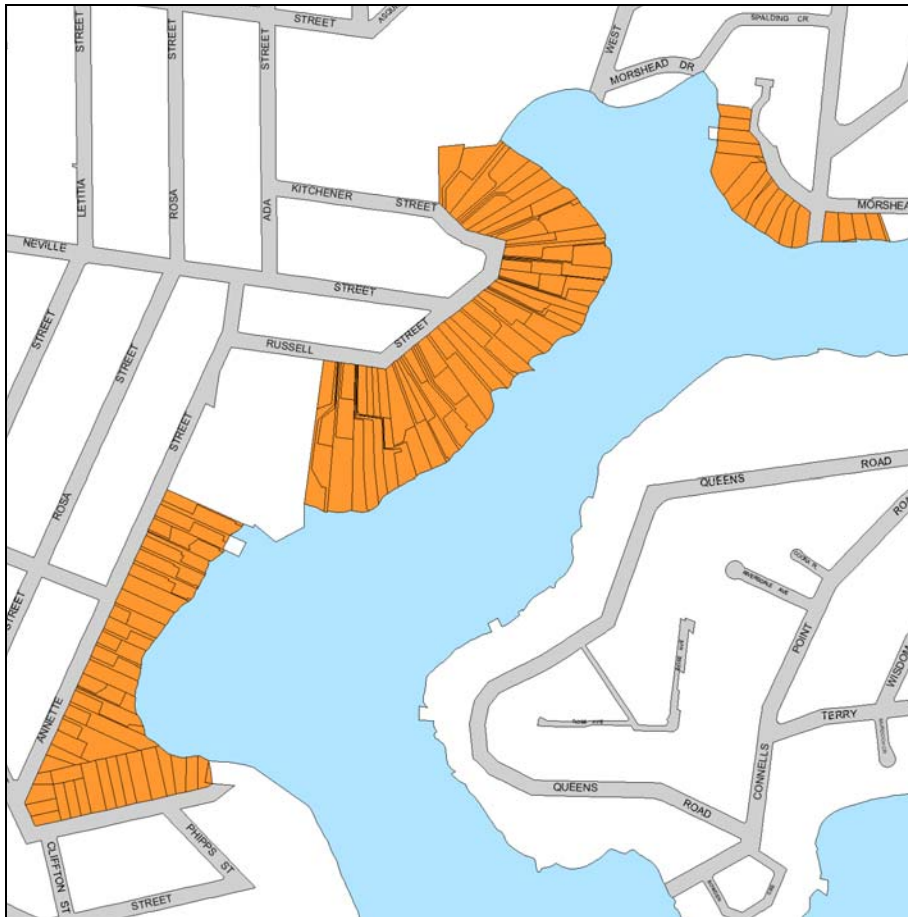


Figure 39: Locality 9: Oatley Bay

Foreshore Building Lines

Between 7.6 m - 30m

Refer to Kogarah LEP 2012 FBL map

Development Setting

Semi Urban

C4 – Foreshore Locality Controls**9.1 Existing Character**

Slopes along the western side of Oatley Bay within this locality are higher and steeper than those on the eastern shore. The landform in this locality slopes down to the water and a number of the larger blocks have been subdivided, resulting in long narrow blocks and a number of battleaxe blocks, with narrow access handles. This results in an increased visual impact from the water as the built form is visible down the slope.

This locality is also characterised by substantial areas of remnant native vegetation and sandstone cliffs and rock formations both in private and public ownership. Shoreline and ridgeline remnant native vegetation is present along much of the foreshore in the landscape character of this locality and is reinforced by Moore Reserve, Oatley Pleasure Grounds and Oatley Point Reserve.

9.2 Views, Vistas and Landmarks

Views are predominantly across the Bay to the eastern built form shoreline.

There are no significant landmarks in this area, although Oatley Point Reserve is visually important with low sandstone cliffs and remnant native vegetation.

9.3 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Minor Saltmarsh
- Sand/ Mud Flats
- Tidal Beach
- Tidal Public Foreshore Access
- Fish breeding/feeding ground

An ecological study may be required to be submitted with any application for development below MHWL.

Landscape

This locality is characterised by three substantial areas of open space: Moore Reserve, Oatley Point Reserve and Oatley Pleasure Grounds. These areas increase the scenic quality of the locality when viewed from the waterway and represent a large proportion of the overall remnant native vegetation for the Kogarah LGA. These areas are also important areas for local habitat.

Moore Reserve is the second largest public space in the City of Kogarah (14.2 hectares). It was created in the 1960's by infilling with mud dredged from Oatley Bay. In 2001 an artificial wetland was constructed which uses natural processes to treat 95% of all stormwater run off from the 125-hectare catchment before it enters Oatley Bay.

Oatley Point Reserve, at around 3 hectares, has some of the highest quality remnant coastal forest in Kogarah. It is also home to a colony of sugar gliders, ring-tailed possums and the marsupial mouse, the dusky antechinus.

Oatley Pleasure Grounds is a 10-hectare area of bush and parkland on the edge of Oatley Bay. Two-thirds of the park consists of remnant native forest, which is home to 30 native bird species, as well as possums and the White Striped Mastiff Bat.

There is also a substantial amount of vegetation including remnant native vegetation on private property. The larger foreshore building line has protected much of this, which in some areas is up to 30m.

This locality is identified as a Habitat Reinforcement Area on Council's Green Web Map.

9.4 Built Environment

Dwellings

Due to the differing block sizes and varying foreshore building line (FBL), the impact of development when viewed from the water varies in this Locality.

At the head of the bay, block sizes are smaller and the FBL is set at the minimum of 7.6m. As a result, much of the natural vegetation corridor along the foreshore has been removed and larger dwellings are built closer to the water's edge, thereby making them more visually prominent.

Along the western side of the bay, the block sizes and FBL increases (between 15m – 30m). Larger dwellings are still very prominent in this section of the bay, however there is a significant amount of vegetation and landscape features, including sandstone platforms that have been retained close to the water's edge. This, coupled with the increased foreshore building line and the larger block size, has resulted in dwellings being substantially setback from the water's edge, and provides a more natural scenic quality.

In some areas of the locality, larger blocks have been subdivided to create smaller battle-axe allotments, below the ridge. The visual impact of development is thereby compounded by dwellings built both on the ridge and at the lower levels, closer to the water's edge. In some cases, the impact of development is softened through the retention of the canopy at the mid level.

Some of the more recent developments in this section of the bay have resulted in sites being extensively terraced. In some cases, this terracing extends beyond the main building and has resulted in the significant loss of natural vegetation and is out of character in this section of the Bay when viewed from the water.

There are specific restrictions relating to dwellings and subdivision in this locality.

