

# LEP/DCP Discussion Paper

Planning our Sustainable Future

Working towards a new local environmental plan and  
development control plan for the **Northern Beaches**

June 2021



northern  
beaches  
council

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# Planning our sustainable future



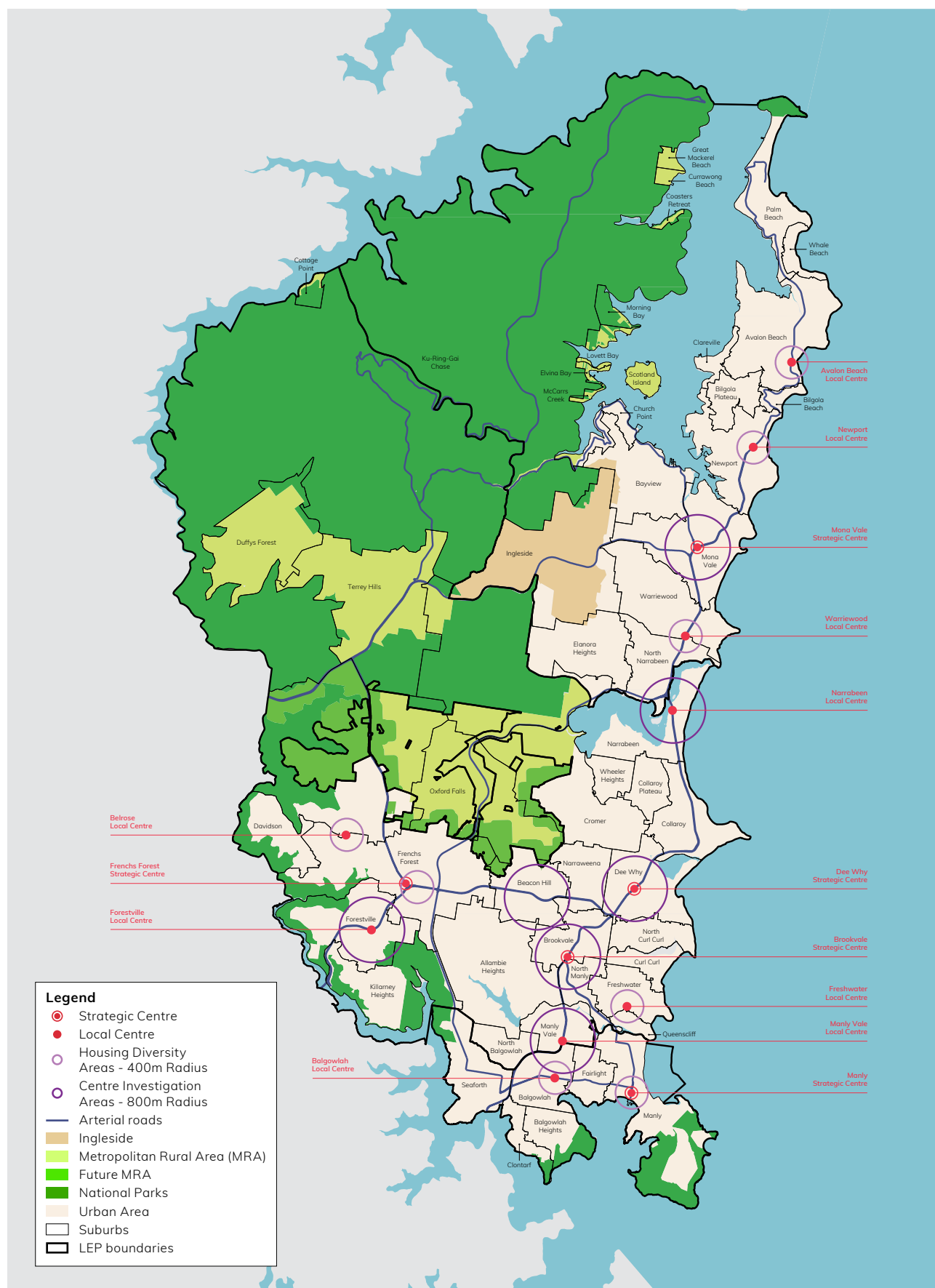
## Acknowledgement to Country

We acknowledge the traditional owners of this land and elders past and present. We recognise Aboriginal people as the original custodians of the Northern Beaches. Aboriginal culture is integral to our understanding of belonging, community and care of the land.



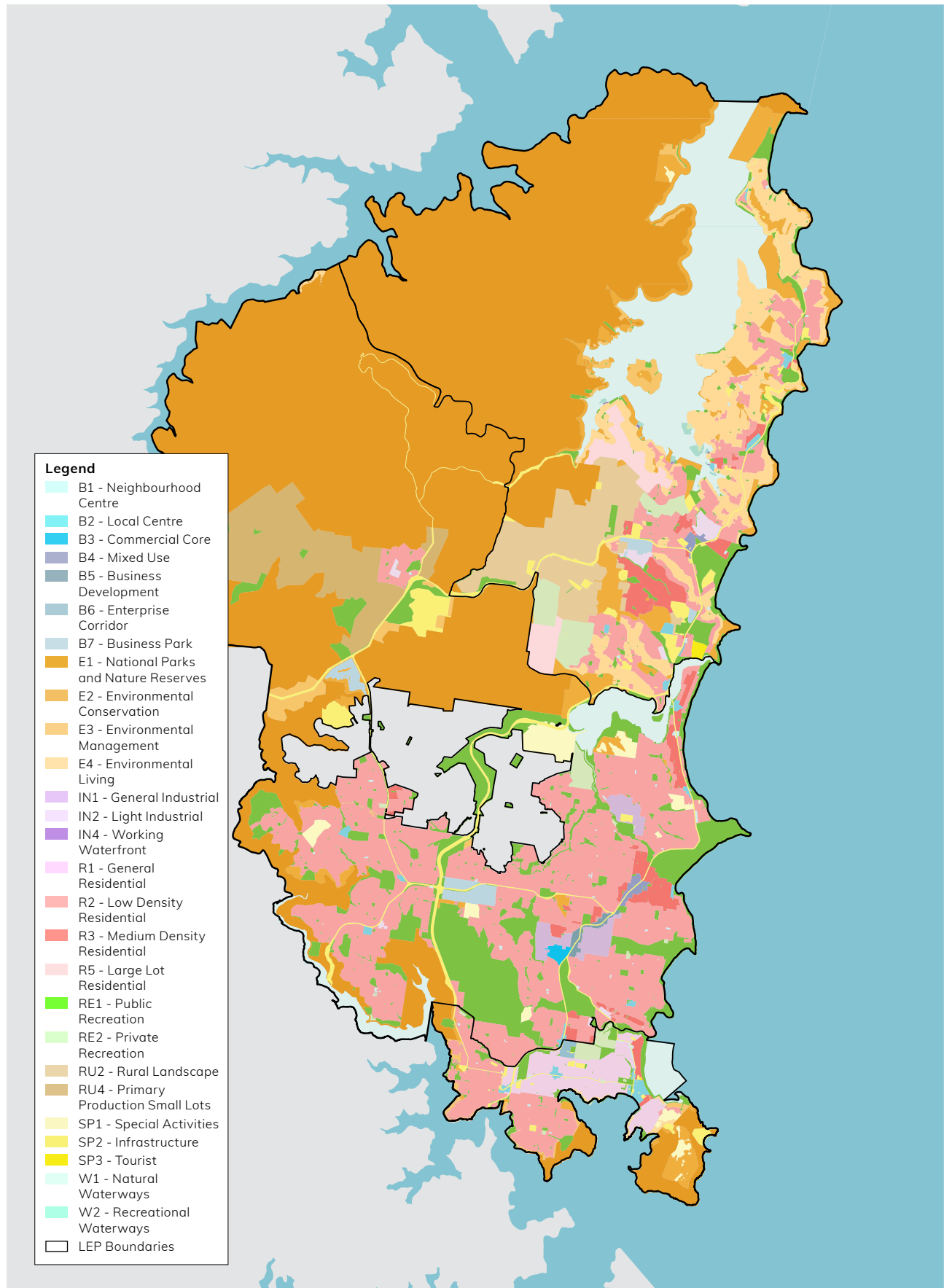
### Map 1

Northern Beaches location and strategic areas map



Map 2

Northern Beaches existing zoning map for each local environmental plan



## Executive summary

Reforms to the New South Wales Planning system require every council in the state to review its planning framework. On the Northern Beaches, this requires us to bring together our four local environmental plans (LEPs) and development control plans (DCPs) to create a single LEP and DCP. It's the final step in consolidating our planning framework for a sustainable Northern Beaches.

These documents set the rules for future development in the Council area, influencing how centres might change, how waterways and bushland will be protected, how and where businesses can operate, and the type and location of future housing.

The new LEP and DCP must align with the State Government's Greater Sydney Region Plan and North District Plan, relevant State Environmental Planning Policies (SEPPs), and standard LEP template, and will implement actions from our local strategic planning statement *Towards 2040* and our Local Housing Strategy.

The discussion paper identifies issues we need to address in consolidating our LEPs and DCPs, discusses options and approaches to address those issues, and seeks responses to specific questions where there is no preferred approach identified. Where changes are proposed they seek to deliver consistency, provide clarity or raise the bar on sustainability, for all development in our area.

This work is based on insights drawn from community consultation from our Planning our Sustainable Future program and technical analysis. We don't present all the answers; instead, we're seeking comment on the issues, proposals and any gaps.

We've used the structure of *Towards 2040* to shape our thinking and present findings and proposals.

### Sustainability

Provisions are proposed to protect the landscape, improve efficiencies and increase resilience.

Technical studies are underway to provide us with more analysis that will influence:

- future zoning of the Warringah LEP 2000 (Deferred lands)
- planning for the Metropolitan Rural Area (MRA) and future MRA investigation area
- planning for State-led projects including Ingleside and the development delivery plan for Metropolitan Local Aboriginal Land Council land.

Current waterway, environmental, rural and recreational zones will be adjusted for consistency. Future direction will be subject to finalisation of our Environmental Zones Review.

We discuss options for improved development controls for development near waterways, foreshore building lines, watercourses, wetlands and riparian lands, stormwater management, water sensitive urban design, foreshore scenic protection, tree canopy and urban heat.

For larger developments, we propose performance standards for net zero buildings. We're looking at other sustainability options, and/or independent sustainability certification for smaller development.

### Infrastructure and collaboration

The new LEP will align with the Infrastructure SEPP and Education SEPP. We consider the future application of Special Purpose zones and the proposal to permit emergency facilities, environmental protection works, and flood mitigation works in all zones to facilitate resilience.

### Liveability

The new LEP and DCP will address social impacts, crime prevention, universal access, adaptable housing and accessible car parking. We propose controls for design excellence, amenity impacts and functioning of town centres that will create better places, as well as controls to protect Aboriginal and non-Aboriginal heritage.

We will be implementing our Local Housing Strategy, permitting dual occupancy development in Housing Diversity Areas (HDAs) in R2 Low Density residential zones within 400m of Avalon Beach, Newport, Warriewood, Belrose and Freshwater. In R2 zoned areas outside HDAs, dual occupancies and other medium density housing types would be prohibited to achieve consistency.

We're aiming to resolve inconsistencies in permissible land uses in residential zones across current LEPs and will make further recommendations for the R5 Large Lot zone once technical studies are finalised. We also propose limiting boarding houses and seniors housing to areas closer to centres.

We're seeking feedback on current controls for secondary dwellings and whether there should be incentives for boarding houses, seniors housing, or more affordable housing in centres. We seek feedback on removing floor space ratio controls that currently apply to dwelling houses in Manly LEP.

### **Productivity**

We're looking at parking provisions including reduced rates and maximum rates for development in strategic centres to encourage public and active transport options, as well as options for car share, electric vehicle charging, bicycle parking and end of trip facilities. We seek feedback on reduced rates for non-residential development and will do further work to identify localised parking rates based on rates of car ownership, public transport accessibility and car share rates.

We expect to retain existing town centre zones but amend objectives to better define their intent. We will resolve inconsistencies in permissible land uses across current LEPs, including low impact industrial uses, sex services premises and working from home. We are considering a small increase in building heights in some centres to accommodate greater floor to ceiling heights for retail and office premises, but with no increase in the number of building storeys. We propose provisions to protect commercial floor space and restrict large scale retailing in local centres.

We seek feedback on incentives for additional commercial floor space as currently applied in the Manly LEP and propose height controls for the B3 Commercial Core zone at Warringah Mall.

We propose changes to the B5 Business Development, B6 Enterprise Corridor and B7 Business Park zones under current LEPs, including new B5 zones in part of the Warriewood B7 zone, the Austlink B7 precinct, and the whole Balgowlah B6 zone, to delineate existing bulky goods or large format retail clusters from other employment zones. We will look to resolve inconsistencies in permitted uses to differentiate these areas from nearby industrial precincts and propose an 11-18-metre building height limit for the Frenchs Forest Business Park B7 zone.

We propose a small height increase in existing industrial zones to support a transition to higher density industrial uses and incentivise renewal in industrial areas. We consider possible rezoning of the Mona Vale and Warriewood IN2 Light Industrial zones to IN1 General Industrial to better recognise current land uses, and propose retention of a more limited range of uses on the IN2 zone to protect the amenity of surrounding residential areas. We seek feedback on prohibiting gyms in industrial zones (existing gyms would remain) to help preserve these areas for industrial purposes.

Our analysis and recommendations for business and industrial zones are based on the employment study investigations and existing standard LEP template. They will be reviewed with respect to upcoming Department of Planning, Industry and Environment Employment Zones Reform and community feedback from this Discussion Paper.

We will retain the SP3 Tourist zone at Manly and Narrabeen caravan park and support tourist and visitor accommodation where currently permitted.

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Supporting appendices available at  
[yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au)

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Appendix: Infrastructure SEPP application to current  
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## Introduction

*Planning our Sustainable Future* is our program to develop a new land use planning framework that sits within the NSW planning system. It aims to create a single set of land use planning controls for the Northern Beaches Local Government Area (LGA).

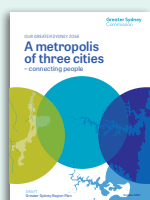
Developing a new land use planning framework commenced with the adoption of the *Greater Sydney Region Plan*, which sets a 40 year vision for land use planning in Greater Sydney. The Plan establishes a vision of Greater Sydney as a

metropolis of three cities - the Western Parkland City, the Central River City and the Eastern Harbour City - where most residents live within 30 minutes by public transport of their nearest strategic centre.

The *Greater Sydney Region Plan* plans for Greater Sydney as five districts. Northern Beaches LGA is located in the North District. Five district plans consider the objectives of the *Greater Sydney Region Plan* as district-specific goals and actions that councils and the NSW Government can manage.

**Figure 1**

Metropolitan planning framework, as it applies to the Northern Beaches LGA.

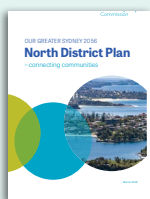


### Greater Sydney Region Plan

**Released by the NSW Government in 2018**

The Greater Sydney Region Plan sets a 40-year vision and a 20-year plan to manage growth and change for Greater Sydney.

Our new planning framework must be consistent with the Region Plan.

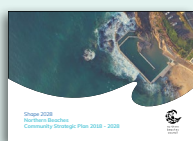


### North District Plan

**Published by the Greater Sydney Commission in 2018**

The North District Plan is a 20-year plan to manage growth which covers economic, social and environmental matters of the North District. It includes actions and priorities around liveability, productivity, infrastructure and sustainability.

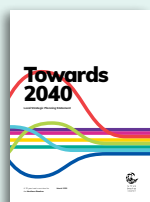
Our new planning framework must align with this plan.



### Community Strategic Plan - Shape 2028

**Adopted by Council in April 2018**

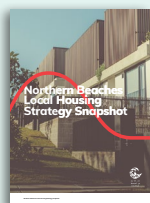
The Community Strategic Plan is a 10-year shared vision of what the Council and the community values and aspires to.



### Towards 2040

**Endorsed by the Greater Sydney Commission and Council in March 2020**

The Northern Beaches Local Strategic Planning Statement - *Towards 2040* sets our land use vision, and planning principles, priorities and actions for the next 20 years.



### Local Housing Strategy

**Adopted by Council April 2021**

The Local Housing Strategy outlines how and where housing will be planned to meet community need.



Councils then consider how best to implement these goals and actions. In the Northern Beaches LGA, this began with the development of *Towards 2040*, our local strategic planning statement, followed by the current review and amendment of our local environmental plans (LEPs) and development control plans (DCPs) (see Figure 2).

*Towards 2040*, outlines directions for housing, employment, transport, recreation, environment and infrastructure over the next 20 years. It helps guide future land use decisions through planning priorities, principles and actions that build on the Northern Beaches' strengths and opportunities and addresses key issues and challenges.

#### Find out more

Read *Towards 2040* at

[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)

Read the North District Plan and Greater Sydney Region Plan at [greater.sydney](http://greater.sydney)

**Figure 2**

Planning framework review program. The darker colour represents where we are today.



### Existing local planning instruments

Council currently has four LEPs and four DCPs. While there are many similarities in these documents, there are differences too. These factors must be reconciled to create a single, clear and fair LEP and DCP, translating the priorities and principles of Towards 2040 and the Local Housing Strategy into land use and development controls for all the Northern Beaches.

### Technical studies

A range of technical studies prepared with consultants informs this reconciliation work (Figure 3). These studies are at different stages, with some already released for public comment. All studies will be made available on our website when completed; each will be considered in preparing the LEP and DCP. Where relevant, we refer to these studies and drafts studies throughout the discussion paper.

