

**City of Mandurah
Local Planning Policy**

LPP4 Canal Waterways Structures

**Modification No 2
December 2017**

Record of Adoption

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Draft for Council Adoption	Version 1 Jun 2009	16 June 2009
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Schedule of Modifications

No	Summary of the Modification	Document Version & Date	Approval Date
1	Modify consultation requirements; jetty and lifting structures assessments criteria	Version 3 Dec 2010	Not Progressed
2	Renumbered Policy to LPP4 Reformatted and Updated to reflect LPS (Deemed Provisions) Exemptions from Approval Mandurah Ocean Marina requirements added	Version 4 Sep 2017 Version 5 December 2017	19 December 2017

Background

The policy seeks to exempt jetties and boat lifting structures (not including davits) where the prescribed minimum requirements are met and has been reformatted to suit the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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1. Introduction

1.1 Policy Objectives

The objective of this policy is to provide regulation over structures proposed within artificial canal waterways to ensure that:

- (a) Proposed waterway structure will not have any adverse impacts with regards to amenity and environmental sensitivity;
- (b) The construction of waterway structures maintains navigability in order to sustain safe and useable waterways;
- (c) Waterways structures are used only in association with water-based recreational activities;
- (d) The proliferation of waterway structures is controlled to avoid the alienation of public waterways and to maintain their aesthetic value; and
- (e) The assessment and approval process for the construction of a waterway structures is consistent and clearly identified.

1.2 Background

- (a) Local Planning Policy 4 Canal Waterways Structures replaces Local Planning Policy 11 Clause 6(a) of Deemed Provisions for Local Planning Schemes ('**deemed provisions**').
- (b) As per the Peel Region Scheme, the following development on reserved land does not require the planning approval of the Commission:

The erection, construction, maintenance, improvement or alteration of a jetty or associated structure (including boat lifting device or mooring pile) within an artificial waterway except where the jetty or associated structure –
 - (i) *Does not comply with a policy in regard to such structures that is adopted by the relevant local government; or*
 - (ii) *Is situated within the Dawesville Channel or on a regionally significant waterway identified by resolution of the Commission for the purposes of this provision.*
- (c) The Peel Region Scheme Boating Facilities Policy applies to jetties and related development within the natural waterways of the Peel Region.

1.3 Application of the Policy

- (a) This Local Planning Policy is prepared, advertised and adopted pursuant to Part 2 Division 2 of the Deemed Provisions
- (b) Clauses 61(1)(i) and 61(2)(e) of the Deemed Provisions outline that Development Approval is not required for development works or the use of land where specified in a Local Planning Policy.

This Local Planning Policy does specify forms of development that do require development approval.

- (c) Clause 3(5) and Clause 67(g) of the Deemed Provisions state that the local government is to have due regard to a local planning policy in making a determination under the local planning scheme and applications for development approval.

1.4 Interpretations

- 'Davit'** means a structure that is located on top of the canal wall and is capable of mechanically moving a vessel from the waterway on to the dry lot.
- 'Jetty Envelope'** means a designated area as identified by the endorsed civil engineering deposited plan for the subject property in which the jetty is to be wholly constructed and contained within.
- 'Mechanical Boat Lifting Structure'** means a solid metal structure, constructed on pylons, which lifts a vessel out of the water.

'Mooring Poles' means solid poles used to secure a vessel ensuring it does not drift from the mooring envelope.

'Mooring Envelope' means a designated area as identified by the endorsed civil engineering deposited plan for the subject property in which any mooring pile, boat or boat lifting structure is to be wholly constructed and contained within. The mooring envelope serves as the designated area for the storage and mooring of any permitted vessel.

'Primary walkway' means the jetty walkway that the vessel is moored at.

'Secondary walkway' means the jetty walkway which isn't supporting the mooring of a vessel.

'Sea Pen' means a floating structure designed to dry dock a vessel at water level, without raising the vessel above the surface of the water.

