



CHAPTER 33

Ancillary Development

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Sutherland Shire
COUNCIL



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Ancillary development is a group term encapsulating a variety of types of minor development that would ordinarily be associated with the occupation and use of a dwelling house or dual occupancy and that generally have minimal environmental impact.

Many of these forms of development can be undertaken as Exempt Development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. These controls are intended to apply in those circumstances where a development does not to utilise the State provisions.

This section comprises two parts:

- Part 1 General ancillary development. This includes:
 - Access ramps
 - Aerials, antennae and communication dishes
 - Air conditioning units and roof mounted evaporative cooling units
 - Animal shelters and aviaries
 - Awnings, blinds and canopies
 - Balconies, decks, patios, pergolas, terraces and verandahs
 - Constructed barbeques and other built outdoor cooking structures
 - Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses
 - Flagpoles
 - Fowl and poultry houses
 - Garbage bin storage enclosures
 - Hotwater systems
 - Privacy screens
 - Rainwater tanks
 - Tennis courts
- Part 2 Specified forms of ancillary development. These forms of development are:
 - Detached garages, carports, driveways and hardstand spaces
 - Fencing
 - Retaining walls
 - Swimming pools

Each ancillary development will only need to comply with the controls in either Part 1 or Part 2.



2. Specific Forms of Ancillary Development

2.1 Objectives

1. To balance the ability of the individual residents to erect structures which contribute to their enjoyment of their property while protecting the amenity and acoustic and visual privacy of neighbours.
2. To ensure that ancillary structures are compatible with the established character, scale and setting of its immediate vicinity.
3. To minimise the potential environmental impacts of ancillary development.
4. To manage the cumulative impact of ancillary development, particularly the visual impact when viewed from waterways, bushland, open space, the public domain and neighbouring properties.
5. To ensure ancillary development maintains the existing landform and protects the integrity and stability of geological elements of the site and neighbouring sites.
6. To ensure new ancillary development minimises view loss for neighbouring properties.
7. To minimise interruption and alteration of groundwater flows.
8. To minimise overshadowing of adjacent properties and private or shared open space.
9. To retain the existing tree canopy.



2.5 Swimming Pools in the E3 and E4 zones

2.5.1 Objectives

1. Ensure that pool location and design maximises safety
2. Ensure that all swimming pools and pool areas visible from the street, waterways and public domain make a positive contribution to the foreshore, streetscape and natural setting of the area.
3. Ensure swimming pools and associated development is compatible with the scale, character and landscape setting of the adjoining streetscape, natural setting and scenic quality and that the environment's natural qualities dominate.
4. Retain and incorporate existing natural features, trees and bushland into the design of swimming pools and pool enclosures.
5. Ensure that the pool location and design respects existing land forms and protects the integrity and stability of geological elements in the vicinity
6. Ensure that acoustic and other residential amenity impacts of pools and associated development are minimised
7. Ensure that existing drainage easements and floodways are not adversely affected or impeded.

2.5.2 Controls for Location

1. Pools shall be located and designed to:
 - a. to minimise disturbance to the natural landscape with existing significant, healthy trees and vegetation retained and enhanced
 - b. minimise any impact on native vegetation from excavation
 - c. minimise any alterations to the natural topography.
2. Swimming pools are not permitted below the Mean High Water Mark.
3. Where the site contains significant natural landforms such as cliff faces, rock outcrops etc, especially those which are visible from a waterway or public place, the pool shall be sited and designed to retain the natural land forms and protect the integrity and stability of geological elements in the vicinity.
4. Where a pool is located in close proximity to an existing tree, the pool surround/decking shall be of isolated pier and beam construction to prevent tree root damage.
5. The pool shall be located such that it is separated from any ancillary residential structures such as a garage, carport, shed, boat shed, pergola or the like. Such non-pool structures shall be outside the pool area enclosure.
6. The enclosed pool area is to be located and designed so that access between the residence and the waterway, street or adjoining public open space is outside the pool enclosure and not through the pool area.



7. The pool and surrounds must be designed such that splash, drainage and spill water does not adversely affect waterways and other sensitive natural features, or adjoining properties.
8. Where a site is affected by a drainage easement, pools and associated structures and equipment shall be located clear of the easement boundaries.
9. In Sylvania Waters, the construction of a pool must not affect the stability of the seawall. Construction feasibility shall be verified by a suitably qualified engineer.