#### Existing LEPs and DCPs

To view the current planning framework, visit the NSW Planning Portal ([planningportal.nsw.gov.au](http://planningportal.nsw.gov.au)), Council's website ([northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)) or click on the links below:

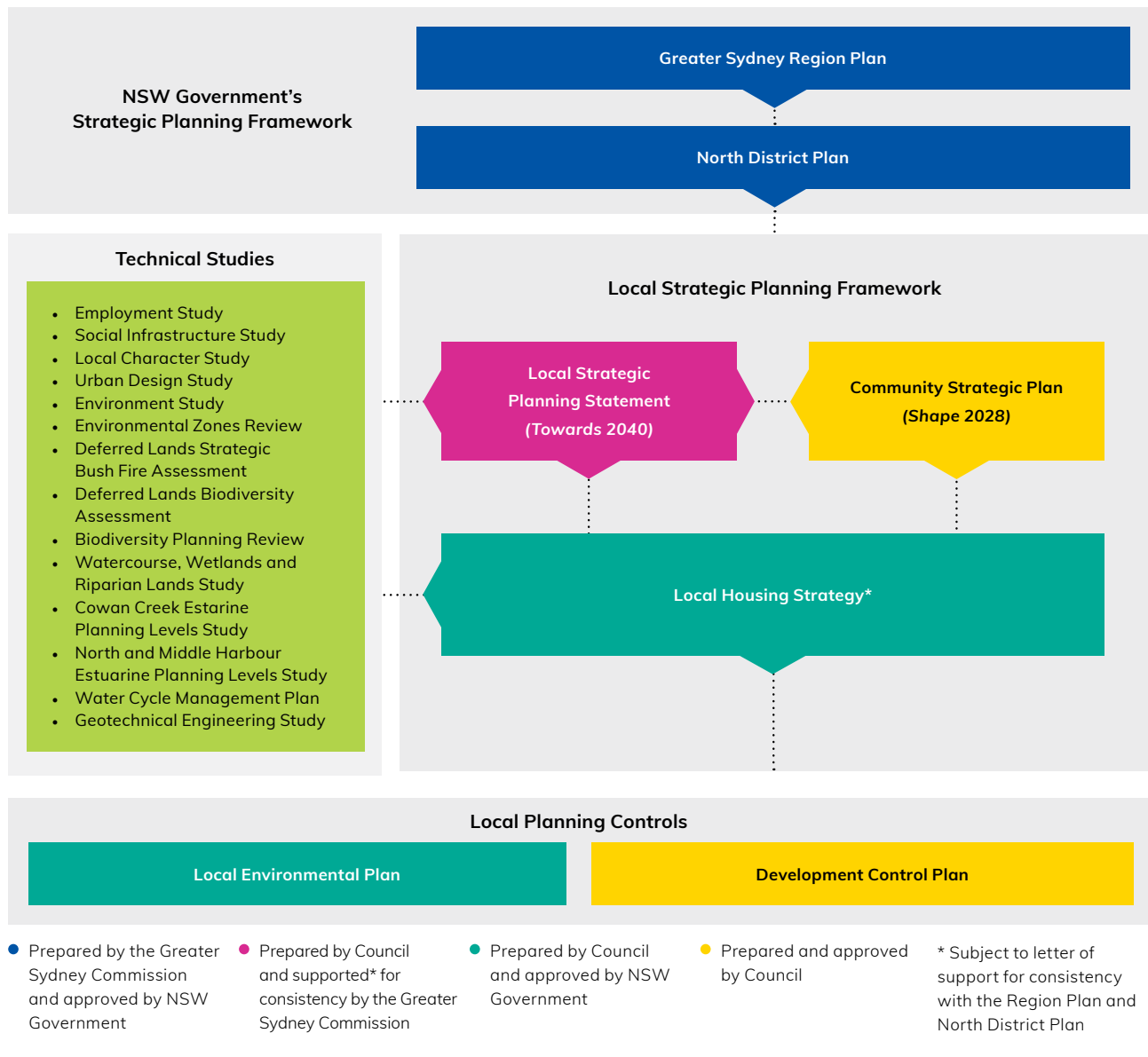
- [Manly LEP 2013](#)
- [Pittwater LEP 2014](#)
- [Warringah LEP 2011](#)
- [Warringah LEP 2000 \(Deferred lands\)](#)
- [Manly DCP 2013](#)
- [Pittwater 21 DCP](#)
- [Pittwater 21 DCP - Appendices](#)
- [Warringah DCP 2011](#)
- [Warringah DCP 2000](#)

Warringah LEP 2000 relates to what is known as the 'deferred lands'. Throughout this report, we only refer to Manly LEP, Pittwater LEP and Warringah LEP, which are all based on what is known as the Standard Instrument LEP. We use the full term Warringah LEP 2000 (Deferred lands) if referring to that particular LEP.

#### Find out more

Visit [yoursay.northernbeaches.nsw.gov.au](http://yoursay.northernbeaches.nsw.gov.au) to read more about the technical studies and Local Housing Strategy.

**Figure 3**  
Local and State planning frameworks



### Purpose of this discussion paper

This discussion paper is designed to:

- update the community on our work preparing a new LEP and DCP for the Northern Beaches
- explain the legislative context in which we operate and make decisions
- outline differences between current LEPs and DCPs that we are addressing to create a single LEP and DCP
- discuss options and proposed approaches to resolving current differences, guided by directions, priorities and actions in *Towards 2040* and the recommendations of technical studies
- seek feedback on the issues raised and proposed approaches.

The discussion paper is not a complete and detailed assessment of every issue or matter to be resolved to arrive at a single Northern Beaches LEP and DCP. Instead, it focuses on planning issues and differences that must be resolved to align our local plans with the North District Plan and *Towards 2040*.

We will consider all submissions to this discussion paper when we prepare a planning proposal – this will be the key step that will lead to a new LEP and accompanying DCP.

### State planning system

The NSW planning system is complex. It begins with the **Environmental Planning and Assessment Act 1979 (EP&A Act)**, which governs land use planning in NSW. The EP&A Act sets out the rules for the development and making of strategic plans, planning policies, LEPs and DCPs and the processes for the assessment of development proposals.

In addition to the requirements of the EP&A Act, **other legislation** interacts with the planning controls under the Act. State-level legislation that is used in the Northern Beaches LGA includes:

- Biodiversity Conservation Act 2016
- Local Government Act 1993
- Coastal Management Act 2016
- Fisheries Management Act 1994
- Sydney Harbour Foreshore Authority Act 1998
- National Parks and Wildlife Act 1974
- Heritage Act 1977

NSW Land and Environment Court decisions also establish planning principles which must be considered in making planning decisions.

### State environmental planning policies

State environmental planning policies, or SEPPs, are environmental planning instruments made under the EP&A Act that deal with state or regional environmental planning matters. They can override an LEP and permit or prohibit certain types of development. They can also establish approval pathways, such as allowing complying development in certain circumstances.

We refer to many of these throughout this discussion paper, where our work has considered the interplay of both SEPPs and LEPs (Table 1).

**Table 1**

List of SEPPs referenced in this discussion paper

SEPP	Shortened term
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Education SEPP
State Environmental Planning Policy (Infrastructure) 2007	Infrastructure SEPP
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	BASIX SEPP
State Environmental Planning Policy (Coastal Management) 2018	Coastal Management SEPP
State Environmental Planning Policy (Affordable Rental Housing) 2009	Affordable Housing SEPP
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Codes SEPP
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Seniors Housing SEPP
State Environmental Planning Policy No 55—Remediation of Land	SEPP 55
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	SEPP 65
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	SEPP 70
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Vegetation SEPP
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*	Sydney Harbour SEPP
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River 197 (Cowan Creek)*	SREP 20
Draft Environment State Environmental Planning Policy	Draft Environment SEPP
State Environmental Planning Policy No 64—Advertising and Signage	SEPP 64
State Environmental Planning Policy (Aboriginal Land) 2019	Aboriginal Land SEPP

\* Regional Environmental Plans are now deemed to be SEPPs under the EP&A Act.

#### Find out more

- Visit [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) or [planningportal.nsw.gov.au](http://planningportal.nsw.gov.au) to learn more about the NSW planning system.
- Visit [northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au) to learn about our current planning framework.
- View the complete list of SEPPs at [legislation.nsw.gov.au](http://legislation.nsw.gov.au)

## Local planning framework

### LEPs

Local environmental plans (LEPs) are environmental planning instruments (statutory documents) made under the EP&A Act. They guide planning decisions in an LGA through zoning and development controls. The LEP is the framework for how and where land can be used. We have four in place in the Northern Beaches.

LEPs are made and changed through **planning proposals**. Every planning proposal must 'give effect' to strategic planning – in our case, *Towards 2040* and the *North District Plan*, amongst others.

Every LEP in NSW must comply with the *Standard Instrument (Local Environmental Plan) Order 2006* (**Standard Instrument LEP**). This is the template for all LEPs across NSW.



### LEP zones and land uses

LEPs establish **land use zones** that are applied to match how land should be used. For example, zoning may determine whether land can be used for rural, residential, commercial, recreational or industrial, waterway or environmental protection purposes.

Zones set out which land uses are permitted, and which are prohibited. The Standard Instrument LEP contains land use tables that, for each zone, sets out the objectives for that zone and the land uses that are:

- permitted without development consent
- permitted with development consent
- prohibited.

In addition to the standard range of permissible uses specified for each zone, we may permit certain **additional permitted uses** on a property or group of properties within a zone, if appropriate. For example, the Myoora Road precinct in Terrey Hills is zoned RU4 – Primary Production Small Lots, which in addition to permitted RU4 zone uses, permits educational establishments, hospitals, garden centres, and hotel and motel accommodation, places of public worship, recreation areas and facilities (indoor and outdoor), registered clubs and restaurants or cafes. These are identified in a separate schedule and map in the LEP.

A key task in creating a single LEP for the Northern Beaches is to establish an appropriate set of zones and the permitted or prohibited land uses for each. All up, across the three Standard Instrument LEPs, 26 zones are used to control development and 186 land uses. While many zones are common to all three LEPs, the permitted land uses are not consistent.

As one example, we need to establish just one R2 low density residential zone that either permits or prohibits dual occupancies and currently dual occupancies; permitted in the Manly and Pittwater R2 zones but not in the Warringah R2 zone.

### Find out more

Maps showing the existing zones are on pages 20 to 22.

Visit [planning.nsw.gov.au](http://planning.nsw.gov.au) to view the Department of Planning, Industry and Environment's local planning and zoning resources, particularly practice notes. See also the land use matrix, which shows all zones in the Standard Instrument and, for each land use, whether that use must be permitted or prohibited with references to various SEPPs.

Visit [legislation.nsw.gov.au](http://legislation.nsw.gov.au) to view the Standard Instrument LEP and land use tables already established in the LEPs.

### Open versus closed zone approach

When choosing the range of land uses that should be permissible in a zone, we can approach it in one of two ways: either identify all the permissible uses in which case all other potential uses are prohibited, or identify all prohibited uses, in which case any use not specifically prohibited is permissible with consent. The first approach is called closed zoning as it is more restrictive. The latter approach is called open zoning.

Manly LEP and Pittwater LEP apply a closed zone approach. Warringah LEP applies an open zone approach in its business and industrial zones. This means that Warringah LEP permits a broader range of land uses in each zone. In theory, this could mean a farmhouse or jetty is permitted in a town centre.

We are likely to move to a closed zone approach for the future Northern Beaches LEP. This requires us to review the full range of potentially permitted land uses to align with that zone's intent and objectives.



### LEP provisions

In addition to zoning, LEPs contain other matters that need to be considered during the development assessment processes. These may relate to a range of matters including:

- development standards, e.g., general height controls, floor space ratio controls
- requirements for certain types of land, e.g., heritage conservation areas
- requirements for certain of land uses, e.g., secondary dwelling (granny flat) floor area.

### Exempt and complying development

LEPs and relevant SEPPs also set out whether types of development can be considered exempt or complying.

**Exempt development** is development with minor environmental impacts that is exempt from any approval requirements provided it meets certain simple criteria. Examples include a clothes line or front fence.

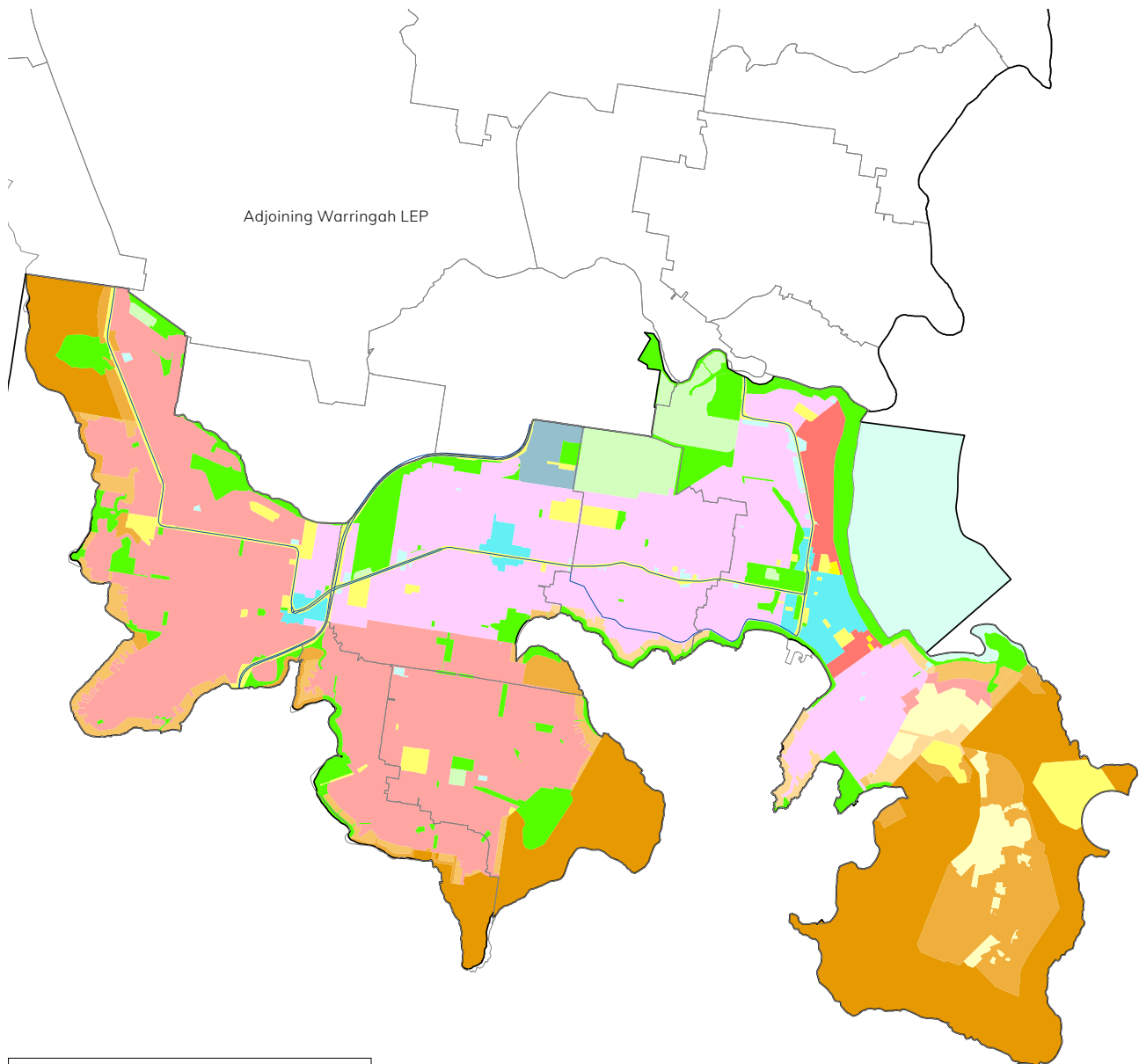
**Complying development** is development permitted with development consent that can be approved by an accredited certifier subject to confirmation by the certifier that it meets defined numerical standards.