2. Jetties

2.1 Assessment Criteria

All jetties shall be subject to the following criteria:

- (a) Jetties to be wholly located within the approved jetty envelope as per the plans for canal estates approved by the City of Mandurah and/or the Department of Transport;
- (b) Jetties shall not unduly impact on the navigability, accessibility and useability of the canal waterway;
- (c) Jetties shall not unduly impact on the amenity of the canal waterway and/or surrounding properties;
- (d) No jetty structure shall be permitted to place a horizontal surcharge on the canal wall. The application must be endorsed by a suitable qualified engineer to verify that no horizontal surcharge shall be placed on the canal wall upon construction of the jetty;
- (e) No more than one jetty shall be constructed within any one jetty envelope unless agreed upon in writing by the City of Mandurah;
- (f) Jetty shall not be used for any purpose other than to access a moored or stored vessel; and
- (g) Jetties are not to be roofed (permanently or temporarily) or have structures built on them (i.e. patios, pergolas, shade sails, tarpaulins etc.).

2.2 Jetty Design Requirements

Jetties are to be designed in accordance with the following criteria, unless otherwise prescribed in Section 5 Specific Location Requirements:

- (a) The configuration is to be one of the following arrangements:
 - Finger shaped;
 - 'T' shaped;
 - 'L' shaped; or
 - Land Backed.
- (b) The primary walkway is to have a maximum length of 15 metres (subject to the size and dimensions of the approved jetty envelope);
- (c) The primary walkway to be a minimum width of 0.9m and maximum width of 2.0m;
- (d) Any secondary walkway shall be a minimum width of 0.6m and maximum width of 2.0m; and
- (e) A 2.0m minimum setback to property boundaries subject to compliance with the jetty envelope, if proposal varies this neighbour consultation and marine officer assessment will occur.

2.3 Approvals and Assessment

- (a) Development Approval for the construction of jetties is **not** required where the design is consistent with the Assessment Criteria set out in section 2.1 and the Design Requirements set out in section 2.2.

Note: *All jetties require a Building Permit from the City of Mandurah and a Jetty Licence from the Department of Transport.*

- (b) Applications seeking a departure from the provisions of Section 2.2 require Development Approval and are subject to the assessment criteria outlined in section 2.1.

This assessment may include the need for the proposal to be subject to advertising in accordance with Clause 64 of the Deemed Provisions for Local Planning Schemes.

2.4 Jetty Arrangement Plans (JAPS)

The need for shared jetty arrangements is to be considered as part of Grouped and Multiple Dwelling Developments in Canals or subdivision for small lots.

This information will be as a Jetty Arrangement Plan (JAP) which shall address information pertaining to the location, design and dimensions of jetties, mooring envelopes and the allocation of boat pens.

JAPs shall be subject to the following criteria:

- (a) No more than one jetty per dwelling will be permitted. Where possible, arrangements should be made for jetties to be shared between dwellings;
- (b) Where a jetty is shared between two or more dwellings, no **mechanical** boat lifting structures will be permitted;
- (c) Floating boat lifting structures may be considered subject to compliance with section 3 of this policy as per the boat pen allocations identified on the JAP;
- (d) All jetties shall be of the same or similar configuration;
- (e) All mooring pile locations will be indicated on the JAP;
- (f) A minimum separation distance of 9 metres is provided between the nearest points of each jetty; and
- (g) The navigability of boats for the JAP and surrounding landowners will be considered as part of any proposed JAP application.

Note: *Consultation with Department of Transport maybe required to confirm navigation ability and safety within the canal waterway can be maintained.*

A JAP shall be subject to a Development Approval which may be considered in conjunction with the assessment of the development or subdivision of the lot.

3. Boat Lifting Structures

3.1 Assessment Criteria

All boat lifting structures s Jetties are to be designed in accordance with the following criteria, unless otherwise prescribed in Section 5 Specific Location Requirements:

- (a) Prior to a boat lifting structure being considered for approval, any associated jetty shall be constructed or otherwise approved by the City of Mandurah and licensed by the Department of Transport;
- (b) The boat lifting structure to be wholly located within the designated mooring envelope as per the plans for canal estates approved by the City of Mandurah and/or the Department of Transport;
- (c) All boat lifting structures are to be located adjacent or attached to a jetty.