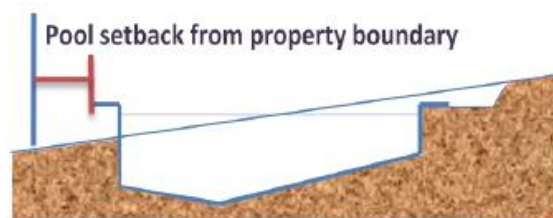
2.5.3 Controls for Setbacks

1. The minimum setback from the outside of the pool coping (or pool surrounds/ decking) to the primary street boundary is 7.5m.

Note:

No pool or associated structures are allowed forward of the dwelling for properties within Woronora Heights and west of the Woronora.

2. Where a pool / surrounds is not more than 500mm above existing ground at any point, the minimum setback from the outside edge of pool coping / pool decking / paving to the side and/or rear boundary is:
 - a. 1m where no landscaping will be provided
 - b. 1m where landscaping is non-climbable
 - c. 1.8m where landscaping is climbable

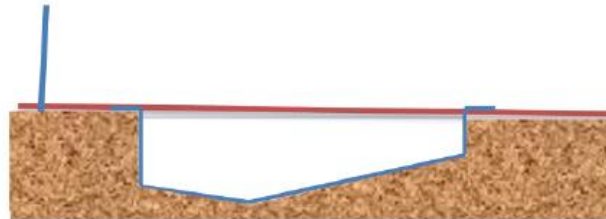


3. Where a pool / surrounds is more than 500mm above existing ground at any point, the minimum setback from the outside edge of pool coping / pool decking / paving to the side and / or rear boundary is:
 - a. 1.5m where no landscaping will be provided
 - b. 1.5m where landscaping is non-climbable
 - c. 1.8 where landscaping is climbable
4. Where landscaping with a height greater than 900mm is required or proposed, a 1.8m setback is required to allow a 900mm non-landscape / non-climbable zone to be provided.



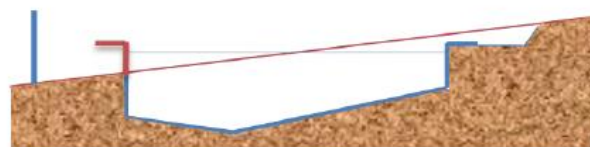
2.5.4 Controls for Height

1. Pools shall be built so that the top of the pool is as close to existing ground as possible.



Pool to be as close as possible
to natural ground level

2. Further to the above clause, the following controls apply:
 - a. a pool must not extend more than 300mm above existing ground level (at any point) , if located within the primary or secondary street setback;
 - b. an inground pool located outside the street setbacks must not extend more than 500mm above existing ground level (at any point).



Pool Maximum 500 mm
above natural ground level

- c. a demountable pool (i.e. those pools also known as above ground/ portable/ prefabricated pools) located outside the street setbacks must not extend more than 1m above existing ground level (at any point).

Note:

SSLEP clause 6.1 prohibits pools located between the Foreshore Building Line (FBL) and Mean High Water Mark (MHW) exceeding a height of 300mm above existing ground level (at any point).