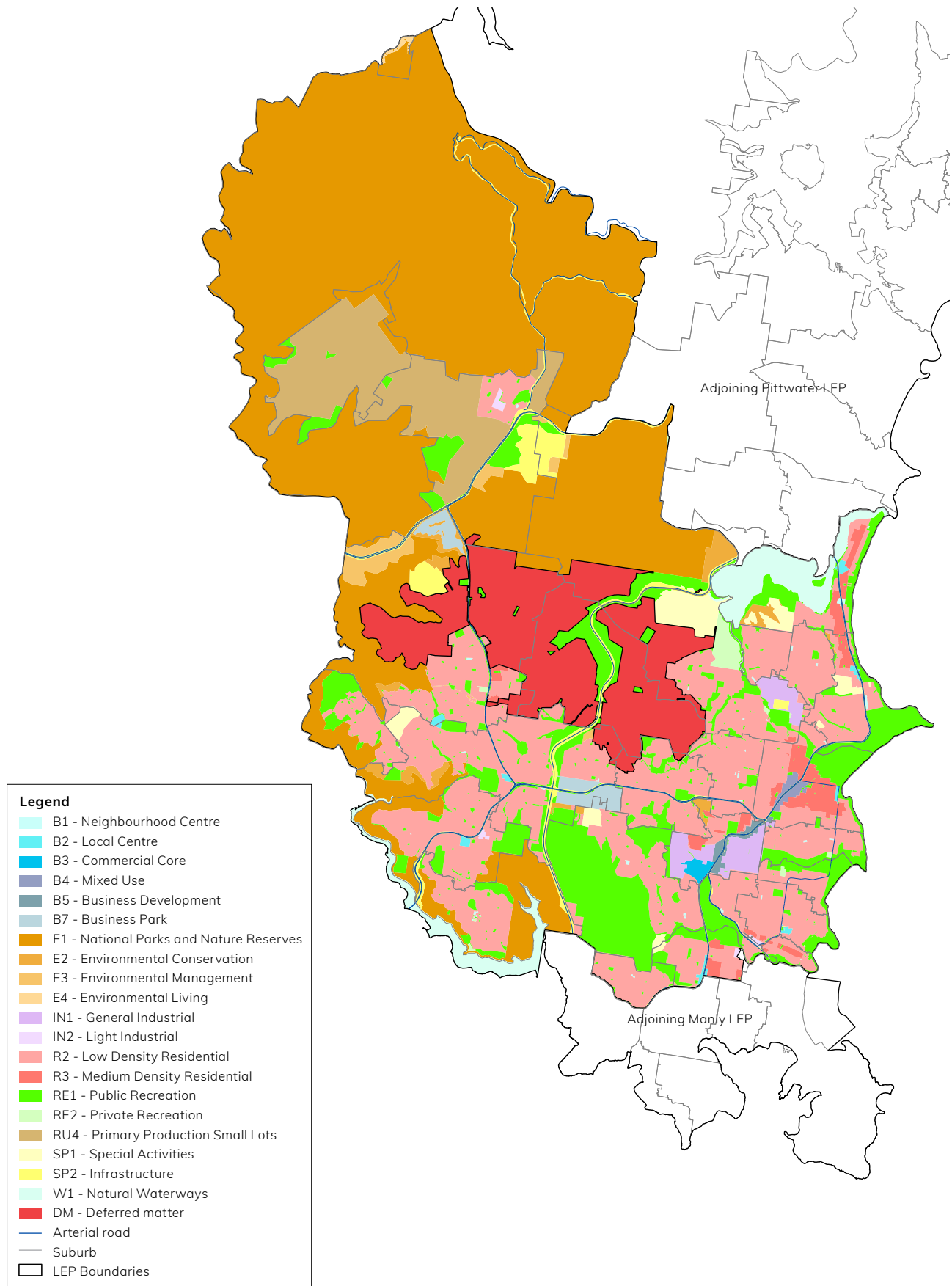


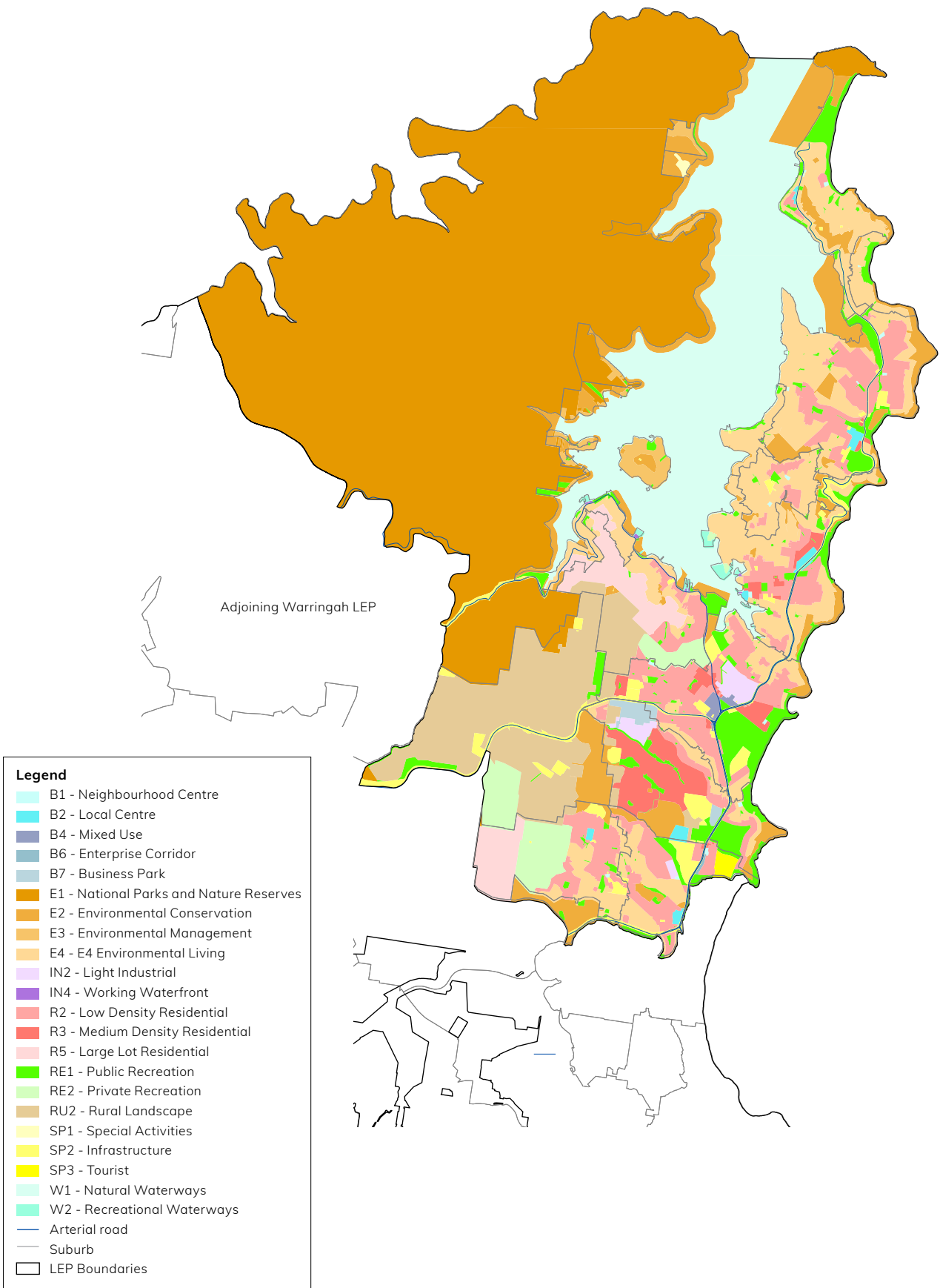
### DCPs

DCPs contain detailed planning and design controls that support and guide the accompanying planning controls in an LEP. DCPs are not statutory documents so have less legal weight than LEPs and often address lesser controls, such as car parking requirements.









## A changing climate and the planning framework

*Towards 2040 sets out the community's ambitions for a Northern Beaches that is ready to adapt to, or mitigate the effects of, a changing climate, especially considering our declaration of a climate emergency in August 2019.*

**This acknowledges that the LGA is particularly vulnerable to natural hazards including bush fire, flooding, landslip, coastal erosion and storms.**

The climate emergency is addressed through a range of policies, strategies and plans to meet the objectives of *Towards 2040*. For example, our Environment and Climate Change Strategy *Protect. Create. Live.* and various action plans outline a range of initiatives and activities.

As the climate changes, exposure to natural hazards such as heatwaves, heavy rainfall, severe bush fire conditions, storm surges, sea-level rise and flooding will only increase.

The new planning framework is just one means by which we can:

- address the climate emergency, with respect to controlling land use and development
- support overall efforts to increase resilience in the community and natural and built environments
- support measures to reduce carbon emissions and increase efficiencies in managing energy, water and waste.

This discussion paper highlights areas that require community and stakeholder input, including:

- application of environmental protection and natural waterway zones
- controls to protect biodiversity, including coastal and estuarine environments and riparian and wetland areas
- development standards for landscaping and tree cover
- limiting development in areas exposed to natural hazards
- land uses based on sustainable spatial modelling e.g., planning for housing so that residents live within walking distance of transport and services
- water sensitive urban design
- geotechnical controls and management
- provisions for emergency protection works.

### Find out more

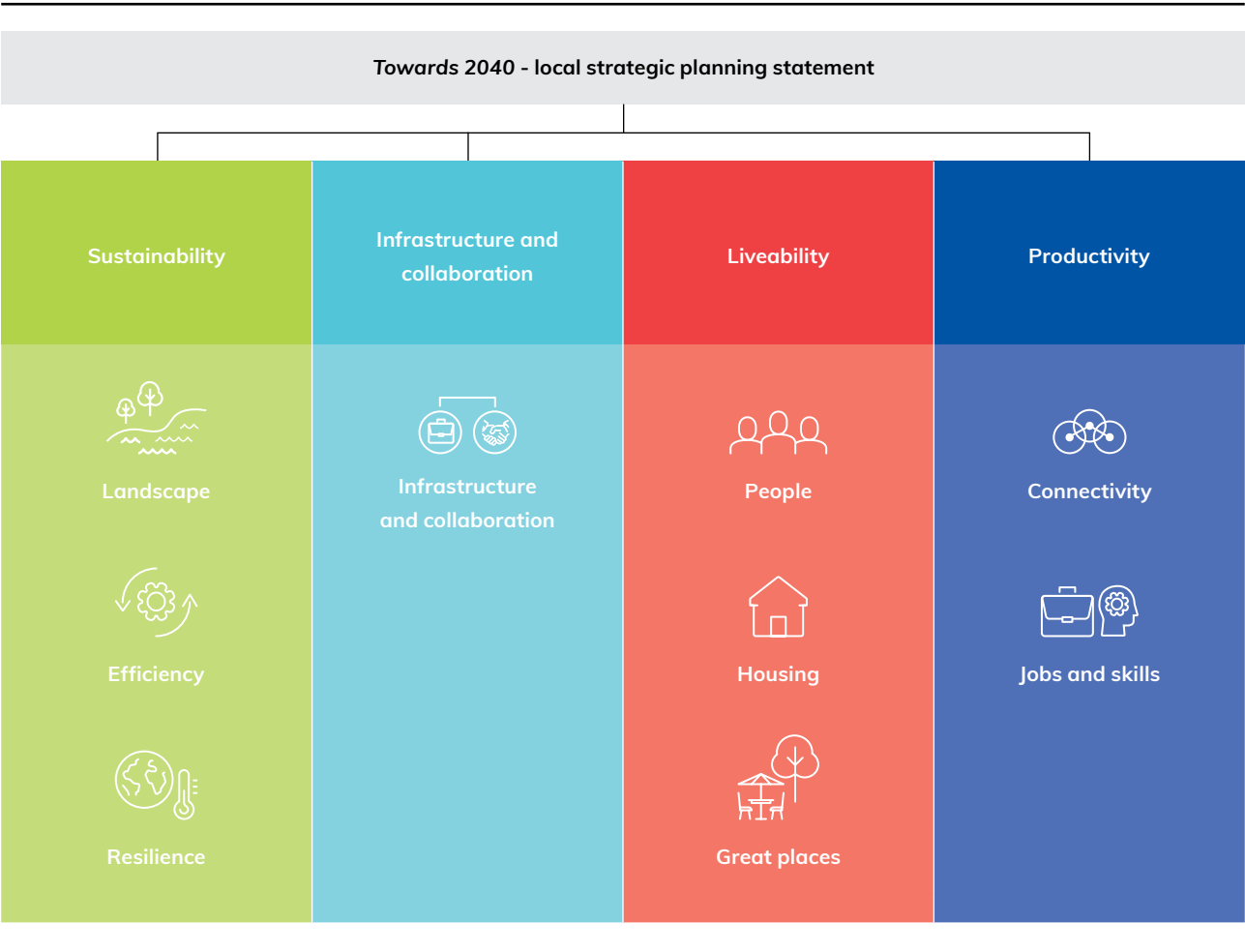
Visit [northernbeaches.nsw.gov.au](https://northernbeaches.nsw.gov.au) to read *Protect. Create. Live.* and other relevant strategies.

# How to use this discussion paper

The discussion paper is structured to mirror the four key themes and nine Directions in Towards 2040.

We discuss zoning and land use issues, other LEP provisions and controls, and related DCP controls under each direction. We then present a proposed approach – of which some may require changes to current controls – or pose specific questions where relevant.

**Figure 4**  
Towards 2040 themes and directions.



### LEP/DCP Changes discussed



Zone

Discussion about changes to LEP zoning, whether it be rural, residential, business, industrial, special activities, recreation, environment or waterway zones



Land use

Discussion about land uses that may or may not be permitted within a certain zone or range of zones e.g., whether you can build a dual occupancy, or a neighbourhood shop.



LEP Provision

Discussion about LEP provisions other than zoning/land use e.g., flooding, bush fire, height, floor area and other controls.



DCP

Discussion about development controls within the development control plan, e.g., building setbacks

### Type of change proposed



Change

Changes proposed to current planning controls



Working on it

Currently working out the preferred approach, through technical studies or consultation with stakeholders such as the Department of Planning, Industry and Environment



No change

No changes proposed to current planning controls



Discuss

Direct questions we'd like to ask you in determining the preferred approach. Comments are also welcome on all aspects of the paper.

We'll also provide land use tables to help illustrate some of the inconsistencies. These tables will refer to the following:

- P: Pittwater LEP
- W: Warringah LEP
- M: Manly LEP
- NB: The new Northern Beaches LEP.

The tables also show:

- a blank square for prohibited use
- a coloured square for land use permitted with consent
- a coloured square marked 'w/o' for land use permitted without consent
- a question mark (?) where further work is required or feedback is sought.

A glossary is provided at the end of the document to further explain key concepts. See also supporting appendices at [yoursay.nsw.gov.au](https://yoursay.nsw.gov.au)













# Sustainability





## Landscape

The LGA's environmental and recreational attributes are perhaps the most critical element of the Northern Beaches lifestyle.

### Priorities

#### Priority 1

Healthy and valued coast and waterways

#### Priority 2

Protected and enhanced bushland and biodiversity

#### Priority 3

Protected scenic and cultural landscapes

#### Priority 4

Protected Metropolitan Rural Area

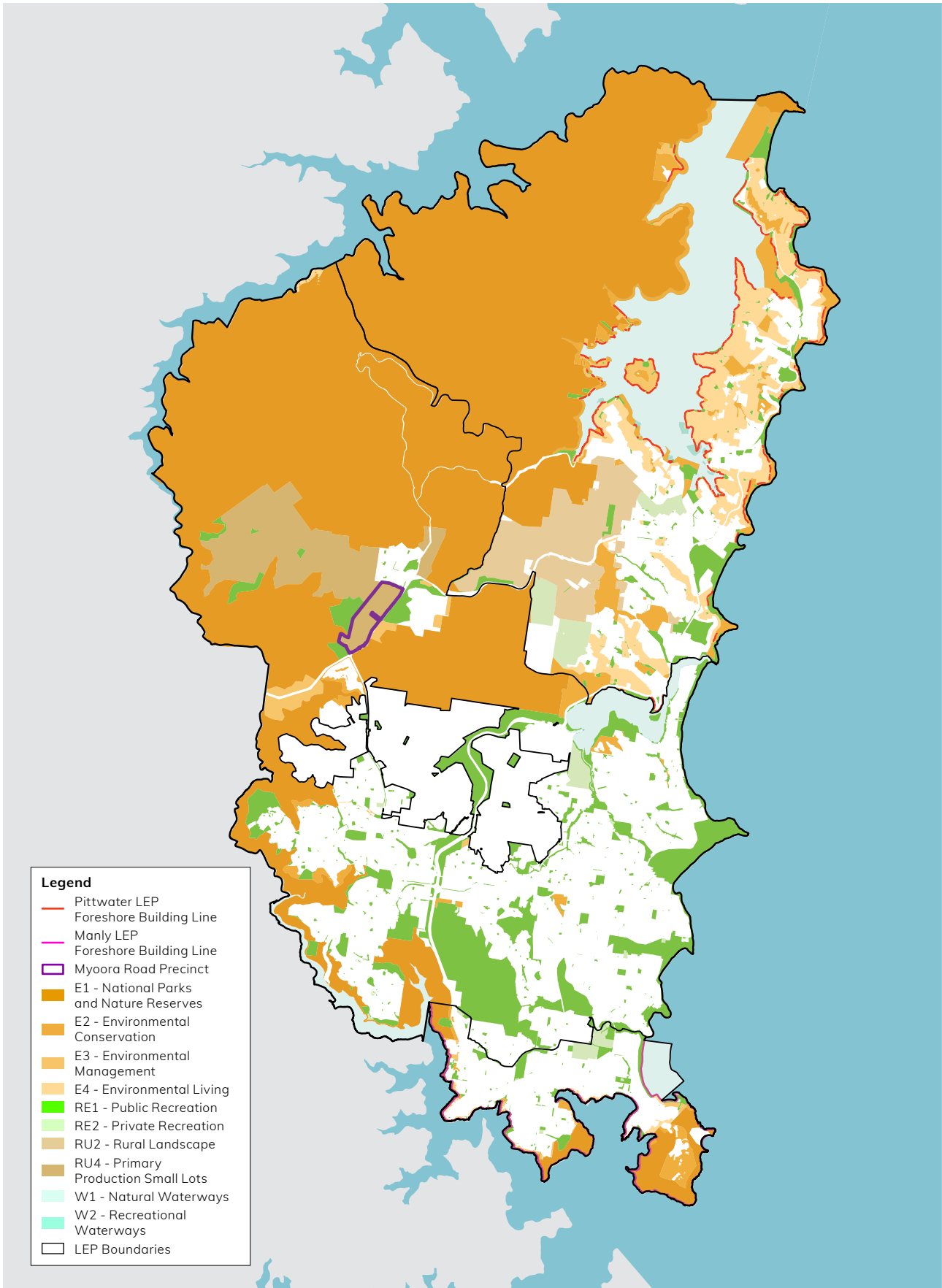
#### Priority 5

Greener urban environments

#### Priority 6

High quality open space for recreation







## Priority 1

### Healthy and valued coast and waterways

#### Setting the scene

The current planning framework allows us to manage the LGA's coast and waterways by:

- zoning both waterways and the foreshores i.e. land adjoining waterways.
- limiting or prohibiting certain forms of developments in or near the waterway for protection.
- permitting certain developments near waterways to facilitate and improve public foreshore access.
- providing a foreshore building line or setback area to foreshores.
- facilitating water cycle management and improved stormwater provisions.
- protecting and managing riparian lands and coastal and estuarine hazards.
- requiring consideration of possible impacts on scenic amenity or natural heritage.

In addition to the current LEPs and DCPs

- Coastal Management Act 2016 and Coastal Management SEPP apply to 'coastal areas', which includes land adjacent to the coast and waterways. The Act affects the ability to undertake coastal protection works, including sea walls. The SEPP has requirements in terms of protecting the environmental assets of the coast.

- Water Management Act 2000 and the Water Management Regulation 2018 applies to the whole state. The Act requires Controlled Activity Approval for development within 40 metres of a waterway.
- Sydney Harbour SEPP applies to North and Middle Harbour. Its accompanying DCP includes controls for structures, landscape character and visual impact.
- SREP 20 provides guidance for development around Cowan Creek, Cottage Point.
- Fisheries Management Act 1994 applies to waterways and has requirements in terms of protecting marine vegetation.
- The Infrastructure SEPP allows some structures related to waterways in certain areas.
- Our Water Management for Development Policy places controls on direct stormwater discharges to watercourses and waterways.
- A draft Environmental SEPP is being prepared to consolidate existing SEPPs for a number of water catchments, waterways and urban bushland.

The coast and waterways, referred to as the Blue Grid, provide habitat for Threatened Ecological Communities, populations and species; migratory birds, fish, aquatic and riparian species, and aquatic vegetation. They cool urban areas, attract visitors and encourage people to be active. The LGA's beaches are world famous, providing unparalleled recreational opportunities. Sydney Harbour, Hawkesbury River and Pittwater support a thriving marine industry. The health of waterways affects how people use and enjoy beaches, lagoons and estuaries.

### Waterway zones and associated development

Two waterway zones apply to land in the Northern Beaches LGA:

- **W1 Natural Waterways** is generally intended for natural waterways to be protected for their ecological and scenic values. Some low impact uses can be permitted.
- **W2 Recreational Waterways** allows for water-based recreation and transport. It only applies to certain sites (mostly Marinas) on Pittwater.

Waterways and riparian areas also traverse many other zones throughout the LGA. They are also zoned for environmental protection (E2) or recreation (RE1). The foreshores are zoned in many cases for recreation, or as environmental zones and in some cases as a working waterfront (IN4). Most residential properties on the foreshore are zoned for environmental purposes, with limited opportunity for major development.

### W1 Natural Waterways

W1 Natural Waterways currently applies to:

- Pittwater Waterway other than marinas (W2 zone) and environmentally sensitive areas (E2 zone) under Pittwater LEP
- Narrabeen Lagoon and Middle Harbour (Bantry Bay to Davidson) under Warringah LEP
- Manly Beach under the Manly LEP. Other waterways adjoining Manly foreshores are not in the LEP but are under the Sydney Harbour SEPP.

Despite their similarity with Narrabeen Lagoon, coastal lakes such as Curl Curl, Dee Why and Manly lagoons are zoned RE1 Public Recreation.

Permitted land uses in the W1 zone under each LEP differ. Manly LEP and Pittwater LEP prohibit community facilities, recreation areas and water recreation structures. Manly LEP also prohibits mooring pens, whereas Warringah LEP prohibits mooring pens but not the other uses.