Where the associated jetty does not conform to a configuration identified in Clause 2.2, the location of the boat lifting structure shall be assessed on its merits.
- (d) No more than one boat lifting structure per jetty will be permitted, unless otherwise approved through a Jetty Arrangement Plan;
- (e) No boat lifting structure shall place a horizontal surcharge on the canal wall;
- (f) The boat lifting structure shall not unduly impact on the amenity of adjoining owners;

- (g) The boat lifting structure shall not unduly impact on, or impede the navigability, accessibility and useability of the canal;
- (h) The boat lifting structure shall be designed and finished to an acceptable standard, which is in keeping with the general amenity of the canal estate.

3.2 Boat Lifting Structure Design Requirements

- (a) The boat lifting structure must be located adjacent or attached to an associated jetty;
- (b) The boat lifting structure shall be no higher than 1 metre (when installed and in operation) above the height of the jetty deck;
- (c) Vessels being lifted by the boat lifting structure shall be limited to 8 metres in length (measured from the extremes of the vessel);
- (d) The keel of any vessel being lifted shall be no higher than 0.6 metres AHD at any time once the boat lifter is in operation; and
- (e) No part of any vessel being lifted shall be higher than 3.0 metres AHD at any time once the boat lifter is in operation; and
- (f) Mechanical boat lifting structures shall achieve a minimum setback of 4.5 metres to all side boundaries of adjacent mooring envelopes.

3.3 Approvals and Assessments

- (a) Development Approval for the construction of boat lifting structures is **not** required where the design is consistent with the Assessment Criteria set out in section 3.1 and the Design Requirements set out in section 3.2.
- (b) Applications seeking a departure from the provisions of Section 3.2 require Development Approval and are subject to the assessment criteria outlined in Section 3.1.

This assessment may include the need for the proposal to be subject to advertising in accordance with Clause 64 of the Deemed Provisions for Local Planning Schemes.

- (c) Notwithstanding the above, all Davits require development approval and will be subject to advertising in accordance with Clause 64 of the Deemed Provisions for Local Planning Schemes, with the following to apply:
 - (i) No boat is to be left suspended from the Davit at any time;

4. Mooring Poles

4.1 Design Requirements

Mooring Poles are to be designed in accordance with the following criteria:

- (a) Shall have a maximum height of 2.0m AHD;
- (b) The top 300mm are painted white or have a reflective tape provided;
- (c) No more than four mooring piles are within any one mooring envelope; and
- (d) Mooring piles and associated envelope areas, are not roofed (permanently or temporarily) or have structures built on them (i.e. patios, pergolas, shade sails, tarpaulins).

4.2 Approvals and Assessment

Development Approval for the construction of mooring poles is **not** required where the design is consistent with the Assessment Criteria set out in section 4.1.

5. Specific Location Requirements

5.1 Mandurah Ocean Marina

5.1.1 Summary

Precinct 1 (Residential/Mixed Use)

- (a) Generally lots with waterway frontage have mooring type A, with the exception of:
 - (i) Lot 246 has mooring type B.
 - (ii) Lot 247 has mooring type C.
- (b) Boat lifters of any type are not permitted

Precinct 2 (Residential)

- (a) Lots fronting a Venetian waterway have a mooring type A, with the exception of:
 - (i) Lots fronting marina (Lots 259-268; Lot 320) have mooring type D.
 - (ii) Lot 270 has mooring type E.
- (b) Boat Lifters of any type are not permitted.

Precinct 6(A) (Tourist/Residential/Mixed Use)

- (a) Lot 315 has mooring type E.
- (b) Boat lifters of any type are not permitted.



5.1.2 Mooring Types

Type A

Lots 196 to 223, 238, 240 to 245, 248 to 258, 273, 276, 279, 281 to 286.

- Power boat or rowing craft.
- Maximum boat length 6m.
- Mooring shall be directly at waterway edge wall and timber chafers, attached to the edge wall, have been provided.
- Additional mooring (and fender) piles may be installed by the lot owner within the mooring envelope shown on the type A drawings. Alternatively the lot owner may make their own arrangements with the neighbouring lot owner to share the cost and the use of a 'joint use' mooring (and fender) pile shown on the drawing.

