Part 7 Codes
Division 3 Constraint Codes
Chapter 3 Canals and Waterways

1.0 Purpose

This code seeks to:

a) ensure that development adjacent to canals and waterways contributes positively to the maintenance and improvement of water quality in the City's waterbodies; and

b) protect the banks of estuaries, lakes, canals, rivers, streams and other waterbodies from erosion.

2.0 Application

2.1 This code applies to development indicated as self, code or impact assessable by the Table of Development of the domain or Local Area Plan (LAP) precinct within which the development is proposed to occur, where the land is located adjacent to a water body or watercourse on a site identified on **Overlay Map OM13 – Building Setback Line from Canals and Waterways**.

2.2 Performance Criteria PC1-PC8 apply to all code or impact assessable development referred to in this code. For development identified as self assessable in the relevant domain or LAP, only the acceptable solutions to Performance Criteria PC1-PC2 apply.

3.0 Development Requirements

Performance Criteria	Acceptable Solutions
Development that is Self Assessable, Code Assessable or Impact Assessable	
Building Setback	
PC1 All buildings and structures must provide for setbacks from the waterway which ensure the efficient use of the site, respond to the waterside location, and have minimal impact on adjoining properties.	AS1.1 The building and/or structure is not located beyond the revetment regulation line as indicated for the site on **Overlay Map OM13 – Building Setback Line from Canals and Waterways**. AS1.2.1 The building and/or structure is set back from the waterway body in accordance with the waterfront building setback line for the site, as indicated on **Overlay Map OM13 – Building Setback Line from Canals and Waterways**. Where no setback line is provided, all buildings and structures are set back at least nine metres from the high water mark of the waterbody or the normal water line for non-tidal waterbodies. OR AS1.2.2 The building or structure has an eaves overhang which does not extend more than one metre into the setback area described in **AS1.2.1**. OR AS1.2.3 The building or structure has a cantilevered balcony which does not project more than two metres into the setback area described in **AS1.2.1**. AS1.3 A Class 10 building and/or structure is located within the setback area described in **AS1.2.1** and is: a) an attached pergola, comprising open sides and a roof without impervious sheeting, which does not extend more than 2.5 metres into the setback area; b) a cantilevered pool deck no more than 1.2 metres in height above the nominated ground surface and the pool is not more than one metre above the nominated ground surface.

Performance Criteria	Acceptable Solutions
Siting of Ancillary Structures	
PC2 Structures such as boat ramps, jetties, pontoons, boatlifts, boardwalks, gazebos, decking and structural revetment walls in, on or over water or tidal land must be designed and sited to complement and respond to the waterside location, whilst ensuring the waterway is retained in its natural state.	AS2.1 The structure is in, on or over a tidal watercourse and an approval from the Environmental Protection Agency has been obtained. AS2.2 The structure is in, on or over a non-tidal watercourse, and an approval from Department of Natural Resources and Mines has been obtained. AS2.3 The structure is located within the quay line and water allocation for the adjoining property, as identified on **Overlay Map OM13 – Building Setback Line from Canals and Waterways**. AS2.4 The structure is in, on or over a waterway as identified on **Overlay Map OM13 – Building Setback Line from Canals and Waterways**, and a Bank Stability Report that demonstrates the structural stability of the waterway bank is prepared by a competent person. AS2.5 The structure is located outside the property boundary in, on or over a waterway, and is for access to floating vessels only.
Development that is Code Assessable or Impact Assessable	
Building Setback	
PC3 All buildings and structures must provide for setbacks from the waterway which ensure the efficient use of the site, respond to the waterside location, and have minimal impact on adjoining properties, whilst having regard to: a) foreshore protection; b) geotechnical stability; c) potential structural safety hazards; d) hydraulic performance (flood storage, flood flow paths); e) environmental values of the waterbody (local native vegetation); f) maintenance of public access areas; g) amenity (views, shadows and airflow); and h) the existing or intended function of the waterbody.	AS3 No acceptable solution provided.
Siting of Stormwater Outlet and Non Structural Revetment Walls	
PC4 Structures such as stormwater outlets and/or non-structural revetment walls in, on or over water or tidal land must be designed and sited to complement and respond to the waterside location, whilst ensuring the waterway is retained as close as possible to its natural state.	AS4.1 The structure is in, on or over a tidal watercourse and an approval letter from Environmental Planning Agency has been obtained. AS4.2 The structure is in, on or over a non-tidal watercourse, and an approval letter from the Department of Natural Resources has been obtained. AS4.3 The structure is in, on or over a major linkage as identified on **Overlay Map OM13 – Building Setback Line from Canals and Waterways** and a Bank Stability Report that demonstrates the structural stability of the waterway bank is prepared by a competent person.

Performance Criteria	Acceptable Solutions
Water Quality	
PC5 The development must ensure the water quality and quantity of the adjoining waterway is maintained to ensure a high quality environment, having regard to: a) current or intended uses of the waterbody; and b) water quality of adjacent waterbodies.	AS5 A Water Quality Management Plan is prepared by a competent person and demonstrates that: a) the proposed use does not adversely impact the waterbody; and b) the development complies with **Water Quality Standards for Specific Waterbodies** or the **AWQ Guidelines**.
Access	
PC6 For non-residential development or residential development comprising of more than two dwelling units, public access to a waterbody must be provided to ensure maintenance of the site, and managed to ensure safety of the community.	AS6.1 Public access, including boardwalks or similar structures, is provided to waterways, and is included within a dedicated public open space area. AS6.2 The quality of the water is not suitable for primary contact, and a sign is placed indicating this.
Public Open Space	
PC7 All areas of the site below high water level must be maintained for public purposes as permanently inundated land.	AS7.1 The minimum lot area for each individual new lot excludes land below high water level. AS7.2 The area below high water level is dedicated to the Crown as public open space. ***Note:*** ***In such cases as the above, the net site area, after the dedication of land, will be considered in any calculation used for assessing compliance with this Planning Scheme, except where it is proposed to construct an approved lake or canal as part of the development, in which case the full site area will be used.***
Environmental Protection	
PC8 The development must not adversely affect the waterbody or bank, and must have regard to the: a) existing or intended function of the waterbody; b) geotechnical stability; c) potential safety hazard; d) hydraulic performance (flood storage, flood flow paths); e) environmental values of the waterbody (local native vegetation); f) maintenance of access; and g) amenity (views, shadows, airflow).	AS8 No acceptable solution provided.