C4 – Foreshore Locality Controls**Ancillary Structures**

Due to the smaller block sizes, ancillary structures are generally integrated with dwellings at the head of the bay. In this Locality, there are a number of swimming pools, which are close to the water's edge and are elevated out of the ground. In most cases, the sides of the pool are exposed and have not been sufficiently treated, increasing the visual impact when viewed from the water.

There is a moderate to high level of water activity in this locality, with short jetties where the water is deep and a proliferation of boat shed/houses and large jetties in the shallower water at the southern part of the bay.

There are specific restrictions relating to ancillary structures in this locality.

9.5 Heritage**Cultural Heritage**

Schedule 5 of Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this Locality, the following properties are listed as heritage items:

Address	Item Name	Description of Item
10 Russell Street, Oatley		House & Garden
West Crescent, Hurstville Grove	Moore Reserve	Reserve
1 Phipps Street, Oatley	Oatley Point Reserve	Reserve

Prior to the preparation of a development application, you should check to ensure that your property is not heritage listed or is a site adjacent to a heritage item.

Aboriginal Heritage

The NSW National Parks and Wildlife Database indicates that there is evidence of Aboriginal archaeological sites (Open Camp Site, Shelters and Middens) located in this Locality. All of these sites are situated in the Reserves.

9.7 Water and Land Interface Development

Objectives

Improve the scenic quality of the foreshore by:

- (a) Maintaining and protecting existing native vegetation close to the water's edge and below the foreshore building line.
- (b) Retaining and protecting the natural landform, particularly the sandstone foreshore and rock formations.
- (c) Encouraging suitable landscaping below the foreshore building line.
- (d) Ensuring that any development close to the water's edge is suitably designed and treated to minimise its impact when viewed from the water.

Performance Criteria & Design Solution

Development between MHWM and the FBL

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHWM) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	9(a)	9(b)	9(c)	9(d)	9(e)	Additional comments/controls
Development between MHW and FBL						
Boatsheds (Single Storey)	✓	○	○	○	○	In addition to the controls contained in Part C3 Section 6.5, the following controls apply to areas 9(b), 9(c), 9(d) and 9(e): <ul style="list-style-type: none"> Boatsheds should be sited so as to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops. Where the above cannot be achieved, Council may restrict the development of a boatshed in this locality.
Fencing (open form)	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.
Jetties, ramps and pontoons	○	○	○	○	○	<p>Jetties and ramps will only be permitted in this Locality where they comply with the maximum length requirements as outlined in Part C3 Section 6.2.</p> <p>In areas where they are permitted, Council will encourage that where possible these be shared structures so as to ensure that the scenic quality of the foreshore is maintained. Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council that a shared facility is not appropriate and having an additional private watercraft facility, would not compromise the objectives of this Section.</p>
Landscaping	○	✓	✓	✓	✓	<p>This locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B Section 2 apply.</p> <p>In addition to Part B Section 2 and Part C3 Section 6.10, the following controls apply to Area 9(a):</p> <ul style="list-style-type: none"> In this section of the foreshore, landscaped areas below the FBL should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. Turf should be limited in this area. Details of proposed planting are to be indicated on any landscape plan submitted to Council.

**C4 – Foreshore Locality Controls**

Locality	9(a)	9(b)	9(c)	9(d)	9(e)	Additional comments/controls
Development between MHW and FBL						
Retaining Walls	✓	○	○	○	○	<p>In addition to the controls contained in Part C2 Section 3.2, the following controls apply to areas 9(a), 9(c) and 9(d):</p> <ul style="list-style-type: none"> • The natural landform is to be retained and the use of retaining walls and terracing is discouraged. • Where retaining walls are required they are to be constructed of coarse, rock faced stone or with a stone facing and are to be no higher than 600mm above natural ground level. • Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.
Seawalls	○	✓	✓	✓	✓	<p>In addition to the controls contained in Part C3 Section 6.7, the following controls apply to Area 9(a):</p> <p>Due to the nature of the foreshore in this locality and the existence of sandstone platforms and rock shelves close to the water's edge, Council will only consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works.</p> <p>In these circumstances, the following criteria shall apply:</p> <ul style="list-style-type: none"> • Natural sandstone blocks or sandstone facing over concrete walls are preferable to other materials • Where existing sandstone seawalls are being extended or upgraded, similar sandstone coursing to match existing walls should be used. • Rubble walls are not permitted and, if possible, existing rubble walls are to be replaced. • Council will not permit the removal of any natural rock to create a seawall.

KEY ✕ - restricted ✓ - permitted ○ - permitted subject to specific controls

9.8 Water Based Development

Objectives

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Where appropriate, retain and encourage tidal foreshore access.
- (c) Permit watercraft facilities in areas where they will not have an adverse impact on the visual and ecological quality of the waterway.
- (d) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners.
- (e) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria & Design Solution

Development below MHWM

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHWM):

**C4 – Foreshore Locality Controls**

Locality	9(a)	9(b)	9(c)	9(d)	9(e)	Additional comments/controls
Development below MHWMM						
Boatsheds (Single Storey)	×	×	×	×	×	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHWMM.</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands and the requirements and objectives of this DCP.</p>
Jetties, ramps and pontoons	○	○	○	○	○	<p>Jetties, ramps and pontoons will only be permitted in these areas where they comply with the maximum length requirements as outlined in Part C3 Section 6.2.</p> <p>Council encourages that where possible jetties, ramps and pontoons be shared structures so as to minimise the proliferation of structures and ensure that the scenic quality of the bay is maintained. Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and having an additional private watercraft facility would not compromise the objectives of this Section.</p>
Sliprails	✓	○	○	○	○	<p>Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>Council will not support any application for a sliprails which does not conform to natural foreshore levels or necessitates the removal of natural vegetation and sandstone rock shelves and outcrops.</p> <p>In this regard, any application must indicate how it meets the objectives of this Section.</p>



C4 – Foreshore Locality Controls

Locality	9(a)	9(b)	9(c)	9(d)	9(e)	Additional comments/controls
Development below MHWM						
Stabilisation piles	✘	✘	✘	✘	✘	Stabilisation piles are restricted in these areas as the Land Inventory Sheet from the Department of Lands indicates that these areas are subject to minimal wave exposure. Accordingly, it is considered that stabilisation piles are not required in these areas.
Swimming Enclosures	✘	✘	✘	✘	✘	Swimming enclosures are restricted in these areas for the following reasons: <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access. • To protect and preserve the existing marine environment, which may include extensive seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds • To retain and protect the mud/sand flats, reefs and scattered rock. <p>The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHWM.</p>

KEY ✘ - restricted ✓ - permitted ○ - permitted subject to specific controls

9.9 Land Based Development

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL).