Type B

Lot 246

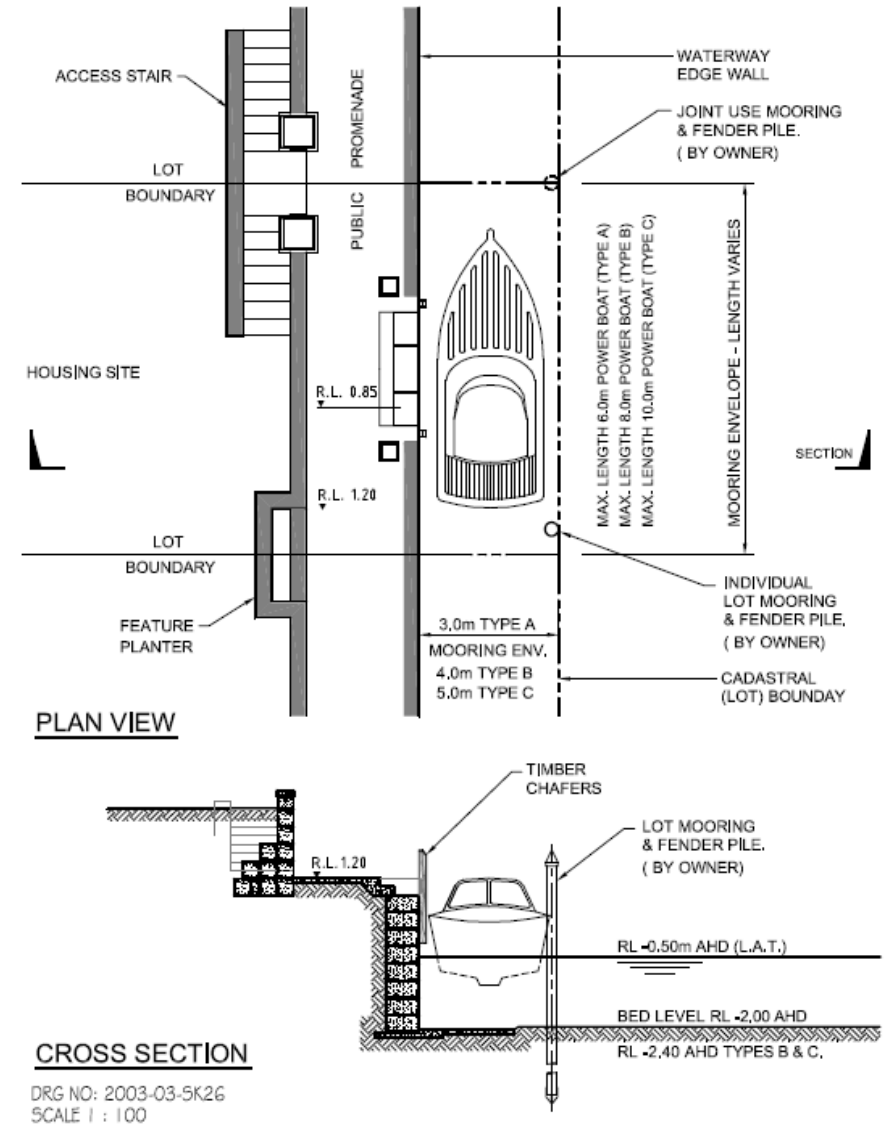
- As for type A except maximum boat length 8m.
- Additional boat fenders, or chafer upgrade, shall be provided by the lot owner to accommodate the type and size of boat to be moored. The mooring chafers attached to the waterway edge wall are intended for a boat of a maximum length of 6m.

Type C

Lot 247

- As for type A except maximum boat length 10m.

MOORING ENVELOPE: TYPES A, B & C



Type D

Lots 259 to 268, 320.