Pittwater LEP permits boat sheds, jetties and water recreation structures (such as piers or boat ramps) as an additional permitted use in a large portion of the Pittwater Waterway foreshore identified as Area 23.

#### Pittwater Waterway Strategy 2038

Pittwater Waterway Strategy 2038 sets out our strategic direction for sustainably managing the Pittwater Waterway for the next 20 years. Visit [northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au) to view the Strategy.

## Proposed approach



We propose zoning more of our waterways as W1 in the new LEP:

- W1 zoning will be retained for any waterway currently zoned W1
- Waterways identified in the Coastal Management SEPP as a coastal lake (Curl Curl and Manly lagoons) will be zoned W1
- Some waterways and Dee Why Lagoon, a wildlife refuge, may be zoned E2 consistent with Pittwater LEP, which zones particularly environmentally sensitive parts of the waterway E2 (see Priority 2).

Table 2 outlines a proposed approach to land uses in the new W1 zone.



Action 1.7 of *Towards 2040* calls for the implementation of Pittwater Waterway Strategy 2038, which proposes an investigation into “whether mooring pens should be prohibited in the W1 zone”.

In response, we propose to prohibit mooring pens in the W1 zone, consistent with the Sydney Harbour SEPP and Sutherland, Hornsby, Parramatta, Auburn, Gosford, Wyong and Ku-ring-gai LEPs. This would avoid these structures in natural waterways that require protection. If necessary, mooring pens could be considered as an additional permitted use in certain areas.

**Table 2**

W1 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new LEP

Land use*	P	W	M	NB	Proposed approach
community facilities					Prohibit as per Pittwater and Manly LEPs recognising limited capacity for this use in waterways.
mooring pens					Prohibit, noting permitted in W2 zone.
water recreation structures					Prohibit in zone but permit via an additional permitted use in appropriate areas.
recreation areas					Prohibit as per Pittwater and Manly LEPs recognising limited capacity for this use in waterways.

\*environmental protection works are discussed in Priority 9.

### W2 Recreational Waterways

The W2 zone applies to certain areas occupied by marinas in the Pittwater Waterway. It provides for a variety of passive and active recreational pursuits and water-based transport while preserving the environmental setting of the waterway.

### Proposed approach



Our review found that no other waterways in the LGA warrant the use of this zone. We do not propose to change the current application of the zone nor the range of permissible uses.



Action 1.8 of Towards 2040 proposes to expand the W2 zone, subject to a strategic sites assessment, to permit, with consent, sustainable marina expansion. This work is scheduled to commence in the future.

#### Find out more

Read more about environmental zones in Priority 2.

### Development adjoining waterways

Current LEPs permit a range of water-related structures across a range of zones, some of which do not adjoin a waterway (Table 3). Some of these structures may be unsuitable in the designated zone as many properties do not adjoin any waterways; for example, boat launching ramps are not a suitable permitted use within town centres.

**Table 3**  
Permitted water-related structures

Structure	Where permitted
boat launching ramps	Manly LEP in the R1, R2 and RE1 zones, the Pittwater LEP IN4 zones, and in the Warringah LEP business and industrial zones.
boat sheds	Manly LEP in the R1, R2, R3, B2 zones, in the Pittwater LEP in the R2, E3, E4, W2 zones and the Warringah LEP in the R2, R3, RE1, E4 zones.
charter/tourism boating facilities	Manly RE1; Pittwater IN4, W2 zones.
jetty	Manly R1, R2, RE1 and IN4; Pittwater B1, B7, E3, E4, W2; Warringah business and industrial zones.
marinas	Manly RE1, Pittwater IN4, RE2 zones.
water recreation structures	Manly R1, R2, RE1; Pittwater R2, IN4, RE1, W2; Warringah RE1, W1 zones.
wharf or boating facilities	Permitted in all zones without consent under the Infrastructure SEPP by or on behalf of a public authority; also permitted with consent in Pittwater IN4. Under the Infrastructure SEPP, retail premises, business premises or industrial premises within public ferry wharfs may be carried out by any person with consent within the B4, IN1, IN4, SP1, SP2, SP3, RE1 and W2 zones.

### Find out more

Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to read the full definitions of different waterway structures in the Standard Instrument LEP Dictionary.



Further details controlling aspects of these developments are usually contained in DCPs. Manly DCP includes certain matters for consideration on the foreshore area, while Pittwater DCP and the DCP that accompanies Sydney Harbour SEPP includes detailed controls relating to structures on or adjacent to the waterway.

As the Sydney Harbour SEPP DCP applies to areas outside the boundaries of Council's LEPs, it will remain in effect. We are, however, investigating any gaps where additional controls

may be required in North and Middle Harbour. We will work with the Department of Planning, Industry and Environment to review these controls as part of the new Environment SEPP.

The new LEP and DCP will allow us to clarify the type of private water recreation structures that are suitable adjacent to waterways and are not permitted under the Infrastructure SEPP (e.g., public wharfs). We also need to clarify our policy around seawalls, as these are defined as 'coastal protection works' under the Coastal Management Act 2016.

### Proposed approach



We will investigate permitting these water-related structures as additional permitted uses, where appropriate, complemented by local planning provisions that provide objectives and requirements to be considered in the development application process. This will consider the need for any LEP amendments associated with opportunities for non-motorised water sports launching, storage and utilisation. It will also consider:

- public access along the foreshore and beach front
- environmental and visual impacts
- protecting public and private assets
- residents' infrastructure needs, particularly people living offshore who have no other access options
- shared facilities
- minimising the risks of floods or coastal and estuarine hazards.



We will also review and, if required, update DCP controls for structures on or adjacent to Pittwater Waterway and potentially also Cowan Creek. We will consider new DCP controls to:

- guide specific development types such as marinas or charter and tourism boating
- address visual amenity and character
- limit impacts on aquatic biodiversity
- minimise impact on public access around the foreshore.



Which of the above water-related structures do you think are suitable adjoining waterways?

### Marinas

Most marinas within Pittwater are within W2 zones and prohibited in other zones, except where their activities extend into adjoining zones. In these instances, they are permitted via an additional permitted use for a range of related land uses as outlined in Table 4.

In the former Manly LGA, marinas are largely managed under the provisions of Sydney Harbour SEPP. However, small segments of these sites extend into land zoned RE1 zone where marinas are currently permitted with consent.

**Table 4**

Existing marinas provided for via additional permitted uses where they extend beyond the W2 zone

Marina	Zone	Details
Beashels Boatshed, 14 Wirringulla Ave, Elvina Bay	Pittwater LEP W1	Area 23 (several locations): boat sheds, jetties or water recreation structures permitted with consent
Careel Bay Marina, 94 George Street Careel Bay	Pittwater LEP W1	Area 11 boat building and repair facilities permitted with consent
Coal and Candle Creek	Warringah LEP E4	Area 6 (Ku-ring-gai Motor Yacht Club Cottage Point): kiosks, marinas, neighbourhood shops and registered clubs permitted with consent on Coal and Candle Creek.
Barrenjoey Boatshed, 1191 Barrenjoey Rd, Palm Beach (Governor Phillip Park)	Pittwater LEP E2	Area 19: business premises (only those associated with use of the waterway), charter and tourism boating facilities, kiosks or restaurants or cafes permitted with consent.

### Proposed approach



We propose retaining the current additional permitted uses relating to marinas.



For established marinas that extend onto areas zoned as Manly RE1, we propose to permit these marinas as an additional permitted use for this particular land and prohibit marinas from the RE1 zone.



For the Avalon Sailing Club and Bayview Yacht Racing Association, the new LEP will also propose permitting community facilities and small-scale cafés and restaurants with consent, as recommended in Pittwater Waterway Strategy 2038.

### Foreshore building line controls

Manly LEP and Pittwater LEP include provisions that limit the types of structures that may be erected within the foreshore area. The foreshore building line is generally 15m from the mean high water mark and limits development to existing buildings or new minor works such as boat sheds, swimming pools or access stairs that will limit impacts on natural foreshore processes or affect the significance and amenity of the area.

Warringah LEP does not include similar provisions however the Warringah DCP applies a 15m foreshore setback control to properties adjacent to Cowan Creek at Cottage Point

(alterations and additions and boatsheds may be considered), and to some properties (Loftus Street to Ocean Street Bridge) fronting Narrabeen Lagoon. Pittwater LEP controls apply to Wimbledon Avenue, North Narrabeen. The remainder of land adjoining Narrabeen Lagoon is in public ownership and management.

Waterways such as Dee Why Lagoon and Curl Curl Lagoon are generally not subject to a foreshore building line as they are not adjoined by private land holdings. There are some private properties alongside Manly Lagoon (and creek); however, no setback controls apply specifically to waterways.

### Proposed approach



We propose maintaining the foreshore building line as established in the Manly and Pittwater LEPs with an LEP map and resolve any LEP clause differences.



We need to consider whether other foreshore areas should be subject to the current LEP foreshore building lines, including the foreshore setback line identified in Warringah DCP. On this latter point, however, this would change the setback to a statutory provision, placing stricter limits on the extent to which development is permitted near the foreshore.

## Riparian lands and water cycle management provisions

### Watercourses, wetlands and riparian lands

Riparian lands are those areas adjoining creeks, wetlands and other waterways. They are typically vegetated and support aquatic and terrestrial wildlife, reduce impacts from stormwater runoff and pollution, are an important part of the scenic and recreation landscape and provide a cooling effect in urban areas. We need to protect these areas from development that could affect the value of the waterway and of waterbodies downstream.

We need a consistent approach to protect waterways and riparian areas and to manage risks associated with waterways. This can begin with updated mapping to better reflect conditions on the ground. We then need to consider stronger protections – as expressed in the LEP rather than DCP or supporting policy.

We have engaged consultants to provide:

- consistent and more accurate map of waterways and wetlands throughout the LGA
- recommendations on the width of riparian corridors surrounding watercourses and wetlands
- recommended LEP and DCP provisions to protect waterways while allowing appropriate development.

The new provisions may not specifically prohibit development in the mapped areas, but rather be a trigger for proponents to demonstrate that a development will not have an adverse impact on the waterway or downstream waters. The provisions will complement provisions for stormwater management including those identified for high priority catchments.

More rigorous assessment will be required where there are significant environmental values, as identified through mapping, or other values such as biodiversity.

## Proposed approach



A draft watercourse and wetlands map will show the location of watercourses, wetlands and riparian areas. Once developed, we propose a single Northern Beaches LEP clause that includes objectives to protect or improve the environmental values and functioning of waterways and riparian land and to manage risk associated with these areas. Likely to be based on the Manly LEP clause, the clause will also contain matters to consider during assessment, including water quality, bed and bank stability, aquatic and riparian habitats, ecological processes and riparian areas.

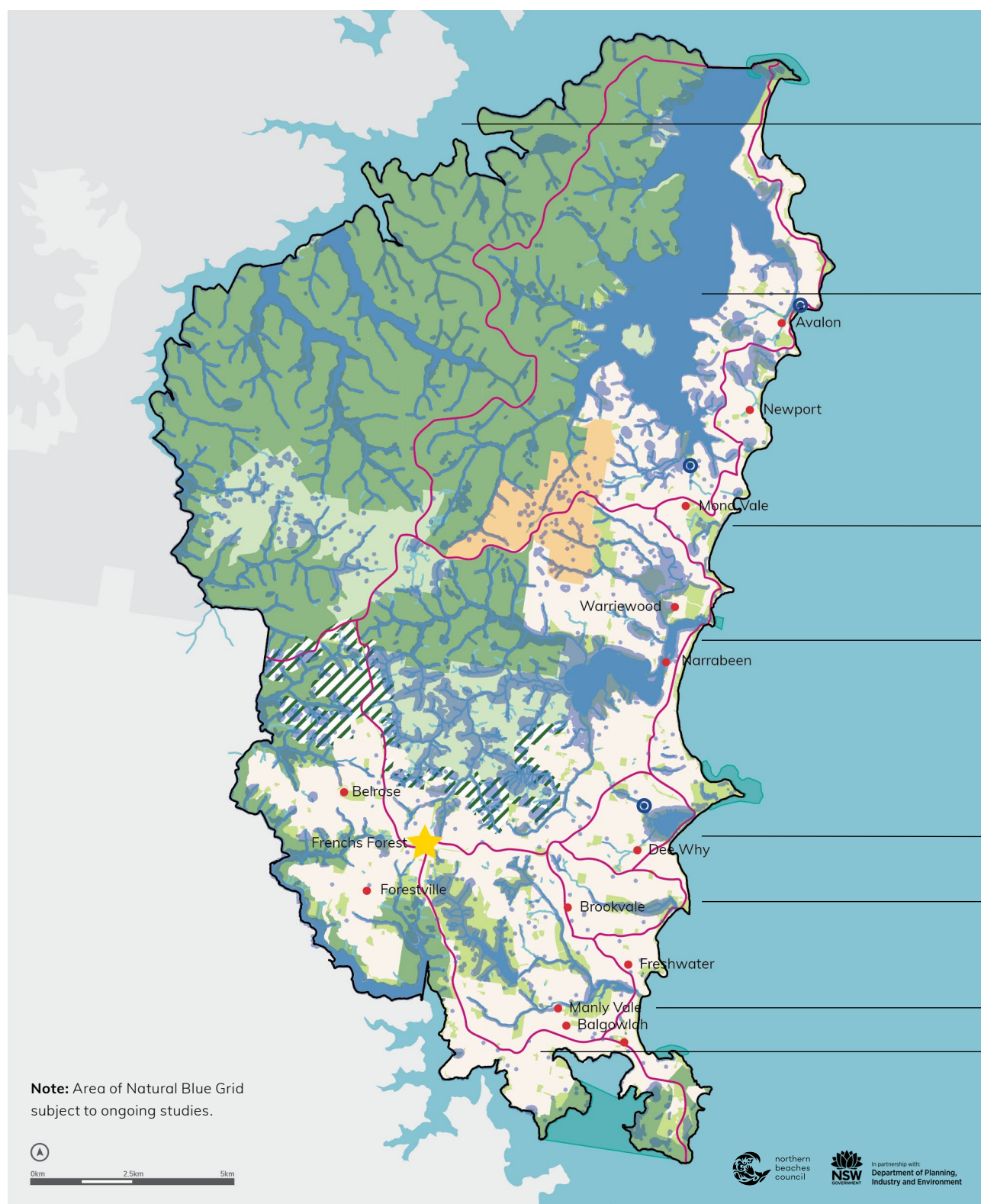


We propose more detailed waterway and riparian maps in the DCP that show categories of riparian land, with different objectives and requirements depending on environmental sensitivity and risk.









### Legend

- |                                      |                                                                                         |                         |
|--------------------------------------|-----------------------------------------------------------------------------------------|-------------------------|
| Urban area (Urb)                     | Strategic and local centres                                                             | Aquatic reserves        |
| Ingleside Growth Area (Ing)          | Waterways                                                                               | Water sensitive city    |
| National park (NP)                   | Natural Blue Grid - waterways and water dependent ecosystems with high ecological value | Watercourse restoration |
| Major public parkland/bushland (Pub) |                                                                                         | Catchment boundary      |
| Metropolitan Rural Area (MRA)        |                                                                                         |                         |
| Future MRA Investigation Area        |                                                                                         |                         |

**Hawkesbury River Catchment**

Estuaries-Hawkesbury River and Cowan Creek



Waterways - Urb, MRA



Waterways - NP, Pub

**Pittwater Catchment**

Estuaries - Pittwater



Waterways - Urb, MRA, Ing



Waterways - NP, Pub

**Coastal Catchments**

Ocean Beaches



Waterways - Urb



Waterways - NP, Pub

**Narrabeen Catchment**

5,240 Ha 28% Modified



Lagoon



Waterways - Urb, MRA, Ing



Waterways - NP, Pub

**Dee Why Catchment**

426 Ha 97% Modified



Lagoon



Waterways

**Curl Curl Catchment**

465 Ha 99.8% Modified



Lagoon



Waterways

**Manly Catchment**

1,724 Ha 74% Modified



Lagoon



Dam



Waterways - Urb



Waterways - NP, MRA, Pub

**Sydney Harbour Catchment**

Estuaries



Waterways

**Community environmental values and uses**

- Aquatic ecosystems
- Visual amenity
- Secondary contact recreation
- Primary contact recreation
- Aquatic foods (to be cooked before eating)
- Maintain or improve existing condition
- For achievement in 5 - 10 yrs
- For achievement in 10 yrs or more

**River flow objectives**

All waterways and estuaries: maintain or improve existing condition

- Protect pools in dry times
- Protect natural low flows
- Mimic natural drying in temporary waterways
- Manage groundwater for ecosystems

All estuaries: maintain or improve existing condition

- Maintain or rehabilitate estuarine processes and habitats

### Water cycle management

Urban development impacts both the quantity and quality of stormwater runoff and can contribute to poor waterway health and increased urban heat. The waterway health impacts of urban development can be mitigated or avoided through the application of water sensitive urban design (WSUD), which aims to:

- reduce reliance on potable water sources through demand management and by encouraging the use of alternatives such as rainwater and water reuse replicate the natural water cycle, by allowing infiltration, evaporation and evapotranspiration
- protect groundwater resources
- reduce peak flows.

Our Water Management for Development Policy applies WSUD principles. Warringah and Manly LEPs refer to WSUD; Pittwater LEP requires that development has no adverse impact on water quality.

Current stormwater quality and groundwater management controls generally require developments to improve the quality of stormwater runoff, not eliminate pollutants entirely. Most developments are only required to remove 80% of sediment, 65% of phosphorus and 45% of nitrogen contributed by their development. In addition, the controls do not address reducing the quantity of runoff.

We need a consistent approach to applying the principles of WSUD, including the need to encourage a shift from grey to green infrastructure, as well as consistent targets for pollutant removal, and clear objectives for water quality management that correlate with objectives for each water catchment in the LGA (Map 7).

### Proposed approach



We propose mapping priority areas for cost-effective stormwater management for the whole LGA and apply the risk-based framework for healthy waterways. LEP mapping will identify land to protect, maintain or improve waterway conditions.