This Section should be read in conjunction with other sections of this DCP, however where there is an inconsistency, the requirements of this section apply.

Objectives

- (a) Site dwellings to minimise the loss of significant trees, remnant native vegetation and the sandstone landscape.
- (b) Design dwellings, where appropriate, to minimise disturbance to the natural landform.
- (c) Minimise the level of reflectivity for facades facing the foreshore.
- (d) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.
- (e) Site swimming pools and ancillary development to minimise the impact on the landform and preserve existing trees.
- (f) Minimise the visual impact of retaining walls, when viewed from the water.

Performance Criteria & Design Solution

Land based development above the FBL

The following controls apply to land based development above the FBL and are in addition to any other controls contained within this DCP:

- (l) Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Sitting buildings on existing building footprints or reducing building footprints to retain vegetation is highly recommended. In this regard, Council may consider variations to setback and height requirements to retain existing ridgeline vegetation, particularly where it provides a backdrop to the waterway, but only where it can be demonstrated that the variations:
 - (i) do not increase the visual impact of the dwelling, when viewed from the water;
 - (ii) still achieve a built form that is in scale and proportion with the site and adjoining development; and
 - (iii) the overall development complies with the floorspace requirements as contained in Part C1 Section 1.2.1.

C4 – Foreshore Locality Controls

- (2) On sites where the slope exceeds 1:8 (12.5%), dwellings should not have the appearance from any elevation of being more than three levels from the water. Such designs should be stepped, with the bulk of the development setback as far from the water as possible.
- (3) The maximum number of storeys at any point is two (2). However, in certain circumstances, Council may permit a variation to this requirement where the design of the dwelling results in a reduced building footprint and site coverage and results in the following:
 - (i) The preservation of topographic features of the site, including rock shelves and cliff faces;
 - (ii) The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water, and
 - (iii) Minimised site disturbance through cutting and/or filling of the site (See Figure 41-43).

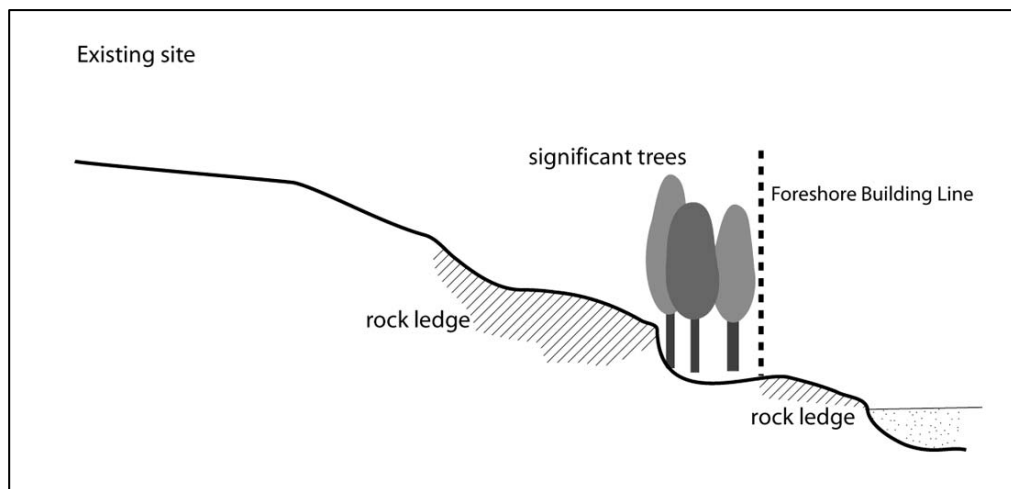


Figure 41: Existing site features should be retained where possible.

C4 – Foreshore Locality Controls

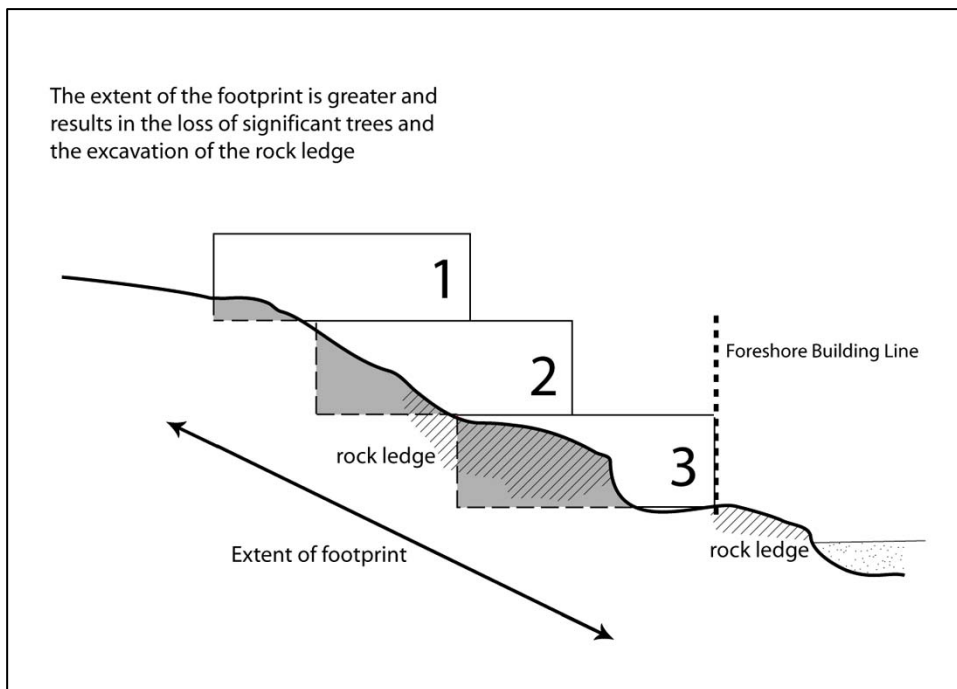


Figure 42: Site proposed development of 3 levels.