2.5.5 Controls for Swimming Pool Barrier Fences

1. Swimming pool barrier fences are to meet minimum heights, as indicated in Figure 1 and Figure 2 below.



Figure 1

Where internal fence is used as a barrier

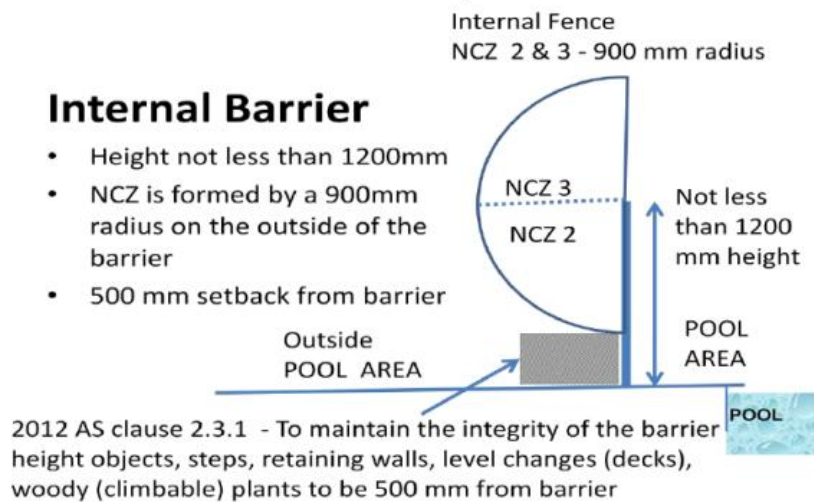
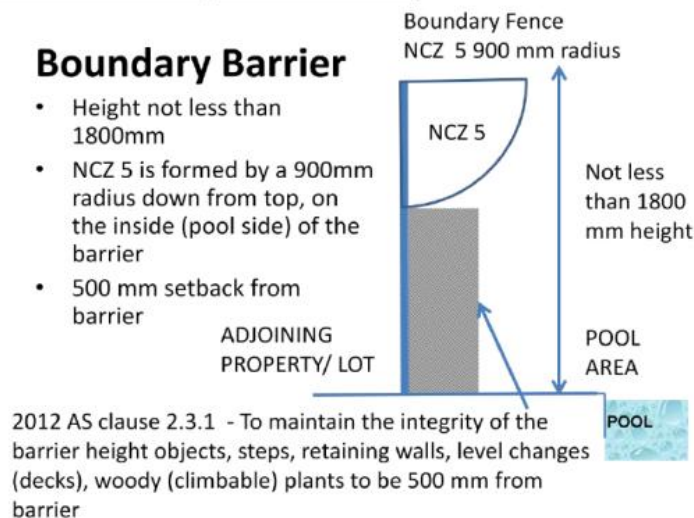


Figure 2

Where a lot boundary is used as a barrier



- The maximum height permitted at any point for a swimming pool barrier fence within the side or rear yard is 1.8m.
- The maximum height permitted at any point for a swimming pool barrier fence within the front street setback is 1.2m and the fence is to be open form.
- Where a swimming pool barrier fence is located between the Foreshore Building Line and the Mean High Water Mark and required for safety reasons, the following apply:
 - The swimming pool barrier fence must be located within 2.5m of the pool structure;
 - The maximum permitted height of the swimming pool barrier fence at any point is 1.2m;



- c. The swimming pool barrier fence is to be setback a minimum 900mm from the side boundary. Where landscaping is proposed or required along the side boundary, a 1.8m minimum setback will apply
- d. The swimming pool barrier fence is to be setback a minimum of 1.8m from the water to allow for adequate landscaping and to maintain a barrier non climbable zone
- e. Materials used for the construction of the swimming pool barrier fence shall be of high quality, low reflectivity and open form, so as not to detract from the visual quality of the foreshore area or adversely impact on views.

2.5.5 Controls for Pool Landscaping

1. Where a pool extends above existing ground level and is visible from a waterway, public place or adjoining property, the following measures must be used to mitigate the visual impact of the structure:
 - a. The colour and texture of the materials comprising the exposed sides are to complement the natural setting.
 - b. Landscaping shall screen the exposed sides of the pool.

Note:

Stone facing is the preferred facing material because it best complements the natural environment of the Sutherland Shire.

2. Pool, surrounds and any decking must be screened by plants if the pool, its surrounds or decking stands more than 500mm above ground level.
3. Screen planting shall be provided to achieve a reasonable level of privacy between adjoining neighbours. Such planting shall achieve a minimum mature height of 1.8m.
4. Landscaping on a property is not to be located in a position that intrudes into the non-climbable zone of swimming pool barrier fences.
5. Landscaping should be located clear of any subsurface drainage, water or sewer easement to eliminate root penetration into pipelines or damage during pipeline maintenance works.
6. Hard surface areas adjacent to pools shall be minimised to allow stormwater and pool overflow to permeate into the ground surrounding the pool.
7. The materials and design of any associated retaining walls shall be integrated with and complement the natural setting.

Note:

Suitable species for swimming pools is located in the Environmental Specification – Landscaping.



2.5.6 Controls for Pools on Flood Prone Land

1. Swimming pools and associated structures shall not obstruct a floodway.
2. The design and siting of swimming pools shall not exacerbate flooding in neighbouring properties; this includes land upstream and downstream from the subject site.
3. At no time may swimming pools be emptied into the stormwater drainage network, watercourse or environment. Swimming pools may only be emptied to the sewer.

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