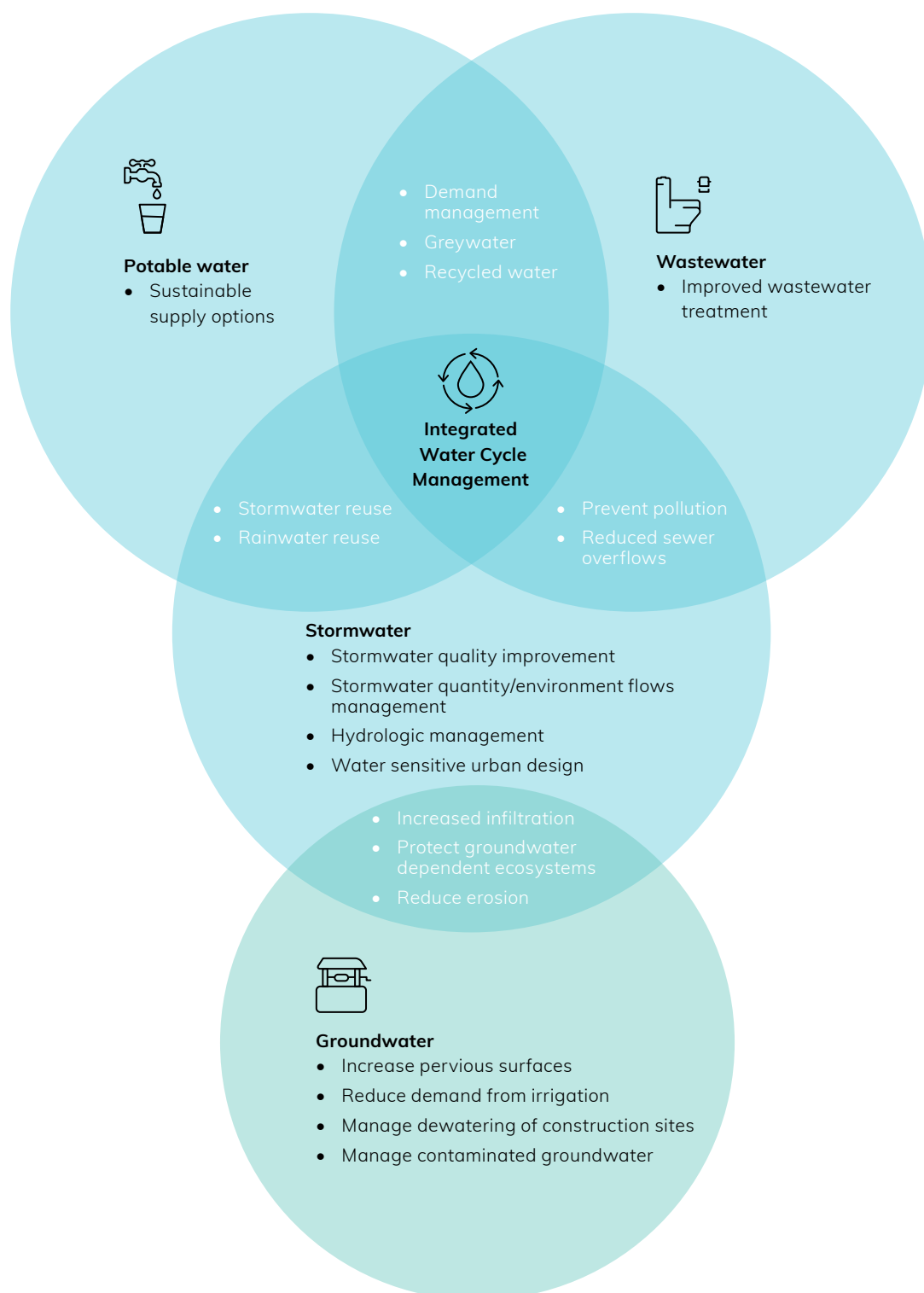


The DCP and Water Management for Development Policy will provide more detail to the LEP map, allowing proponents to establish the water management controls that apply to their property or land. Applicants will be required to provide a WSUD response that:

- reduces potable water use through alternative water supply
- achieves infiltration and evaporation through green infrastructure, planter boxes, green roofs, green walls and pervious paving
- removes key pollutants from stormwater discharged from the lot
- reduces the quantity of stormwater discharged from the lot (different to onsite detention, which slows the discharge of stormwater from the lot).



**Figure 5**  
Water cycle management





## Priority 2

### Protected and enhanced bushland and biodiversity

Bushland and biodiversity – including native plants, animals and terrestrial ecosystems – have great intrinsic value and are the basis for all life on the Northern Beaches. They create appealing places and landscapes and contribute to health and wellbeing. They support the Northern Beaches lifestyle, encouraging people to be active and to connect with nature. Other benefits include revenue from ecotourism, recreational fisheries and related industries.

#### Setting the scene

The current planning framework allows us to manage the LGA's bushland and biodiversity through:

- environmental zones which limit the range of permissible land uses
- local LEP provisions which set standards for development in areas with bushland and biodiversity values
- LEP and DCP requirements and processes for the removal of trees and vegetation
- LEP and DCP landscape controls such as landscape open space and building setbacks.

State legislation and policies establish bushland and biodiversity requirements for development:

- NSW Biodiversity Conservation Act 2016
- NSW Biodiversity Conservation Regulation 2017
- State Environmental Planning Policy (Koala Habitat Protection) 2020
- State Environmental Planning Policy No 19—Bushland in Urban Areas
- Coastal Management SEPP.

As the Northern Beaches LGA is on the fringe of the city, the area still retains high biodiversity values including many rare and threatened species compared to the more urbanised portions of Greater Sydney. Legislation is in place to help protect biodiversity; however, development pressure remains one of the greatest threats to local biodiversity.

Sustainable development is complex, especially for smaller builders or homeowners who need to navigate the legislative framework relating to biodiversity. This can be difficult and costly, often requiring professional consultancy advice.

Pressure for new or modified developments in bush fire prone areas can mean larger areas of land that may have biodiversity value are cleared for required bush fire asset protection zones.

Rezoning, subdivisions and developments within or adjoining bushland, threatened species habitat or other areas of high biodiversity value may result in impacts which trigger biodiversity offset requirements under State legislation. The application of offsetting is intended as a last resort after all avenues to avoid and minimise impacts have been exhausted.

High land values on the Northern Beaches means biodiversity stewardship sites, used for offsets, are less likely to be established locally. This can result in the net loss of biodiversity on the Northern Beaches.

## Environmental zones

Environmental zones identify and protect land with ecological, scientific or aesthetic values. While LEP local provisions or development standards establish rules for development, it is the zones that determine the specific land uses that are either permitted or prohibited in accordance with the objectives of each zone.

Four environmental zones are in use on the Northern Beaches:

- **E1 National Parks and Nature Reserves** identifies land in accordance with *National Parks and Wildlife Act 1974*, hence it is not discussed in this discussion paper.
- **E2 Environmental Conservation** protects land with high conservation values outside the national parks and nature reserve system. It applies to land that has high conservation (ecological, scientific, cultural or aesthetic) values and seeks to prevent development that could damage, destroy or adversely affect its value.
- **E3 Environmental Management** applies to land that has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards. Some development is allowed. The zone may also be a transition between areas of high conservation value and other more intensive land uses such as rural or residential.
- **E4 Environmental Living** is generally intended for land with special environmental or scenic values, accommodating low impact residential development or bushland.

## E2 Environmental Conservation

Manly and Pittwater LEPs apply the E2 zone to:

- bushland and foreshores reserves (except national parks zoned E1)
- coastal headlands, cliffs and dunes at Barrenjoey, Whale Beach, Avalon Beach, Bilgola, Newport, Mona Vale, Warriewood, and Manly
- certain environmentally sensitive areas of waterway, particularly where the waterways and foreshores interact throughout Pittwater.

Warringah LEP generally limits the E2 zone to certain privately-owned bushland with conservation values; it uses the RE1 Public Recreation zoning for Crown and Council bushland reserves. This includes land adjoining national parks or State reserves, Collaroy Escarpment and the former Brickworks site in Brookvale/Beacon Hill (see Priority 6).

### Explainer: Environmental Zones Review

The Environmental Zones Review seeks to establish land use planning criteria for the environmental zones that can be applied across the Northern Beaches.







The review will support zoning for environmental conservation where the primary objective is to protect, manage and restore lands with high environmental values.

- Visit [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au) for updates.
- Visit [planning.nsw.gov.au](https://planning.nsw.gov.au) to view Practice Note PN 09-002 Environment Protection Zones.

The E2 zone in each Council LEP permits a different range of land uses (see Table 5). For example:

- Land uses permitted in the Manly E2 but not the Pittwater or Warringah E2 include eco-tourist facilities; flood mitigation works; water recycling facilities; water storage facilities and water reticulation systems.
- Land uses permitted in Pittwater E2 but not the Manly or Warringah E2 include environmental facilities and recreation areas.

Proposed approach

		We propose retaining all land currently zoned E2 in the new consolidated E2 zone.
		We will consider applying this zone to other lands with established environmental values that meet identified criteria, including land and waterways zoned RE1 for Public Recreation or W1 Natural Waterway. These areas are mainly Council-owned or managed and would include some waterways, parks, or parts of parks, with clear environmental values.
		Our proposed approach to the differences in current LEPs is shown in Table 5. Note the proposed approach to land uses may change on completion of the Environmental Zones Review and other studies such as the strategic bush fire risk assessment.

**Table 5**

E2 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P	W	M	NB	Proposed approach
eco-tourist facilities					Prohibit to limit impacts on sensitive areas.
environmental facilities					Permit to allow recreational use or scientific studies of natural systems to be undertaken.
recreation areas					Permit to align with Infrastructure SEPP which permits parks and other public reserves and associated infrastructure.

\* Water recycling facilities, water reticulation systems, water storage facilities, environmental protection works and flood mitigation works are discussed in Priority 9.

### E3 Environmental Management

The E3 Environmental Management zone provides for the environmental management of land that contains more intensive land uses such as dwelling houses. However, E3 land has ecological, scientific, cultural or aesthetic attributes and/or is constrained by geotechnical or other hazards that limit increased residential density.

Pittwater LEP applies the E3 land use zone to certain non-urban coastal communities on the western foreshore of Pittwater and Scotland Island, where the land is subject to a range of environmental sensitivities, is of high ecological value and adjoins national parks.

Warringah LEP limits the use of the E3 zone to certain non-urban lands in Terrey Hills and Belrose North with environmental value, some of which adjoin national parks. These areas are also often subject to strict subdivision controls to help ensure that overdevelopment does not occur, for example, dwelling houses are generally limited to one per 20 hectares.

Manly LEP applies the E3 zone to all low-density residential properties adjoining the harbour and ocean foreshores and national parks in Clontarf, Seaforth, Balgowlah Heights and Manly.



**Table 6**

E3 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework.

Land use*	P	W	M	NB	Proposed approach
bee keeping, dairy (pasture-based) , horticulture, farm buildings					Prohibit to retain primary purpose for environmental management. Note horticulture is broadly permitted without consent in Pittwater LEP (RU2, R5, B2, B3, B4, B7, IN2 & RE1).
secondary dwellings					Prohibit consistent with the practice note.
home-based child care					Permit with consent. Also permitted under Education SEPP.
community facilities					Permit to align with Pittwater and Warringah.
boat sheds					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
environmental facilities					Permit to allow recreational use or scientific studies of natural systems.
jetties					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
recreation areas					Permit noting definition of outdoor recreation normally open to the public such as children's playground, area for community sporting activities or public park. Permitted by public authority under Infrastructure SEPP (Priority 9).
water recreation structures					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).

\* health consulting rooms, emergency services facilities, flood mitigation works, water supply systems, reticulation systems, storage facilities and treatment facilities are discussed in Priority 9.

**Explainer: Metropolitan Rural Area**

The Metropolitan Rural Area is identified in the Greater Sydney Region Plan and North District Plan as land with a diversity of farmland, mineral resources, and distinctive towns and villages in rural and bushland settings, usually on the edges of Greater Sydney – see more in Priority 4.

**E4 Environmental Living**

The E4 Environmental Living zone is applied to respond to local circumstances and context:

- Of the E4 zoned land under Pittwater LEP, 95% is steeply sloping foreshore low density residential neighbourhoods on the Pittwater Peninsula and slopes of Elanora Heights. Land is protected for its scenic amenity and topographic values.
- Warringah LEP limits the use of E4 to Cottage Point.
- Manly LEP applies the zones to environmentally sensitive land adjoining the harbour and ocean foreshores and national parks that are mainly medium to higher density residential areas around Manly and Fairlight.

## Proposed approach



The Environmental Zones Review may identify new land within the LGA to be zoned for environmental purposes, subject to completion of a range of technical studies.



We will likely retain the E4 zoning as it applies under Pittwater LEP. Its use in the urban or suburban context on smaller lots with environmental and aesthetic values or constraints is appropriate on the Northern Beaches more generally.



Cottage Point is recommended to be zoned E3.



The E4 zone will be considered for low impact and low scale residential densities such as dwelling houses. This means its application under Manly LEP, which permits various types of residential uses like residential flat buildings, would be incompatible with the use of the zone elsewhere on the Northern Beaches.

We therefore propose to rezone these areas in Manly to the most suitable residential zone, (usually consistent with the adjoining area and in most cases either an R3 or R1 zone) and include a separate provision to retain the environmental protection status of the land. We would also consider the impacts of development permitted within residential zones under the Codes SEPP, which do not currently apply to the E4 zone.



Other than the Manly E4 area, resolving key differences to land uses is unlikely to require significant changes. However, as highlighted in Table 7, several land uses may not be considered suitable due to bush fire risks.



Table 7 shows our proposed approach to inconsistent land uses in the E4 zone.



Should we permit centre-based child care, places of public worship and respite day care within the future E4 zone (currently prohibited in Manly and Pittwater LEPs)?

**Table 7**

E4 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework.

Land use*	P	W	M	NB	Proposed approach
attached dwellings					Prohibit all housing types except 'dwelling houses', 'secondary dwellings' and 'group homes' to maintain the integrity of the environmental zone. Land zoned E4 under Manly LEP that permits these uses is likely to be rezoned for residential, with environmental features protected via local planning provisions being investigated in technical studies.
dual occupancies (attached)					
group homes (permanent or transitional)					
multi dwelling housing					
residential flat buildings					
secondary dwellings					
semi-detached dwellings					
centre-based child care facilities				?	Subject to findings of bush fire studies. Controlled under Education SEPP.
home-based child care		w/o	w/o		Permit subject to findings of bush fire studies. Controlled under Education SEPP.
community facilities					Permit subject to findings of bush fire studies.
places of public worship				?	Subject to the findings of bush fire studies.
respite day care centres				?	Subject to the findings of bush fire studies. Controlled under Seniors SEPP.
boat sheds					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
jetties					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
recreation areas					Permit noting definition of outdoor recreation normally open to the public such as children's playground, area for community sporting activities or public park. Permitted by public authority under Infrastructure SEPP (Priority 9).
water recreation structures					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).

\* water reticulation systems, water storage facilities, water treatment facilities, emergency services facilities and flood mitigation works are discussed in Priority 9.



## Biodiversity provisions

As part of harmonising development controls across the LGA, biodiversity controls need to be tailored to different biodiversity assets and applied to all localities based on the biodiversity assets which occur there. Relevant biodiversity controls are also included in various SEPPs.

### Find out more

Our approaches will be consistent with the NSW Government's [Greener Places](#) and [Design Guide](#)

## Proposed approach



We propose a single Northern Beaches Biodiversity Map based on studies and reviews for the entire LGA. The new LEP biodiversity provision will be similar to the Manly and Pittwater LEP provisions, requiring consideration of biodiversity impacts for development applications in the areas mapped. For land covered by Warringah LEP, bushland and biodiversity provisions which currently only exist in the DCP will also be addressed in the LEP biodiversity provisions to provide greater statutory weight.



More detailed mapping of specific biodiversity layers and related requirements for development will be included in the new DCP.



## Priority 3

### Protected scenic and cultural landscapes

Scenic and cultural landscapes include views to escarpments, ridgetops, bushland, coastal headlands, ocean, harbour, beaches, waterways, and buildings or skylines. They define the landscape character of an area.

#### Setting the scene

- The current planning framework includes a Foreshore Scenic Protection Area in Manly LEP.
- Refer also to Development in and around waterways section under Priority 1.

#### Manly foreshore scenic protection area

Manly LEP maps a Foreshore Scenic Protection Area with LEP provisions (clause 6.9) seeking to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly. Under this clause, development consent must not be granted on land to which this clause applies unless the consent authority has considered:

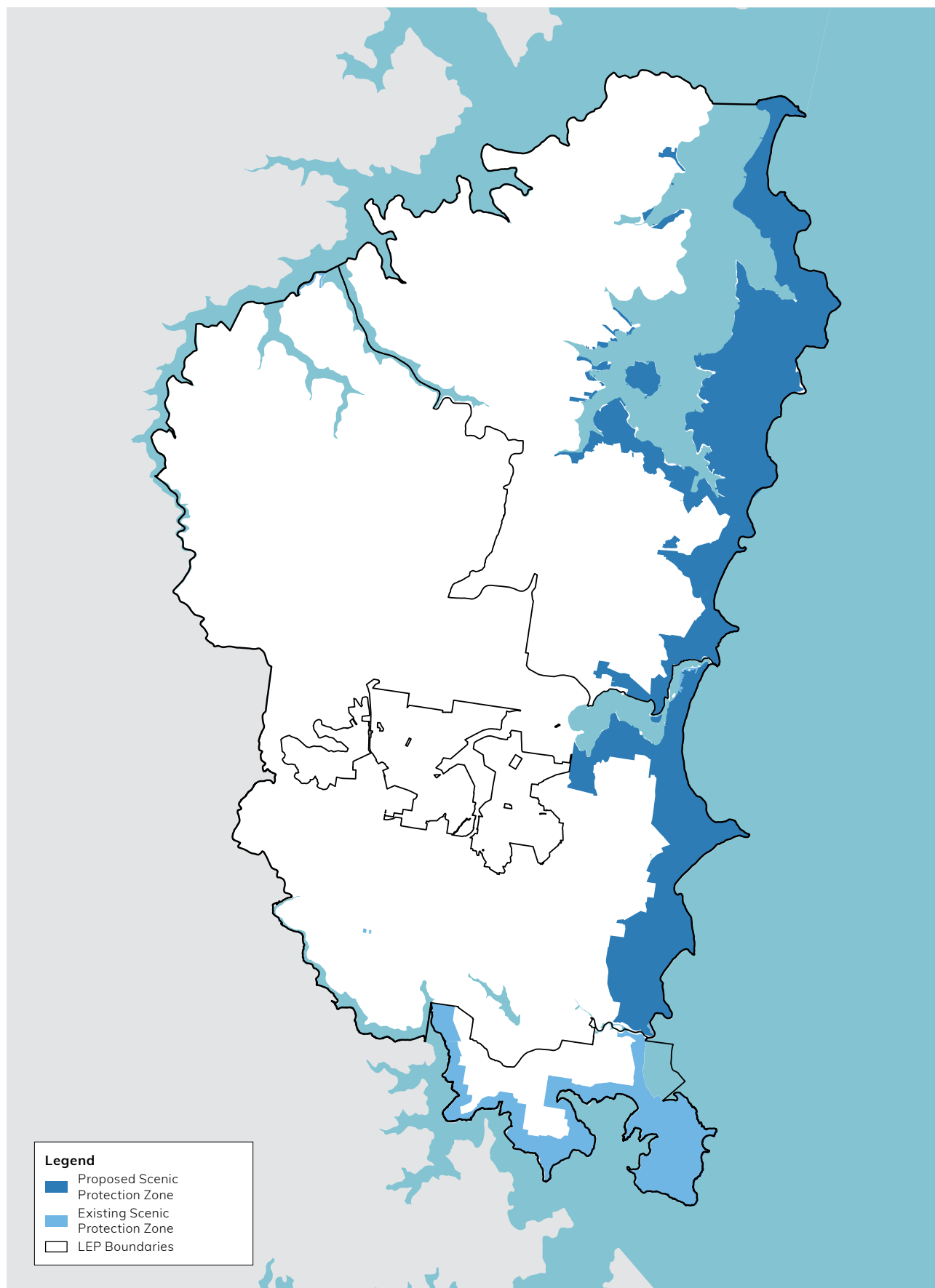
- whether impacts are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore
- any measures to protect and improve scenic qualities of the coastline
- the suitability of development given its type, location and design and its relationship with and impact on the foreshore
- any measures to reduce the potential for conflict between land-based and water-based coastal activities.