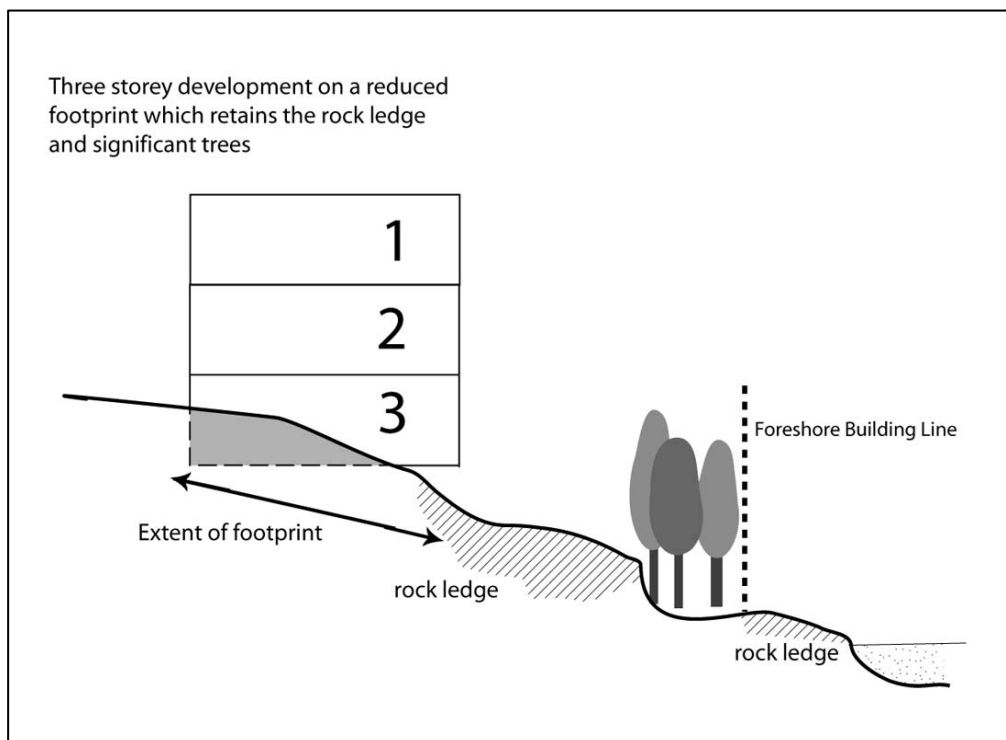


Figure 43: Site proposed development of 3 storeys.

- (4) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing

C4 – Foreshore Locality Controls

and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.

- (5) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.
- (6) Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on natural landform features (rock shelves and platforms).
- (7) On steeper slopes, preference is given to the retention of natural stable rock ledge escarpments, as opposed to introducing retaining walls. In circumstances where it is appropriate, a landscape batter maybe preferable to retaining walls in the creation of terraced areas.
- (8) Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.
- (9) Where there is a strong design character in existing buildings, new dwellings must, when viewed from the waterway incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with that character.
- (10) Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:
 - (i) awnings or other features over windows;
 - (ii) recessing or projecting architectural elements; or
 - (iii) open, deep verandas.

C4 – Foreshore Locality Controls**9.10 Subdivision****Objectives**

- (a) Protect, where possible, the natural features of the site, including the natural landform, tree canopy and remnant native vegetation.
- (b) Ensure that any future development on newly created allotments is consistent with the built form objectives for this Locality.

Performance Criteria & Design Solution

The following controls apply to the subdivision of land and are in addition to any additional requirements in the main body of this DCP.

- (1) Land subdivision of properties fronting the foreshore should be designed to ensure that:
 - (i) all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area;
 - (ii) the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) is consistent with the overall objectives of the Locality. In this regard, a comprehensive site analysis is to be submitted with all applications for land subdivision within this locality.
- (2) The site analysis should take into account the final development, which will occur on the site as a result of the subdivision and should address the following issues:
 - (i) the slope, topography and any natural features on the site;
 - (ii) trees and remnant native vegetation (particularly trees that form part of a continuous vegetation corridor);
 - (iii) view lines from within the proposed lot/s and from adjoining properties;
 - (iv) the visual impact of built development which will occur as a result of the subdivision process and its impact when viewed from the waterway; and
 - (v) the provision of landscaping, particularly along the foreshore.
- (3) In order to address these issues, the subdivision application must nominate a building envelope area for each proposed lot within which any future building is to be contained. This building envelope should take into account the issues identified in the site analysis.

10. Oatley Bay

Oatley Point Reserve to Neverfail Bay

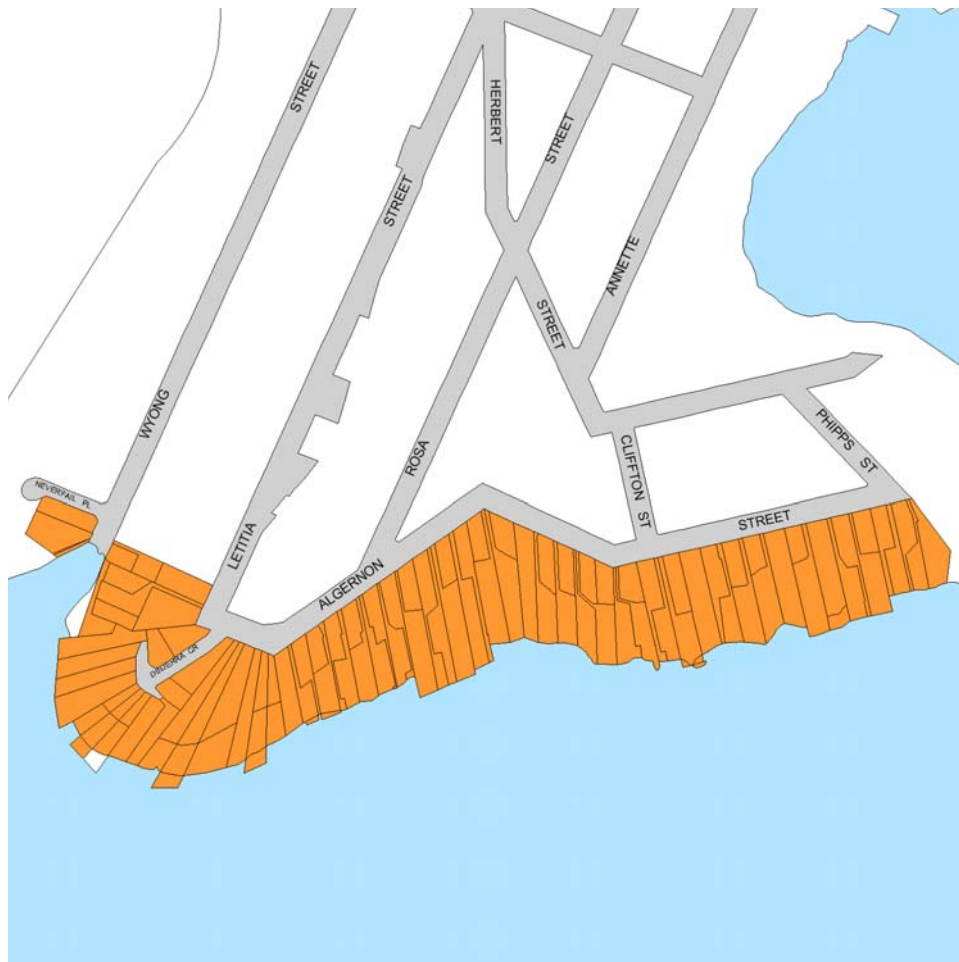


Figure 44: Locality 10: Oatley Bay

Foreshore Building Lines

Between 7.6m - 30m

Refer to Kogarah LEP 2012 FBL map

Development Setting

Semi Urban

10.1 Existing Character

This locality is characterised by steep sandstone cliffs and foreshore native vegetation, with development generally setback high on the ridge. This locality includes Neverfail Bay which is a small shallow inlet previously used for oyster farming and is bounded by the Como Rail Bridge, which delineates the boundary between Hurstville and Kogarah Council areas.