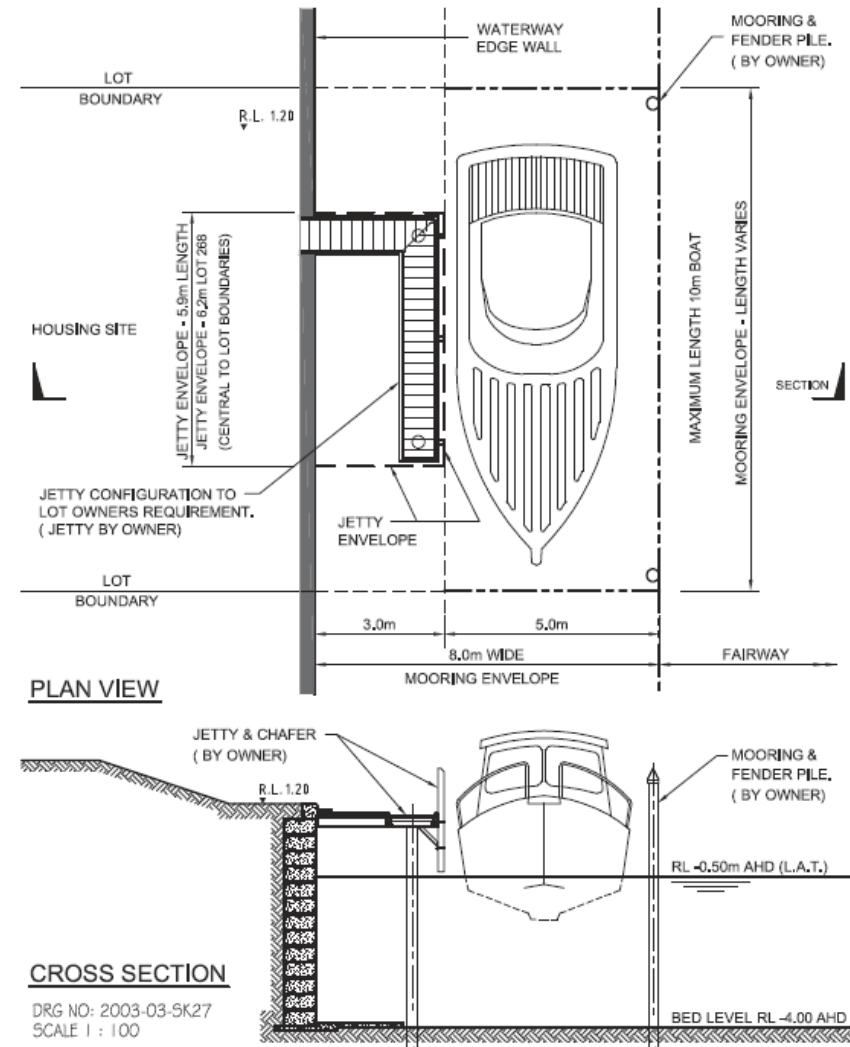
- Power or sail boat.
- Maximum boat length 10m to be moored within the mooring envelope shown on the type D drawing.
- Mooring shall be remote from the waterway edge wall at a jetty to be constructed by the lot owner within the jetty envelope shown on the type D drawing.
- Approval from the City of Mandurah for the construction of the jetty and a jetty licence from the Department of Planning and Infrastructure (DPI), prior to construction of the jetty is required.
- Mooring piles may be installed by the lot owner within the mooring envelope.

Type E

Lots 270 and 315.

- As for type D except that the mooring space provided on the northern side of these lots is classed 'Group Mooring' which may accommodate a number of boats at a common (or individual) jetty.
- Approval from the City of Mandurah for boat mooring configurations within the envelope and a jetty licence from DPI, prior to the construction of the jetty shall be obtained by the lot owner.
- Lot 270 has one additional type A single boat mooring at the location shown on the drawing.
- Lot 315 has three additional type A boat moorings, combined together as a 'group mooring'.

MOORING ENVELOPE: TYPES D
(TYPE E SIMILAR)



5.2 Southport Canals

No Jetties or Boat Lifting Structures shall be permitted within the Southport Canals due to the design configuration and width of the canal.

Chafers are provided on Canal Walls.