Additional supportive and supplementary guidelines also apply alongside this provision in the DCP in assessing any development in the Foreshore Scenic Protection Area.

#### Proposed approach



We are working on a local character study that includes a scenic assessment. We have some preliminary mapping for foreshore areas only; a more comprehensive scenic assessment and mapping of areas beyond foreshore areas will be released separately.





## Priority 4

### Protected Metropolitan Rural Area

The Metropolitan Rural Area (MRA) sits on the periphery of Greater Sydney's established and planned urban area and surrounding natural areas. It is a location for environmental conservation and for people to live in a coastal or rural setting among bushland, farms and other rural industries. The MRA is identified in the Greater Sydney Region Plan and the North District Plan as having clear rural and bushland characteristics.

In the Northern Beaches, Terrey Hills, Duffys Forest, Oxford Falls Valley, Scotland Island, Cottage Point, and the western foreshores of Pittwater are included in the MRA.

Towards 2040 identifies a Future MRA Investigation Area, which includes land around Belrose North and parts of Oxford Falls (south) and Cromer Heights (west) that has some similar characteristics to the MRA. This is under consideration.

Other non-urban areas that sit outside of the Future MRA Investigation Area include the R5 large lot residential zone (see Priority 15), Ingleside and some rural zoned lands within Warriewood Valley.

#### Setting the scene

The current planning framework:

- zones for non-urban land such as rural and environmental zones
- can prohibit certain uses in certain areas to retain non-urban land for rural purposes or because of environmental constraints or the lack of services and infrastructure
- controls the size of further subdivision through minimum lot size requirements.

Warringah LEP 2000 identifies character areas or localities in which certain uses are more consistent with the intended future character of an area.

In addition to the current LEPs and DCPs, a number SEPPs apply to the MRA.







## Strategic matters

### Ingleside

[Ingleside Growth Area](#) is identified by the NSW Government for a State-led rezoning project for a mix of residential uses. The land is generally cleared and most is zoned RU2 under Pittwater LEP.

### Proposed approach



Our work will consider outcomes from the draft Ingleside Place Strategy released by the NSW Government 25 May 2021. Undeveloped portions of this land may be recommended for inclusion in the MRA.

### Warringah LEP 2000 (Deferred lands) zoning and controls

Warringah LEP 2000 (Deferred lands) applies to land around Forest Way and Wakehurst Parkway (Oxford Falls Valley and Belrose North). These lands were deferred from being included in Warringah 2011 LEP. A large part of this area sits in the MRA and is mainly vegetated areas; other areas have been cleared and developed, particularly along main roads and in areas adjoining existing urban areas.

The land is home to nearly 800 people in nearly 450 homes and four aged care homes. Twelve sites are used for child care or education. The deferred lands should be used and managed in a way that reflects the latest thinking in terms of protecting both humans and the natural environment, where people can easily access services and public transport, while being safe from bush fire hazards.

The new planning framework provides the opportunity to:

- integrate planning for this area into overall planning for the LGA
- provide a consistent set of planning controls for the LGA
- implement the priorities identified in Towards 2040, the North District Plan and the Greater Sydney Region Plan
- plan and manage the area to ensure that risks are reduced and the environment is protected.

## Proposed approach



The two Warringah LEP 2000 localities are broad-based assessments of character, lacking the detail required to identify boundaries between rural, environmental and other zones used in the other LEPs. Our technical studies will inform the appropriate zoning for the deferred lands, including:

- critical infrastructure (two telecommunications facilities and the Sydney East Substation, likely to be special purpose zones, see Priority 9)
- environmental zones resulting from the Environmental Zones Review
- rural zones and the R5 large lot residential zone.

### Metropolitan Local Aboriginal Land Council owned lands

A large portion of the deferred lands is owned by the Metropolitan Local Aboriginal Land Council (MLALC) and falls within the MRA. Towards 2040 outlines our intent to work with MLALC to better understand constraints as well as feasible and appropriate land use opportunities on these lands.

Further, the Greater Sydney Region Plan states that “Future planning of these areas may be more flexible in order to balance rural values with greater economic participation, and community and cultural uses by Aboriginal people.”

MLALC has been in long-term discussions with both Council and the Department of Planning, Industry and Environment in relation to the site at Belrose known as Lizard Rock. In September 2020, MLALC submitted a request to the Department for formal inclusion of the Lizard Rock site under the Aboriginal Land SEPP via a development delivery plan. The plan is under review by the Department of Planning, Industry and Environment.

### Find out more

The Aboriginal Land SEPP provides for the making of development delivery plans for land owned by Local Aboriginal Land Councils that must be considered when preparing planning proposals or assessing development applications. At present the SEPP only applies to certain land owned by Darkinjung Local Aboriginal Land Council in the Central Coast LGA. Read more about Aboriginal land use planning at [planning.nsw.gov.au](https://planning.nsw.gov.au).

## Proposed approach



We will continue to work with MLALC and the Department on this matter, noting the process is governed by the Department with final approval provided by the Minister for Planning and Public Spaces.

## MRA zoning and controls

*Towards 2040* outlines our intent to use the outcomes of technical studies to inform place-based planning in the MRA and Future MRA Investigation Area.

## Proposed approach



Several options may arise from the technical studies, including alternative zones, land uses and controls for sites due to their proximity within or adjacent to the MRA. This includes:

- Austlink Business Park, zoned as B7 with additional permitted uses
- urban zones in Terrey Hills including the B1 neighbourhood centre, R2 low density residential and IN2 light industrial land
- special fire protection purpose uses, including educational facilities, child care facilities and seniors living developments.

We will then be able to confirm with the Department of Planning, Industry and Environment future designation of the MRA, including the deferred lands.



## Rural zones

Rural zones are used for a range of uses including primary industry, agriculture, forestry and mining. The rural zones in use on the Northern Beaches are:

- RU2 Rural Landscape for rural land used for commercial primary production that is compatible with ecological or scenic landscape qualities that have been conserved (often due to topography)
- RU4 Primary Production Small Lots for land to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings.

Pittwater LEP zones its rural areas using the RU2 zone (Ingleside) and Warringah LEP uses the RU4 zone (Duffys Forest; Terrey Hills) for most of its rural lands. Manly LEP has no land zoned for rural purposes.

The four other rural zones available for use are RU1 Primary Production, RU3 Forestry, RU5 Village and RU6 Transition zones. Our review has concluded that none of these zones would be suitable for the new planning framework.

While Pittwater LEP applies RU2 zone and Warringah LEP RU4 zone, the zones both contain objectives to 'maintain and enhance natural and rural and landscape character'. They also both permit agriculture/aquaculture; housing and tourism; commerce and industry; and infrastructure and works either with or without consent.

However, the RU2 zone permits a range of uses in addition to those identified in the RU4 zone, including a range of more intensive agricultural uses, dual occupancies, rural industries and function centres.

Under Warringah LEP, the Myoora Road precinct is zoned RU4, with a range of additional permitted uses, including hotel or motel accommodation, registered clubs, restaurants, garden centres, schools and hospitals (Area 18). These recognise the character of that area as having more commercial or rural production uses in a rural setting.

We have been approached to substantially expand the range of permitted uses in this precinct, potentially by rezoning the area to a business zone. As yet, insufficient justification has been provided for this proposal and our employment study investigations do not support this approach.

## Proposed approach

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We are considering the following options:

- retain current zoning and additional permitted uses
- apply RU2 zone to areas currently zoned RU4 (permitting some additional uses), including the Myoora Road precinct
- apply the RU2 zone as above, except for the Myoora Road precinct which remains as RU4 zone with additional permitted land uses.

The latter two options would, for example, permit dual occupancy in RU4 zoned areas, which is inconsistent with our Local Housing Strategy and increases residential densities in areas such as Terrey Hills or Duffys Forest, which are subject to bush fire hazards.

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The two Warringah LEP 2000 localities are broad-based assessments of character, lacking the detail required to identify boundaries between rural, environmental and other zones used in the other LEPs. Our technical studies will inform the appropriate zoning for the deferred lands, including:

- critical infrastructure (two telecommunications facilities and the Sydney East Substation, likely to be special purpose zones, see Priority 9)
  - environmental zones resulting from the Environmental Zones Review
  - rural zones and the R5 large lot residential zone.
-

**Table 8**

Rural zones: Uses with inconsistent permissibility in Standard LEPs comparing the Pittwater LEP RU2 zone, Warringah LEP RU4 zone and Myoora Road precinct

Land use*	P RU2	W RU4	Myoora Rd
agriculture			
extensive agriculture [e.g., grazing of livestock etc]			
bee keeping			
dairy (pasture-based)			
dairies (restricted)			
feedlots			
pig farm			
poultry farm			
forestry			
dual occupancies (attached)			
rural worker's dwellings			
secondary dwellings			
home business	w/o		
farm stay accommodation			
hotel or motel accommodation			
restaurants or cafes			
garden centres			
plant nurseries			
function centres			
industrial retail outlets			

Land use*	P RU2	W RU4	Myoora Rd
registered clubs			
rural industries [e.g., use of composting facilities and works]			
agricultural produce industries			
livestock processing industries			
sawmill or log processing industries			
stock & sale yards			
educational establishments [e.g., TAFE establishment etc]			
schools			
hospitals			
home-based child care		w/o	w/o
industrial training facilities			
information and education facilities			
places of public worship			
environmental facilities			
recreation facilities (indoor)			
recreation facilities (outdoor)			

\* airports and hospitals are discussed in Priority 9.



## Priority 5

### Greener urban environments

Tree coverage and greenery in the Northern Beaches is fundamental to the area's character, provides habitat for native species, reduces urban heating effects, reduces pollution, provides protection from UV radiation and improves the quality of life of its inhabitants. Trees and vegetation can help to reduce the impacts of climate change.

#### Tree canopy and urban heat provisions

In addition to local controls, the Vegetation SEPP applies to the Northern Beaches LGA. This links with Council's DCP which enables us to specify which trees and vegetation need protection and to outline the permit process and conditions for removal.

The Vegetation SEPP can occasionally cause confusion regarding the correct approval pathway.

#### Setting the scene

The current planning framework helps to encourage greener urban environments through:

- local planning provisions and mapping in LEPs and DCPs to protect bushland and biodiversity and maintain and enhance the tree canopy
- environmental zones
- controls in other zones
- protection of environmentally sensitive areas
- DCP built form controls around setbacks, landscaping and deep soil planting
- controls for planting or removing trees and vegetation.

In addition to the current LEPs and DCPs, trees and vegetation are also managed by the Vegetation SEPP and the NSW Rural Fire Services 10/50 Vegetation Clearing Scheme. Read more at [rfs.nsw.gov.au](https://rfs.nsw.gov.au).

#### Proposed approach



We may include a tree canopy and urban heat map in the new LEP. Supporting provisions would recognise the need to maintain areas of existing high tree canopy coverage and improve areas with low canopy cover. If tree canopy is not feasible due to infrastructure, measures to address urban heat would be prioritised.

The LEP may include maps, requirements and objectives, with more detailed provisions in the DCP.

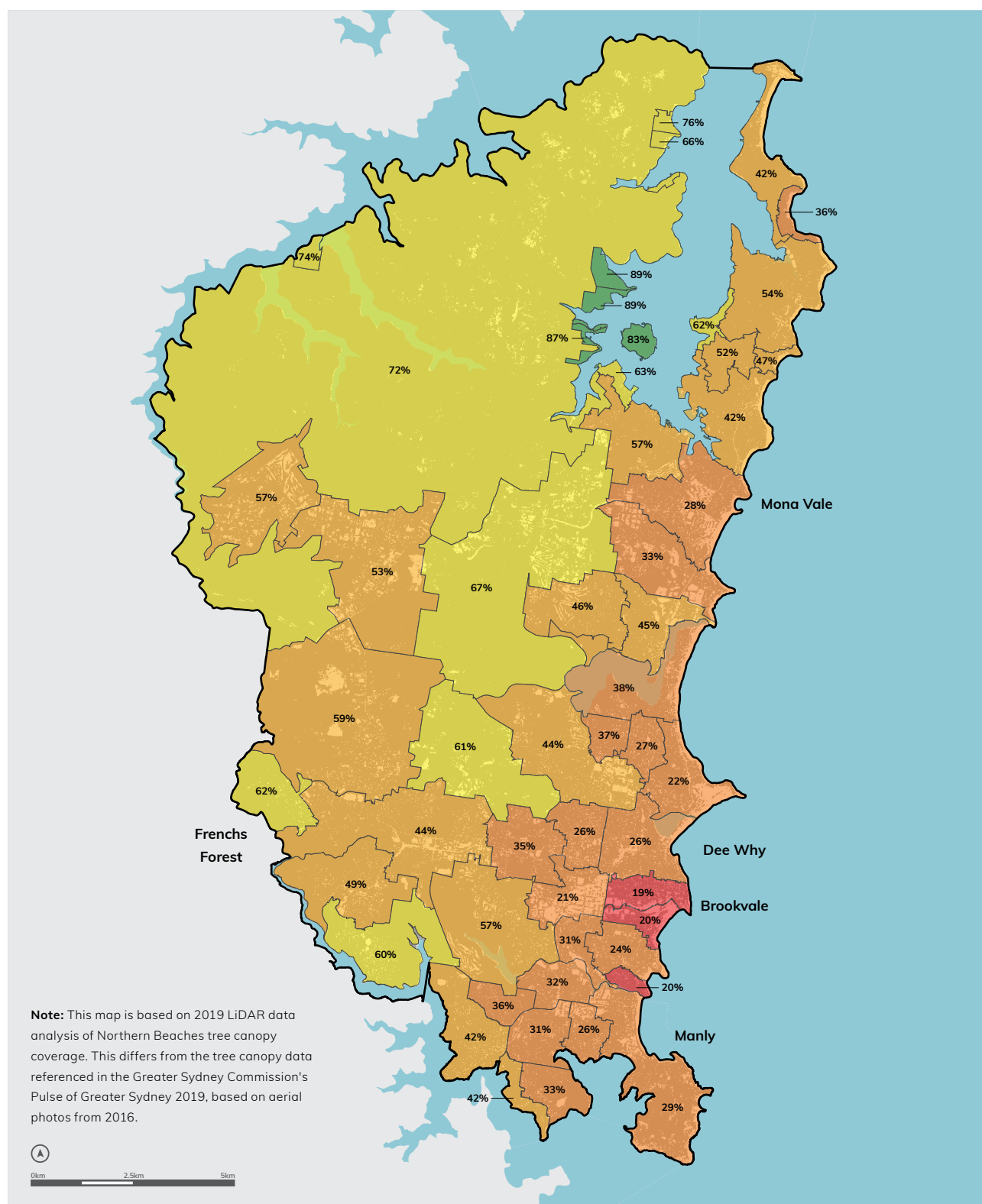
Tree canopy could be addressed by tree replacement ratios, deep soil requirements, landscape area requirements and increased setbacks.

Urban heat could be addressed by requirements for roof colours, cool pavements, wind circulation, green roofs, green walls and water sensitive urban design.



We propose new DCP provisions to better manage trees and vegetation and alignment with the Vegetation SEPP.