The landform in this locality slopes steeply down to the water and a number of the larger blocks have been subdivided, resulting in battleaxe blocks, with narrow access handles. In most cases development has been sited above the ridgeline, close to the street, lessening the impact of development as viewed from the water.

This locality is also characterised by substantial areas of remnant native vegetation and sandstone cliffs and rock formations both in private and public ownership. Shoreline and ridgeline remnant native vegetation is present along much of the foreshore in this locality and is reinforced by Oatley Point Reserve and the natural headland adjacent to the Railway Line.

10.2 Views, Vistas and Landmarks

Views are predominantly across the Bay to the southern and western built form shoreline. From Neverfail Bay, views are also available to the Como Railway Bridge.

There are no significant landmarks in this area, although Oatley Point Reserve is visually important with low sandstone cliffs and remnant native vegetation.

10.3 Natural Environment

Water

The Aquatic Lands Inventory Sheet (1991) indicates the following natural characteristics were present in this Locality:

- Mangroves (existing and regenerating)
- Sand/ Mud Flats
- Tidal Beach
- Fish breeding/feeding ground
- Rocky foreshore

An ecological study may be required to be submitted with any application for development below MHWL.

Landscape

A substantial amount of natural vegetation remains in this section of the locality, both in public and private property.

Due to the topography of the land in this section of the foreshore and the larger Foreshore Building Line (30m), a substantial amount of vegetation, including remnant native canopy, exists on many of the privately owned properties, and provides a continuous corridor that is visible from Oatley Point Reserve to Neverfail Bay.

The sandstone cliffs also dominate the landscape character of this locality, which along with the remaining remnant vegetation provides an almost natural scenic quality at the water's edge.

This locality is also identified as a Habitat Reinforcement Area on Council's Green Web map.

10.4 Built Environment

Dwellings

This locality is characterised by larger two/three storey dwellings, most of which are substantially setback from the water's edge, on the ridge. This has been the result of a number of factors, including the topography of the sites (steeply sloping to the water) and the substantially larger foreshore building line.

On some sites, larger blocks have been subdivided to create smaller battle-axe allotments, below the ridge. The visual impact of development is compounded by dwellings built both on the ridge and at the lower levels, closer to the water's edge. In some cases the impact the development is softened through the retention of the canopy at the mid level.

There are specific restrictions relating to dwellings and land subdivision in this locality.

Ancillary Structures

In this locality there is a moderate to high level of development below the MHWMM, including jetties, floating pontoons and moorings. There are also a number of boatshed and other structures, which are located below MHWMM, which detract from the scenic quality of the bay.

There are specific restrictions relating to waterfront structures in this locality.

C4 – Foreshore Locality Controls

10.5 Heritage

Cultural Heritage

Schedule 5 of Kogarah LEP 2012 identifies heritage items in the City of Kogarah. In this Locality, the following property is listed as a heritage item:

Address	Item Name	Description of Item
Wyong Street, Oatley	Derwent and Drake Oyster Farm	Oyster Farm

Prior to the preparation of a development application, you should check to ensure that your property is not heritage listed or is a site adjacent to a heritage item.

Aboriginal Heritage

The NSW National Parks and Wildlife Database indicates that there is evidence of Aboriginal archaeological sites (Open Camp Site, Shelters and Middens) located in this Locality. All of these sites are situated in the Public Reserves.

10.6 Mapping Areas

This locality consists of four (4) smaller areas. These areas are consistent with the Department of Conservation and Land Management’s *Assessment of Crown Land at Georges River (Northern Shore)*.

Each of the areas is shown in the following maps. You should locate your property and refer to the specific controls, which apply to each mapped area.

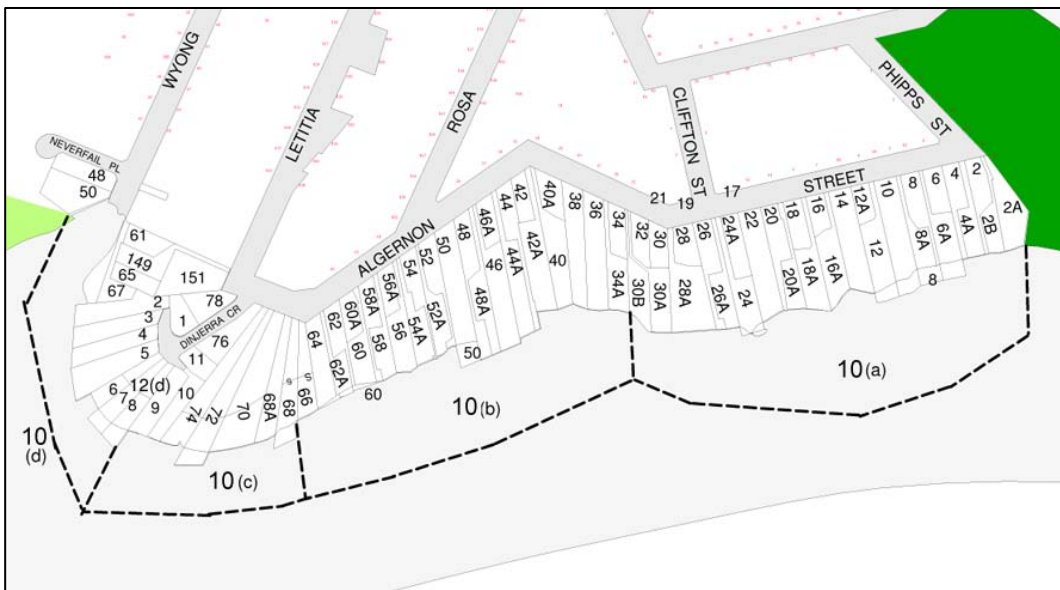


Figure 45: Mapping Areas 10(a), 10(b), 10(c) and 10(d).

10.7 Water and Land Interface Development

Objectives

- (a) Improve the scenic quality of the foreshore by:
- (b) Maintaining and protecting existing native vegetation close to the water's edge and below the foreshore building line.
- (c) Retaining and protecting the natural landform, particularly the sandstone foreshore and rock formations.
- (d) Encouraging suitable landscaping below the foreshore building line.
- (e) Ensuring that any development close to the water's edge is suitably designed and treated to minimise its impact when viewed from the water.

Performance Criteria & Design Solution

Development between MHWM and the FBL

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” between Mean High Water Mark (MHWM) and the Foreshore Building Line (FBL):

**C4 – Foreshore Locality Controls**

Locality	10(a)	10(b)	10(c)	10(d)	Additional comments/controls
Development between MHW and FBL					
Boatsheds (Single Storey)	○	○	○	×	<p>In Area 10(d), boatsheds are restricted due to the tidal nature of the bay and to protect the mud/sand flats.</p> <p>In addition to the controls contained in Part C3 Section 6.5, the following controls also apply to Areas 10(a), 10(b) and 10(c):</p> <ul style="list-style-type: none"> • Boatsheds should be sited so as to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops. Where the above cannot be achieved, Council may restrict development of a boatshed in this locality.
Inclinators	○	○	○	○	<p>In addition to the controls contained in Part C3 Section 6.9, the following controls apply in this Locality:</p> <ul style="list-style-type: none"> • Council will only consider the construction of an inclinator where it does not necessitate the removal of natural rock, trees and vegetation. • Inclinators should not obscure or break a view line of the rock or cliff face. • Shared use of facilities is preferable.

C4 – Foreshore Locality Controls

Locality	10(a)	10(b)	10(c)	10(d)	Additional comments/controls
Development between MHWM and FBL					
Jetties and ramps	✓	○	✓	✗	<p>Jetties and ramps are restricted in area 10(d) for the following reasons:</p> <ul style="list-style-type: none"> • To retain and encourage tidal foreshore access, where existing. • To protect and preserve the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds. • To retain and protect the mud/sand flats, reefs and scattered rock. • Access to deep water in this section of the Bay is limited. <p>The following additional controls apply to Areas 10(a), 10(b) and 10(c):</p> <ul style="list-style-type: none"> • Jetties and ramps will only be permitted in these areas where they comply with the maximum length requirements as outlined in Part C3 Section 6.2. • In areas where they are permitted, Council will encourage that where possible these be shared structures so as to ensure that the scenic quality of the foreshore is maintained. • Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and having an additional private watercraft facility would not compromise the objectives of this Section.
Landscaping	✓	✓	✓	✓	This Locality is within the habitat reinforcement corridor area of the Green Web. In this regard, the provisions of Part B2 Section 2.0 apply.
Open form fencing	✓	✓	✓	✓	<ul style="list-style-type: none"> • Fencing, including boundary fencing should be no higher than 1200mm above natural or finished ground level. • Fences are to be constructed of open weave materials to enable vines, creepers or hedges to provide natural cover.

**C4 – Foreshore Locality Controls**

Locality	10(a)	10(b)	10(c)	10(d)	Additional comments/controls
Development between MHW and FBL					
Retaining Walls	○	○	○	○	<p>In addition to the controls contained in Part C2 Section 3.2, the following controls apply to this Locality:</p> <ul style="list-style-type: none"> • The natural landform is to be retained and the use of retaining walls and terracing is discouraged. • Where retaining walls are required they are to be constructed of coarse, rock faced stone or with a stone facing and are to be no higher than 600mm above natural ground level. • Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.
Seawalls	○	○	○	○	<p>The following controls apply and are in addition to the controls contained in Part C3 Section 6.7:</p> <ul style="list-style-type: none"> • Due to the nature of the foreshore in this locality and the existence of sandstone platforms and rock shelves close to the water's edge, Council will only consider the construction of seawalls where justified on the basis of avoiding flooding or for necessary retention works. <p>In these circumstances, the following criteria shall apply:</p> <ul style="list-style-type: none"> • Natural sandstone blocks or sandstone facing over concrete walls are preferable to other materials • Where existing sandstone seawalls are being extended or upgraded, similar sandstone coursing to match existing walls should be used. • Rubble walls are not permitted and, if possible, existing rubble walls are to be replaced. Council will not permit the removal of any natural rock to create a seawall.
Stairs	✓	○	○	○	<p>In addition to the controls contained in Part C3 6.9, the following controls apply to Areas 10(b), 10(c) and 10(d):</p> <ul style="list-style-type: none"> • In these areas it is preferable that access to the foreshore is achieved through no excavated construction (for example, timber or steel stairs bolted to rock or stairs cut from the natural rock).

**C4 – Foreshore Locality Controls**

Locality	10(a)	10(b)	10(c)	10(d)	Additional comments/controls
Development between MHWM and FBL					
Sliprails	○	○	○	✘	<p>Sliprails are restricted in area 10(d) due to the tidal nature of the bay.</p> <p>Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation.</p> <p>In addition to the controls contained in Part C3 Section 6.4, the following controls apply to Areas 10(a), 10(b), and 10(c):</p> <ul style="list-style-type: none"> • Council will not support any application for a sliprail, which does not conform to natural foreshore levels or necessitates the removal of natural vegetation, particularly mangroves, and sandstone rock shelves and outcrops. In this regard, any application must indicate how it meets the objectives of this section.
Swimming pools and spa pools	○	○	○	○	<p>In addition to the controls contained in Part C3 Section 6.6, swimming pools and spa pools will be restricted in this locality where:</p> <ul style="list-style-type: none"> • Excessive excavation of the site is required. This is in order to protect the existing foreshore and sandstone landscape • Removal of significant vegetation is proposed. This is to limit disturbance to significant tracts of remnant vegetation and canopy cover. <p>In these circumstances, it is considered that the pool should be sited above the foreshore building line.</p>

KEY

✘ - restricted

✓ - permitted

○ - permitted subject to specific controls

10.8 Water Based Development

Objectives

- (a) Protect the estuarine flora and fauna habitat and minimise disturbance of ecological communities.
- (b) Retain and encourage tidal foreshore access, where appropriate
- (c) Permit watercraft facilities in areas where they will not have an adverse impact on the visual and ecological quality of the waterway.
- (d) Ensure that watercraft facilities do not encroach on navigation channels or adversely affect the use of the waterway by adjoining landowners.
- (e) Minimise the individual and cumulative visual impact of watercraft facilities and ensure that they do not detract from the visual quality of the waterway.