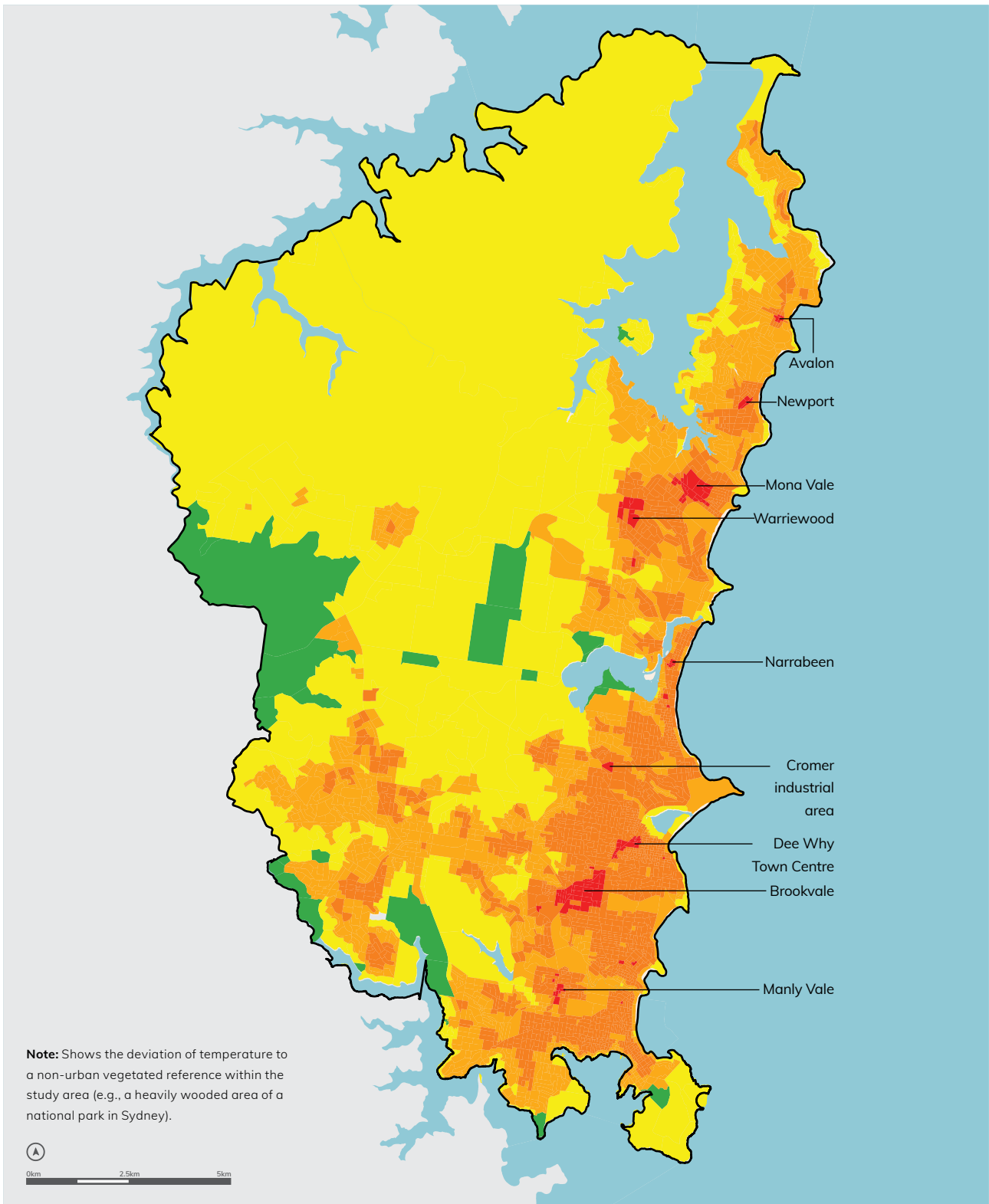


## Legend

## Tree canopy percentage per suburb

- 80 - 100%
- 60 - 80%
- 40 - 60%
- 20 - 40%

- Less than 20%
- Canopy > 3m
- Suburb boundary



Legend

**Urban Heat Island 2016**  
**Deviation from reference**

- |                                                            |                                                            |
|------------------------------------------------------------|------------------------------------------------------------|
| <span style="color: green;">■</span> Cooler than reference | <span style="color: orange;">■</span> 6 - 9 degrees warmer |
| <span style="color: yellow;">■</span> 0 - 3 degrees warmer | <span style="color: red;">■</span> Warmer than 9 degrees   |
| <span style="color: orange;">■</span> 3 - 6 degrees warmer |                                                            |



## Priority 6

### High quality open space for recreation

Sport and recreation, as a central part of the Northern Beaches lifestyle, requires easy access to open space that supports leisure for fun, relaxation or fitness. The LGA's open space includes formalised spaces such as public parks, sporting fields and golf courses and extensive natural areas that are primarily protected for conservation but may also serve recreation uses including walking, cycling, horse riding and picnic areas.

Towards 2040 contains principles to improve the diversity and quality of open space for recreation, and for it to be flexible, versatile, multi-functional and fit for purpose and to encourage collaboration and partnerships and promote shared use.

#### Setting the scene

The current planning framework allows us to plan for recreation through:

- recreational zones
- environmental zones
- waterways zones
- permitting recreational infrastructure such as indoor recreation facilities in industrial zones (e.g., rock-climbing and trampolining) or business zones (e.g., smaller gyms).

The Infrastructure SEPP controls certain types of recreational infrastructure over and above the LEP. For example, it allows a public authority to carry out works such as pathways, single storey car parks, amenities and outdoor recreation facilities without consent within parks or public reserves. These developments are usually subject to an environmental assessment outside the development assessment process.

#### Recreational zones and developments

Two recreational zones apply in the Northern Beaches:

- **RE1 Public Recreation** is used for public recreational areas and activities including local and regional parks and open space. Land is generally owned by Council or a State agency.
- **RE2 Private Recreation** applies to recreation areas and facilities on privately owned or managed land.

Land zoned for environmental conservation such as E1 or E2 are also used for limited sustainable recreation, although that is not the primary purpose for the zoning.

#### RE1 Public Recreation

Warringah LEP utilises the RE1 zone for formalised parks and sporting grounds (primarily for recreation) as well as natural bushland reserves (primarily for conservation). Manly Dam is zoned entirely as RE1 despite having areas with clear environmental value. Manly and Pittwater LEPs apply the RE1 zone to formalised public parks, and the E2 zone to bushland reserves.

Table 9 illustrates difference between the range of permissible land uses in the RE1 zones across current LEPs.

## Proposed approach



We propose a review of where RE1 zones apply to identify that land the primary purpose of which is for environmental conservation, and to rezone that land E2 under the new LEP.



We will look to consolidate the range of permissible uses in the current RE1 zones in the three LEPs as these uses:

- are on public land and subject to the consent of either Council or the NSW Government
- are often carried out by or on behalf of a public authority
- may be permitted without consent under the Infrastructure SEPP
- where not permitted without consent under the Infrastructure SEPP, may be subject to consent under the development application process
- would be consistent with our objectives for open space and recreation.



Table 9 shows our proposed approach to inconsistent land uses in the RE1 zone.

**Table 9**

RE1 Zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P	W	M	NB	Proposed approach
horticulture	w/o			w/o	Permit without consent to promote a healthy and socially connected community (Priority 12).
take away food and drink premises					Permit consistent with Pittwater and Manly.
markets	w/o			w/o	Permit without consent to promote a healthy and socially connected community (Priority 12).
boat building and repair facilities					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
depots					Prohibit to align with Pittwater and Warringah.
car parks					Permit to facilitate co-location of infrastructure.
information and education facilities					Permit to promote a healthy and socially connected community (Priority 12).
boat launching ramps, charter & tourism boating facilities, jetties, marinas					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
boat sheds					
recreation facilities (major)					Permit to align with Warringah and Manly.



### RE2 Private Recreation

The RE2 zone usually applies to land containing specific private recreational uses, for example, privately owned golf clubs.

#### Proposed approach



We do not propose changing the zoning of any land currently zoned RE2.



Table 10 shows our proposed approach to inconsistent land uses in the RE2 zone, with registered clubs discussed further below.



Should we permit any additional uses on RE2 land to encourage multi-functional shared use of these facilities?

**Table 10**

RE2 Zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P	W	M	NB	Proposed approach
registered clubs					Permit with consent if incidental or incidental or ancillary to a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor). See below discussion.
depots					Prohibit to preserve recreational use.
centre-based child care facilities					
respite day care centres					Prohibit to preserve recreational use. Controls also apply under Seniors SEPP (Priority 16).
marinas					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).

\* water recycling facilities, water reticulation systems, water storage facilities, emergency services facilities and flood mitigation works are discussed in Priority 9.

### Registered clubs in recreation zones

Registered clubs are defined in legislation as a club that holds a licence under the *Liquor Act 2007*. While currently prohibited in RE1 zones, several sites zoned RE1 include registered clubs as an additional permissible use under the LEP (Long Reef Golf Club, Manly Vale Bowling Club, Wakehurst Golf Club and North Manly Bowling Club). Importantly, registered clubs are only permitted on these sites if they are 'incidental or ancillary' to a recreation facility on the land.

Registered clubs are permitted in Pittwater LEP and Manly LEP RE2 but prohibited in Warringah LEP RE2. Registered clubs are also permitted in B2, B3 and B4 zones in all three LEPs and Warringah LEP permits them in the B5 zone. They are also permitted in the Myoora Road precinct (zoned RU4), as an additional permitted use.

### Proposed approach



We propose permitting registered clubs in RE1 via additional permitted use and with consent in RE2 zones. Permitting registered clubs in the RE2 zone is consistent with Manly and Pittwater LEPs and consent would be subject to the requirement they be 'incidental or ancillary' to a recreation facility on the land.

### Recreational developments

Recreational land uses are permitted across a range of zones. We define these as recreation areas, recreation facilities (indoor, outdoor or major) or an environmental facility used for recreational use or scientific study of natural systems.

Manly, Pittwater and Warringah LEPs allow these uses within a range of rural, residential, business, industrial, recreational, environmental and waterway zones. Manly LEP differs in that it also permits indoor recreational facilities within residential zones.

#### Find out more

Read the full description of the recreational land uses and the zones they apply to in the Standard Instrument LEP at [legislation.nsw.gov.au](https://legislation.nsw.gov.au)

Many recreational land uses are permitted under the Infrastructure SEPP if undertaken by a public authority (see Priority 9). Therefore, prohibiting certain structures in, say, E2 or RE1 zones, would not have the effect of actually preventing that

development by a public authority (although it may prevent an application from a private developer). Consequently, permitting these types of facilities means a private landowner or operator can create and manage a recreational facility subject to development consent.

## Proposed approach

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We propose:

- permitting recreation areas such as parks and playgrounds in all zones, noting these are defined as being open to the public
  - for indoor recreation facilities such as gyms, squash courts, bowling alleys, indoor swimming pools, prohibiting from residential zones as currently permitted in the Manly LEP, and permitting in business zones and recreation zones (avoiding places that require protection, such as Manly Dam) while considering their suitability for industrial zones
  - permitting major recreation facilities such as sports stadiums and showgrounds in recreation zones
  - permitting outdoor recreation facilities such as golf courses and driving ranges in recreation zones
  - permitting environmental facilities such as walking tracks, seating, shelters, board walks, observation decks in recreation zones; E2, E3 and E4 zones; rural zones; and waterway zones
  - reviewing the suitability of recreational developments in environmental zones as part of the Environmental Zones Review.
-



## Efficiency

Reducing emissions requires new approaches to managing growth and development and increased efficiencies in managing energy, water and waste.

### Priorities

#### Priority 7

A low-carbon community, with high energy, water and waste efficiency

#### Setting the scene

In addition to the current LEPs and DCPs, *Protect. Create. Live.* aspires for 'All new buildings being net zero emissions by 2030'

- There are also various local, state, national and international climate targets to consider:
  - » The National Construction Code specifies two ratings for energy efficiency: NatHERs (for residential) and NabERS (for commercial buildings generally)
  - » Residential development is subject to the Building Sustainability Index (BASIX) which is currently under review through a draft Design and Place SEPP. Find out more about BASIX at [planningportal.nsw.gov.au](http://planningportal.nsw.gov.au) and the draft Design and Place SEPP at [planning.nsw.gov.au](http://planning.nsw.gov.au).
  - » DCP controls for water efficiency for development not subject to BASIX, such as commercial or industrial development, have been consolidated under our Water Management for Development Policy.
- The Commercial Building Disclosure regulatory program requires energy efficiency information to be provided when a commercial office space of 1,000 sqm or more is offered for sale or lease.
- SEPP 65 includes an objective to minimise the consumption of energy from non-renewable resources.
- DCPs and our Waste Management Guidelines also guide waste management.
- Road design specifications for new roads incorporate waste management needs.
- See Priority 9 and Priority 20 for measures to address transport efficiency.





## Priority 7

A low-carbon community, with high energy, water and waste efficiency

The Northern Beaches LGA emitted almost two million tonnes of greenhouse gas emissions in 2016-2017. In the same year, almost half of the LGA's water supply (46%), sourced by remote dams and treated to drinking water standards, was used for non-drinking uses such as toilet flushing, laundry and irrigation. Land use and the built environment contributes to carbon emissions and water use as it influences how people live, move and use resources.

### Energy and water efficiency provisions

New development should be more energy efficient, make better use of resources and minimise waste. We can employ approaches such as water sensitive urban design so that buildings and public spaces make better use of water and dispose of stormwater in a more environmentally friendly manner; design buildings to keep occupants warm in winter and cool in summer (it is cheaper to build passive energy and water efficient buildings than to retrofit); and encourage recycled materials in new developments and buildings, as well as low or zero carbon materials. It costs an average of \$20,000 more to build a zero energy home, and utility bill savings will pay back the cost in 10 years (CRC Low Carbon Living, 2019).

Heat mapping shows that the more urbanised an area (e.g., Dee Why and Brookvale) the hotter it is. Building materials and design can assist to reduce this urban heat as can water sensitive urban design and vegetation.

### State provisions

Currently, a BASIX Certificate is lodged with a development application to demonstrate how the development will meet certain energy and water targets. It applies for all new residential development, alterations and additions that cost \$50,000 or more and swimming pools of 40,000 litres or more. At present, all residential developments must address targets for thermal comfort and 40% water efficiency. Targets for energy efficiency range from 50% for single dwellings to 35% for medium rise (3-6 storey) developments

For other buildings, energy provisions are identified under the National Construction Code including NabERS certification for commercial building generally.

The NSW Government has committed to improve BASIX as a pathway to deliver cost-effective, low emission outcomes for residential buildings. The new approach is in the explanation of intended effect for a Design and Place SEPP and includes:

- updated sustainability targets
- more flexibility in assessment pathways to demonstrate a design meets sustainability performance requirements and to recognise emerging technologies
- the need to align sustainability performance requirements with Design and Place SEPP principles
- the need to measure and report sustainability performance requirements.

### Net zero energy buildings

Energy use in buildings continues to be a significant contributor to greenhouse gas emissions in Greater Sydney. To support the transition to net zero energy, we have been collaborating with the City of Sydney to develop performance standards to be implemented through the planning system. See Table 11 and visit [cityofsydney.nsw.gov.au](https://cityofsydney.nsw.gov.au)

### Sustainability certification

State-led and national provisions complement other green certification systems (e.g., Green Star Buildings, LEED, BREEAM, WELL). Green Star differs from National Construction Code requirements in that it encompasses building servicing, internal furnishings, window and floor coverings and how people arrive and leave the building (mode of transport).

### LEP provisions

Although all LEPs contain aims and objectives to encourage sustainable development, existing requirements are currently contained with DCPs, for example:

- Pittwater DCP and Dee Why Town Centre DCP require sustainability certification, with Dee Why Town Centre DCP requiring new development equal to or greater than \$5 million to achieve minimum 4 Star, Green Star. Where existing tools are not used to demonstrate the level of sustainability, a sustainability report must accompany the development application.
- Manly DCP (Clause 3.5.6) goes into the most detail around sustainability requirements for new development, ranging from comprehensive energy performance reports to star ratings for new electrical appliances.

Regardless, it is difficult for councils to enforce standards over and above State provisions as part of the development application process, especially as DCP provisions do not carry any statutory weight.

Towards 2040 pushes for LEP and DCP controls to improve energy, water and waste efficiencies in new developments and recommends that developments in strategic centres, employment hubs and areas subject to urban intensification to provide an independent sustainability certificate.

Our key decisions need to be around consistent controls, existing controls and whether development should go above and beyond standard (including BASIX). This includes discussion around whether we consider the whole life cycle of the building or whether we should make certification tools mandatory.

## Proposed approach



The City of Sydney Council has developed performance standards for net zero energy buildings with industry and government. The performance standards and evidence base cover new office, multi-unit residential, hotel and shopping centre developments as well as major refurbishments of existing buildings to be implemented through the planning system.

Depending on the final Design and Place SEPP, we may adopt these standards for new specified developments (see Table 11). Ideally, these standards should be referenced within the LEP to carry statutory weight. This will be subject to approval by the Department of Planning, Industry and Environment (see [cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au)).



For smaller scale developments not referenced in Table 11, we are investigating LEP and DCP provisions that will enforce standards over and above State provisions such as BASIX, NatHers and NabERs and/or include requirements for independent sustainability certification such as Green Star, LEED, BREEAM and WELL.



We are reviewing water efficiency controls as part of the Water Cycle Management Strategy project with the Department of Planning, Industry and Environment, which looks at increasing use of alternative water sources and improving water efficiency and conservation as part of water sensitive urban design (see Priority 1).

## Waste management provisions

### Proposed approach



We will look to permit a range of land uses that support the circular economy in partnership with the Environmental Protection Authority and to align with the NSW Government's 20-year Waste Strategy. This includes certain types of industry that may process dry waste for re-use and/or waste or resource management facilities (see also Priority 9).



Waste controls in current DCPs are generally consistent. The new DCP will standardise requirements and include new controls to ensure all waste within non-residential development is stored and collected onsite (to reduce the visual and amenity impacts) and ongoing waste from developments is appropriately managed.

**Table 11**

Summary of net zero energy performance standards and development thresholds (source: City of Sydney).

Proposed use	Development thresholds for performance standards	Performance standards	
		Applications submitted between 1 January 2023 – 31 December 2025 (Step 1)	Applications submitted from 1 January 2026 onwards (Step 2)
Office (base building)	a new office building containing a net lettable area (NLA) of 1,000sqm or more	<ul style="list-style-type: none"> <li>maximum 45.0 kWh/yr/sqm of Gross Floor Area (GFA), or</li> <li>5.5 Star NABERS Energy Commitment Agreement (CA) + 25%, or</li> <li>certified Green Star Buildings rating with a "credit achievement" in Credit 22: Energy Use, or</li> <li>equivalent</li> </ul>	<ul style="list-style-type: none"> <li>maximum 45.0 kWh/yr/sqm of GFA, or</li> <li>5.5 Star NABERS Energy CA + 25%, or</li> <li>certified Green Star Buildings rating with a "credit achievement" in Credit 22: Energy Use, or</li> <li>equivalent</li> </ul> AND <ul style="list-style-type: none"> <li>renewable energy procurement equivalent to "net zero energy" or a maximum of 45.0 kWh/yr/sqm of GFA</li> </ul>
	a refurbishment to an existing office building that contains a NLA of 1,000sqm or more		
	an addition of 1,000sqm or more of NLA that results in 50% or more additional NLA to the existing office building		
Retail (applies to shopping centre base building only)	a new shopping centre containing a gross lettable area – retail (GLAR) of 5,000sqm or more	<ul style="list-style-type: none"> <li>maximum 55.0 kWh/yr/sqm of GFA, or</li> <li>4 star NABERS Energy CA, or</li> <li>certified Green Star Buildings rating achieving the "minimum expectation" in Credit 22: Energy Use, or</li> <li>equivalent</li> </ul>	<ul style="list-style-type: none"> <li>maximum 45.0 kWh/yr/sqm of GFA, or</li> <li>5 star NABERS Energy CA, or</li> <li>certified Green Star Buildings rating with "exceptional performance" in Credit 22: Energy Use, or</li> <li>equivalent</li> </ul> AND <ul style="list-style-type: none"> <li>renewable energy procurement equivalent to "net zero energy" or a maximum of 45.0 kWh/yr/sqm of GFA</li> </ul>
	an addition of 5,000sqm or more of GLAR that results in 50% or more additional GLAR to the existing shopping centre		
Hotel (whole building)	a new hotel of 100 rooms or more	<ul style="list-style-type: none"> <li>maximum 245.0 kWh/yr/sqm of GFA, or</li> <li>4 star NABERS Energy CA, or</li> <li>certified Green Star Buildings rating achieving the "minimum expectation" in Credit 22: Energy Use, or</li> <li>equivalent</li> </ul>	<ul style="list-style-type: none"> <li>maximum 240.0 kWh/yr/sqm of GFA, or</li> <li>4 star NABERS Energy CA + 10%, or</li> <li>certified Green Star Buildings rating with a "credit achievement" in Credit 22: Energy Use, or</li> <li>equivalent</li> </ul> AND <ul style="list-style-type: none"> <li>renewable energy procurement equivalent to "net zero energy" or a maximum of 240.0 kWh/yr/sqm of GFA</li> </ul>
	a refurbishment to an existing hotel that contains 100 rooms or more		
	an addition of 100 or more hotel rooms that results in 50% or more additional hotel rooms to the existing hotel		
Mixed use	where one or more of the above thresholds for each proposed use apply	<ul style="list-style-type: none"> <li>the above performance standards apply for each proposed use</li> </ul>	<ul style="list-style-type: none"> <li>the above performance standards apply for each proposed use</li> </ul>

Refurbishment means carrying out of works to an existing building where the resultant change is to at least half the total volume of the building measured over its roof and walls. In calculating the extent of the change to the total volume of the building, the proposed works and all other building work completed or authorised within the previous three years is to be included.