Performance Criteria & Design Solution

Development below MHWM

- (1) The following table indicates the type of development “permitted”, “restricted” and “permitted, subject to specific controls” below Mean High Water Mark (MHWM):

**C4 – Foreshore Locality Controls**

Locality	10(a)	10(b)	10(c)	10(d)	Additional comments/controls
Development below MHW					
Boatsheds (single storey)	○	○	○	✘	<p>New leases or licences will not be granted, nor will consent be given by the Department of Lands in respect to a boatshed below MHW.</p> <p>However, in certain circumstances where there may be an existing boatshed below MHW and its relocation to an area above MHW will necessitate the removal of vegetation and disruption to the natural landform, the existing boatshed may be retained or reconstructed. This may be considered in 10(a), 10(b) and 10(c).</p> <p>In this regard, existing boatsheds currently authorised by permissive occupancy or licence will be permitted to remain provided the occupation complies with the requirements of the Department of Lands and the requirements and objectives of this DCP.</p>
Jetties, ramps and pontoons	○	○	○	✘	<p>Jetties, ramps and pontoons are restricted in Area 10(d) for the following reasons:</p> <ul style="list-style-type: none"> • To retain and encourage tidal public foreshore access, where existing. • To protect and preserve the existing marine environment, which may include regenerating mangroves and fish breeding/fish feeding grounds • To retain and protect the mud/sand flats. <p>Jetties, ramps and pontoons will only be permitted in Area 10(b) where they comply with the maximum length requirements as outlined in Part C3 Section 6.2.</p> <p>Council encourages in areas 10(a) and 10(c), that where possible, jetties, ramps and pontoons be shared structures so as to minimise the proliferation of structures and ensure that the scenic quality of the bay is maintained. Where a shared facility cannot be achieved, Council may consider an individual facility. In these cases, the applicant must demonstrate, to the satisfaction of Council, that a shared facility is not appropriate and having an additional private watercraft facility would not compromise the objectives of this Section.</p>

**C4 – Foreshore Locality Controls**

Locality	10(a)	10(b)	10(c)	10(d)	Additional comments/controls
Development below MHW					
Sliprails	○	○	○	✘	Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation. Council will not support any application for a sliprails which does not conform to natural foreshore levels or necessitates the removal of natural vegetation and sandstone rock shelves and outcrops. In this regard, any application must indicate how it meets the objectives of this section.
Stabilisation piles	✓	✓	✓	✘	Stabilisation piles are restricted in Area 10(d) as the Land Inventory Sheet from the Department of Lands indicates that these areas are subject to minimal wave exposure. Accordingly, it is considered that stabilisation piles are not required in these areas. In areas 10 (a), 10(b) and 10(c), Council may consider a maximum of two (2) freestanding end piles as the area is subject to moderate wave exposure. Stabilisation piles will only be permitted in association with a jetty, ramp and pontoon structure and no vessel is to be berthed permanently. The piles must be constructed in accordance with Part C3 Section 6.3.
Swimming enclosures	✘	✘	✘	✘	Swimming enclosures are restricted in this Locality for the following reasons: <ul style="list-style-type: none"> • To retain and encourage tidal public foreshore access, where existing. • To protect and preserve the existing marine environment, which may include regenerating mangroves and fish breeding/fish feeding grounds • To retain and protect the mud/sand flats. • The Department of Lands will not consent to a lease or licence for a private swimming enclosure. In this regard, Council cannot support any applications made for swimming enclosures below MHW.

KEY ✘ - restricted ✓ - permitted ○ - permitted subject to specific controls

C4 – Foreshore Locality Controls**10.9 Land Based Development**

The following objectives and controls apply to land based development above the Foreshore Building Line (FBL).

This Section should be read in conjunction with other sections of this DCP, however where there is an inconsistency, the requirements of this section apply.

Objectives

- (a) Site dwellings to minimise the loss of significant trees, remnant native vegetation and the sandstone landscape.
- (b) Design dwellings, where appropriate, to minimise disturbance to the natural landform.
- (c) Minimise the level of reflectivity for facades facing the foreshore.
- (d) Colours and materials of dwellings should be sympathetic with their surrounds and blend into the natural landscape.
- (e) Site swimming pools and ancillary development to minimise the impact on the landform and preserve existing trees.
- (f) Minimise the visual impact of retaining walls, when viewed from the water.

Performance Criteria & Design SolutionLand based development above the FBL

The following controls apply to land based development above the FBL and are in addition to any other controls contained within this DCP:

- (l) Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation is highly recommended. In this regard, Council may consider variations to setback and height requirements to retain existing ridgeline vegetation, particularly where it provides a backdrop to the waterway, but only where it can be demonstrated that the variations:
 - (i) do not increase the visual impact of the dwelling, when viewed from the water;
 - (ii) still achieve a built form that is in scale and proportion with the site and adjoining development; and
 - (iii) the overall development complies with the floorspace requirements as contained in Part C1 Section 1.2.1.

C4 – Foreshore Locality Controls

- (2) On sites where the slope exceeds 1:8 (12.5%), dwellings should not have the appearance from any elevation of being more than three levels from the water. Such designs should be stepped, with the bulk of the development setback as far from the water as possible.
- (3) The maximum number of storeys at any point is two (2). However, in certain circumstances, Council may permit a variation to this requirement where the design of the dwelling results in a reduced building footprint and site coverage and results in the following:
 - (i) The preservation of topographic features of the site, including rock shelves and cliff faces;
 - (ii) The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water, and
 - (iii) Minimised site disturbance through cutting and/or filling of the site (See Figure 46-48).

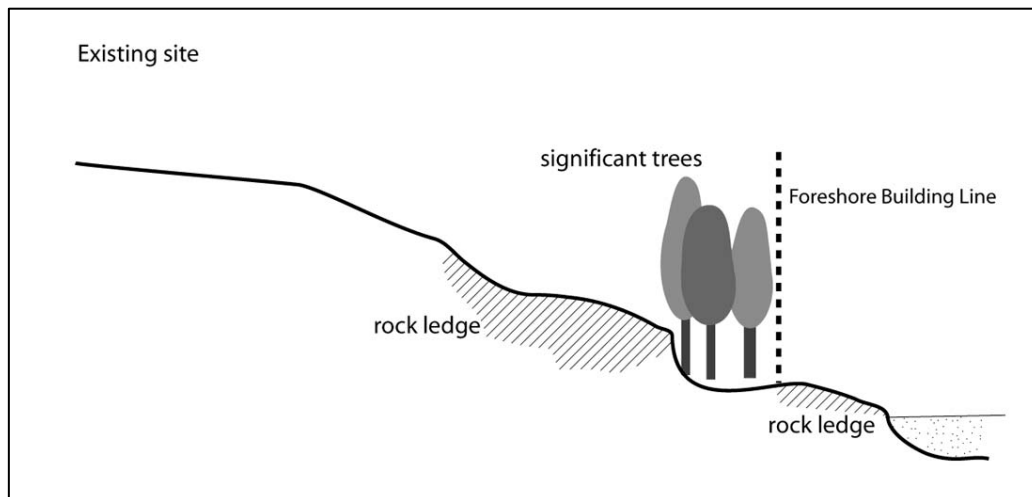


Figure 46: Existing site features should be retained where possible.

C4 – Foreshore Locality Controls

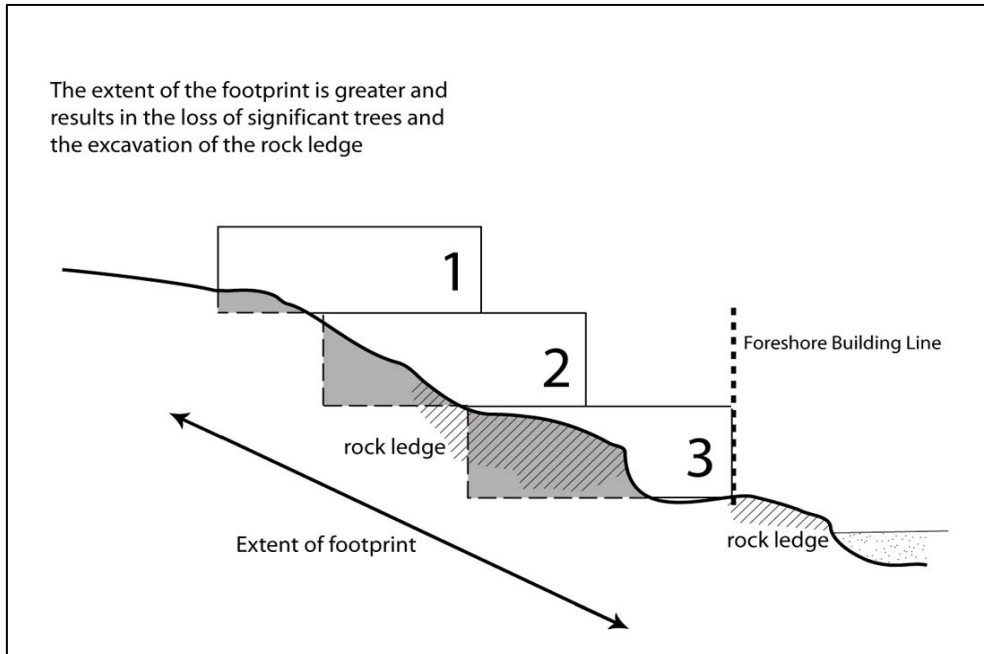


Figure 47: Proposed 3 Storey Development- Greater Footprint

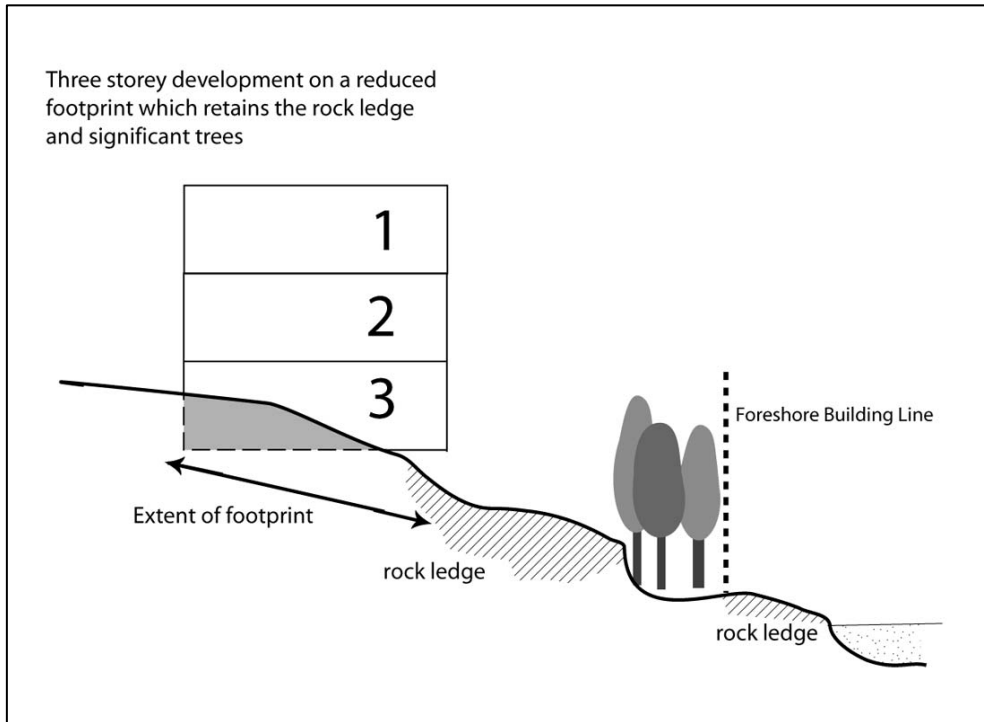


Figure 48: Proposed 3 Storey Development – Reduced Footprint

C4 – Foreshore Locality Controls

- (4) Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.
- (5) Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.
- (6) Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on natural landform features (rock shelves and platforms).
- (7) On steeper slopes, preference is given to the retention of natural stable rock ledge escarpments, as opposed to introducing retaining walls. In circumstances where it is appropriate, a landscape batter may be preferable to retaining walls in the creation of terraced areas.
- (8) Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.
- (9) Where there is a strong design character in existing buildings, new dwellings must, when viewed from the waterway incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with that character.
- (10) Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as:
 - (i) awnings or other features over windows;
 - (ii) recessing or projecting architectural elements; or
 - (iii) open, deep verandas.

C4 – Foreshore Locality Controls**10.10 Subdivision****Objectives**

- (a) Protect, where possible the natural features of the site, including the natural landform, tree canopy and remnant native vegetation.
- (b) Ensure that any future development on newly created allotments is consistent with the built form objectives for this Locality.

Performance Criteria & Design Solution

The following controls apply to the subdivision of land and are in addition to any additional requirements in the main body of this DCP.

- (1) Land subdivision of properties fronting the foreshore should be designed to ensure that:
 - (i) all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area;
 - (ii) the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) is consistent with the overall objectives of the Locality. In this regard, a comprehensive site analysis is to be submitted with all applications for land subdivision within this locality.
- (2) The site analysis should take into account the final development, which will occur on the site as a result of the subdivision and should address the following issues:
 - (i) the slope, topography and any natural features on the site;
 - (ii) trees and remnant native vegetation (particularly trees that form part of a continuous vegetation corridor);
 - (iii) view lines from within the proposed lot/s and from adjoining properties;
 - (iv) the visual impact of built development which will occur as a result of the subdivision process and its impact when viewed from the waterway; and
 - (v) the provision of landscaping, particularly along the foreshore.
- (3) In order to address these issues, the subdivision application must nominate a building envelope area for each proposed lot within which any future building is to be contained. This building envelope should take into account the issues identified in the site analysis.