## Resilience

Adaptation to natural and urban hazards is becoming increasingly important as the climate changes and the population grows.

### Priorities

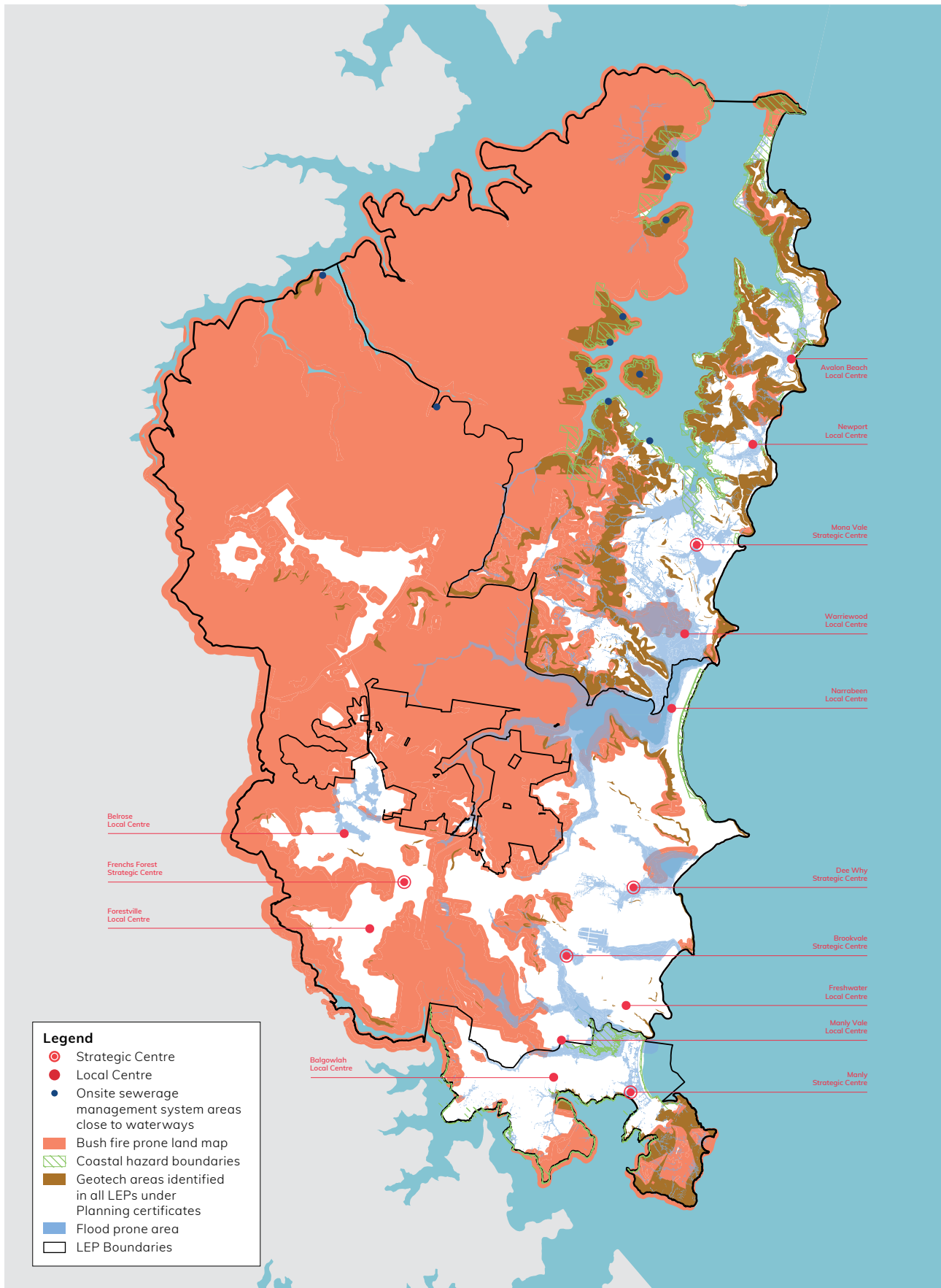
#### Priority 8

Adapted to the impacts of natural and urban hazards and climate change

#### Setting the scene

- The EP&A Act and the *Rural Fires Act 1997* form the basis for all bush fire planning and bush fire protection measures for development in NSW.
- Development on bush fire prone land must comply with Planning for Bush fire Protection 2019, prepared by the Rural Fire Service, and Australian Standard AS3959-2018 – Construction of buildings in bushfire-prone areas.
- In terms of flooding, the Coastal Management SEPP obliges councils to:
  - » identify the risk of current and future exposure to coastal hazards
  - » assess development proposals for likely risk of coastal hazards
  - » assess proposed coastal protection works against rules of permissibility for that type of development.
- Other guidance is included in Planning Circular PS 07-003 (January 2007), which limits the application of residential flood related development controls above the 1% annual exceedance probability (AEP) flood and freeboard, Local Planning Direction 4.3 Flood Prone Land, which outlines the considerations for the making of LEPs on flood prone land, and provisions in the Codes SEPP, Seniors SEPP and Infrastructure SEPP relating to floodplain risk management.
- Pollution control is governed by the *Protection of The Environment Operations Act 1997*
- LEPs permit a range of infrastructure relating to hazard risk management and pollution control. DCPs include broad controls relating to air quality and odours, and water quality, including groundwater.
- SEPP 55 requires Council to consider whether land may be contaminated and whether the site is suitable for development before any approval can be granted.







## Priority 8

### Adapted to the impacts of natural and urban hazards and climate change

The Northern Beaches is vulnerable to natural hazards as a result of past planning decisions and its interface with the natural environment. These hazards include bush fire, flooding, landslip, coastal erosion and storms. Recent examples include the 1994 bush fires in Terrey Hills, Ingleside and Elanora Heights, and the 2016 east coast low and king tide that caused severe damage and coastal erosion at Collaroy - Narrabeen, power outages and the evacuation of residential properties.

We resolved to join over 900 jurisdictions worldwide, including 35 Australian councils, and declared a **state of climate emergency** that requires immediate action by all levels of government.

#### Natural hazards

##### Bush fire

The Northern Beaches is exposed to some of the highest levels of bush fire risk throughout the Sydney Basin and NSW, with 19,474 properties associated with the 2020 Bush Fire Prone Land layer; of these, 14,641 properties are in private ownership.

We need a balance between measures taken to reduce or avoid harm and loss due to bush fire, and the protection of other values such as biodiversity and the functioning of natural systems.

Development needs to be appropriately located and constructed to reduce bush fire risk to life and property, while having due regard to development potential, site characteristics and protection of the environment.

Land use planning and development controls represent the greatest opportunity, and the greatest challenge, in avoiding and minimising the impacts of bush fire. The new planning framework is an ideal opportunity to guide appropriate development in areas with high bush fire risk by avoiding placing people in harm's way.

The Northern Beaches Bush Fire Prone Land Map, required under the EP&A Act, was endorsed in 2020 and is currently in force. Development proposals within the mapped area must comply with Planning for Bush Fire Protection 2019.

In preparing our new LEP, we must (in accordance with a Ministerial direction under the EP&A Act):

- have regard to Planning for Bush fire Protection 2019
- introduce controls that avoid placing inappropriate developments in hazardous areas
- ensure that bush fire hazard reduction is not prohibited within the asset protection zone.

Pittwater DCP contains controls relating to bush fire protection and all LEPs stipulate that bush fire hazard reduction work authorised under the *Rural Fires Act 1997* can be carried out without consent in any LEP zone.

## Proposed approach

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The strategic bush fire assessment for the deferred lands will inform the permissible uses and appropriate zoning of land in this area under the new LEP (the land is not currently subject to standard zoning provisions). We may extend the assessment to other areas, which may lead to changes to current zoning of land based on bush fire risk.

We will also look to include the following broad aims in the new LEP:

- to minimise risks to public health and safety from urban and natural hazards and reduce risk to life and property
- to improve resilience to climate change in both natural and built assets.



We also propose applying bush fire protection controls within the new DCP across the Northern Beaches in relation to properties identified on the adopted Bush Fire Prone Land Map.

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### Coastal hazards

Damage from coastal hazards is evident, in particular from beach erosion, to properties along the coast of the Northern Beaches during extreme but rare storm events. Climate change has the potential to increase the risk from coastal hazards as well as the likelihood of property damage during extreme storm events due to erosion, inundation and wave action.

#### Explainer

The Coastal Management Act 2016 identifies seven coastal hazards:

- beach erosion
- shoreline recession
- coastal lake or watercourse entrance instability
- coastal inundation
- coastal cliff or slope instability
- tidal inundation
- erosion and inundation of foreshores caused by tidal waters and the action of waves, including the interaction of those waters with catchment floodwaters.

The Act aims to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events. It establishes principle-based management objectives to protect public safety and human life, and to mitigate current and future risks from coastal hazards, taking into account the effects of climate change.

The Coastal Management SEPP requires that “Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.” The SEPP applies to the coastal zone of the Northern Beaches LGA and came into effect after the current planning framework was established. Where there are inconsistencies, the SEPP prevails.

Current LEPs, DCPs and policies contain provisions on beach erosion, coastal inundation (also known as estuarine inundation) and coastal cliff or slope instability (also known as bluff instability, geotechnical or landslide risk).

With regard to beach erosion, Warringah LEP and Pittwater LEP map land to which related clauses apply. Manly LEP does not. Warringah DCP controls include appropriate setbacks and foundation treatments and require the applicant to demonstrate compliance with the Collaroy-Narrabeen Beach and Fisherman’s Beach Coastal Zone Management Plan, the Northern Beaches Coastal Erosion Policy and relevant technical design specifications. Pittwater 21 DCP includes development controls dealing with beach erosion, supported by a Coastline Risk Management Policy.

With regard to coastal inundation, the Pittwater estuary is addressed through the provisions and development controls of Pittwater 21 DCP including the Estuarine Risk Management Policy for Development in Pittwater. These provisions were informed by an estuarine planning level study. There are no specific provisions in the Manly and Warringah LEPs and DCPs to address the risk of coastal (or estuarine) inundation.

With regard to coastal cliff or slope instability, Pittwater DCP includes development controls dealing with coastal cliff or slope instability supported by a Geotechnical Risk Management Policy. Coastal cliff instability is also addressed in the Manly LEP through the Manly Landslide Risk Map. Coastal cliff instability is not addressed in the Warringah LEP or DCP.

#### Find out more

- Visit [northernbeaches.nsw.gov.au](https://northernbeaches.nsw.gov.au) to view the Coastal Erosion Policy and Geotechnical Risk Management Policy.
- View the [Pittwater DCP](#) for the Coastline Risk Management Policy (Appendix 6) and Estuarine Risk Management Policy for Development in Pittwater (Appendix 7).



## Proposed approach



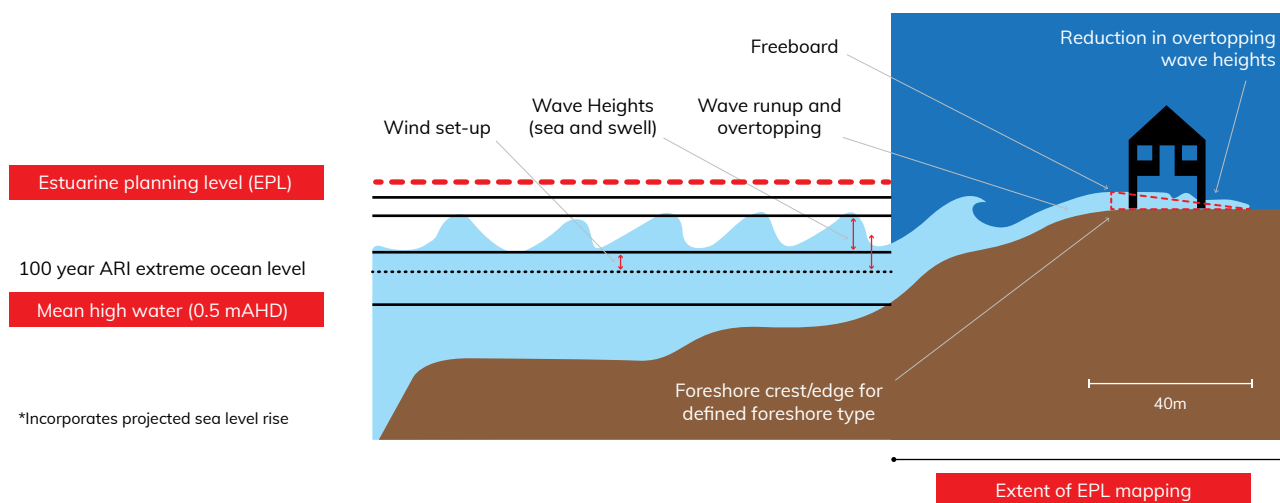
A coastal inundation (estuarine planning level) study has been undertaken including the Sydney Harbour and Cowan Creek estuaries within the Northern Beaches LGA and will soon be available for comment. It recommends standardising the existing estuarine hazard controls and using consistent mapping, development controls and possibly an estuarine risk management policy to manage the estuarine inundation risk.



We are also mapping all applicable coastal hazards identified in the Coastal Management Act 2016 and will consider appropriate planning provisions and consistent development controls for each coastal hazard affecting the Northern Beaches LGA. The consolidated coastal hazards map could be included in the new LEP and the new DCP could be supported by separate policies or technical specifications dealing with the management of risk associated with the relevant coastal hazards.

**Figure 6**

Coastal inundation elements and estuary planning levels derivation (source: Rhelm, 2020 adapted from Cardno, 2015 Northern Beaches Council).



### Flood prone land

Parts of the Northern Beaches are highly prone to flooding and properties have been developed in flood prone areas. Climate change will worsen flooding by increasing the intensity of rainfall and through sea level rise.

The Manly, Pittwater and Warringah LEPs include a standard LEP provision related to flood prone land. Pittwater LEP has an additional floodplain risk management clause to manage the flood risk to vulnerable/critical developments.

All three DCPs have a uniform Flood Prone Land clause and Pittwater has an additional clause where there is 'intensification of development' to manage the increased flood risk from climate change.

### Proposed approach

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The Department of Planning, Industry and Environment have finalised a flood prone land package relating to development on flood prone land. Two LEP clauses, one mandatory (the 'flood planning' clause) and the other optional (the 'special flood considerations' clause) are proposed to be added to the Standard Instrument. We will look to adopt these clauses as appropriate for the Northern Beaches LGA.

The draft package can be viewed at [planningportal.nsw.gov.au](https://planningportal.nsw.gov.au). Adopting the LEP clauses contained in package will not substantially change requirements for developing flood prone land in the Northern Beaches LGA.

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### Geotechnical hazards

Geotechnical hazards include landslips, excessive settlement and groundwater issues. Inadequate planning and accountability relating to geotechnical hazards increases the risk of inappropriate and potentially dangerous development.

We need processes and rules to ensure that appropriately qualified geotechnical engineers have assessed certain sites and types of developments based on their likely geotechnical risk. We have different approaches to geotechnical issues under our current planning controls:

- In Pittwater, the DCP requires declarations regarding investigations and inspections, feasibility and final construction from suitably qualified geotechnical engineers throughout development. This applies to land on the Geotechnical Hazards Map in the LEP.

- Manly DCP requires a site stability report with the development application if the land is identified on the Landslip Map, or for development of certain excavation or of different levels of risk located on land identified Geotechnical Area map in the DCP.
- Warringah LEP requires a geotechnical stability report with the development application depending on the landslip risk class (defined in LEP mapping) and the type of works required (e.g., excavation, fill, slope or proximity to natural cliffs).

Geotechnical planning should be applied across the entire LGA given that risk is dependent on development type not just the site.

### Proposed approach



A consistent approach is likely to require appropriate consideration of geotechnical issues for all development applications, supported by detailed DCP controls that spell out requirements for different areas (e.g., proximity to coast or land slope and different forms of development).

Controls will be commensurate with the risk associated with geotechnical hazards. This may result in no requirement for geotechnical reporting and monitoring for low risk developments or a requirement for detailed reporting and demonstration of ongoing monitoring for highest risk developments.

A study is being prepared to inform the draft LEP and DCP.

## Urban hazards

### Land contamination

#### Proposed approach



State SEPP 55 is the required standard to assess land contamination. No additional controls are required, however a new clause is proposed within the new DCP highlighting the requirement of SEPP 55.

### Onsite sewerage management

#### Proposed approach



We propose to retain and consolidate provisions from the Manly and Pittwater LEPs requiring onsite sewerage management in the new LEP.



We propose a DCP section relating to onsite sewage management that would be applicable to all properties not connected to the Sydney Water reticulated sewage system. DCP controls would require an onsite sewage management system to be designed, located and constructed to:

- be suitable for the site characteristics (including for example size, soil type, and proximity to natural watercourse/waterways)
- adequately cater for the maximum volume of wastewater likely to be generated from the development/number of occupants
- dispose of sewerage in a manner that minimises impacts on the natural and built environment and on public health.

The DCP or development application lodgement requirements will outline the circumstances in which a wastewater management report will be required to accompany a development application, as well as the type of information to be included within such a report.

We do not propose changing our inspection and approval processes.

## Fireplaces

### Proposed approach

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We propose a DCP section relating to domestic oil or solid fuel heating appliances that would provide guidance around the design and location of the heater and associated flues. Requirements will also be imposed to ensure compliance with relevant Australian standards.

Where a domestic oil or solid fuel heating appliance is proposed as part of a development application, our DCP or development application lodgement requirements will outline information required to accompany a development application to determine if the proposed system and/or its location is appropriate.

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# Infrastructure and collaboration





## Infrastructure and collaboration

Providing new and upgraded infrastructure such as public transport, schools and open space is essential to a more liveable, sustainable and productive Northern Beaches.

### Priorities

#### Priority 9

Infrastructure delivered with employment and housing growth

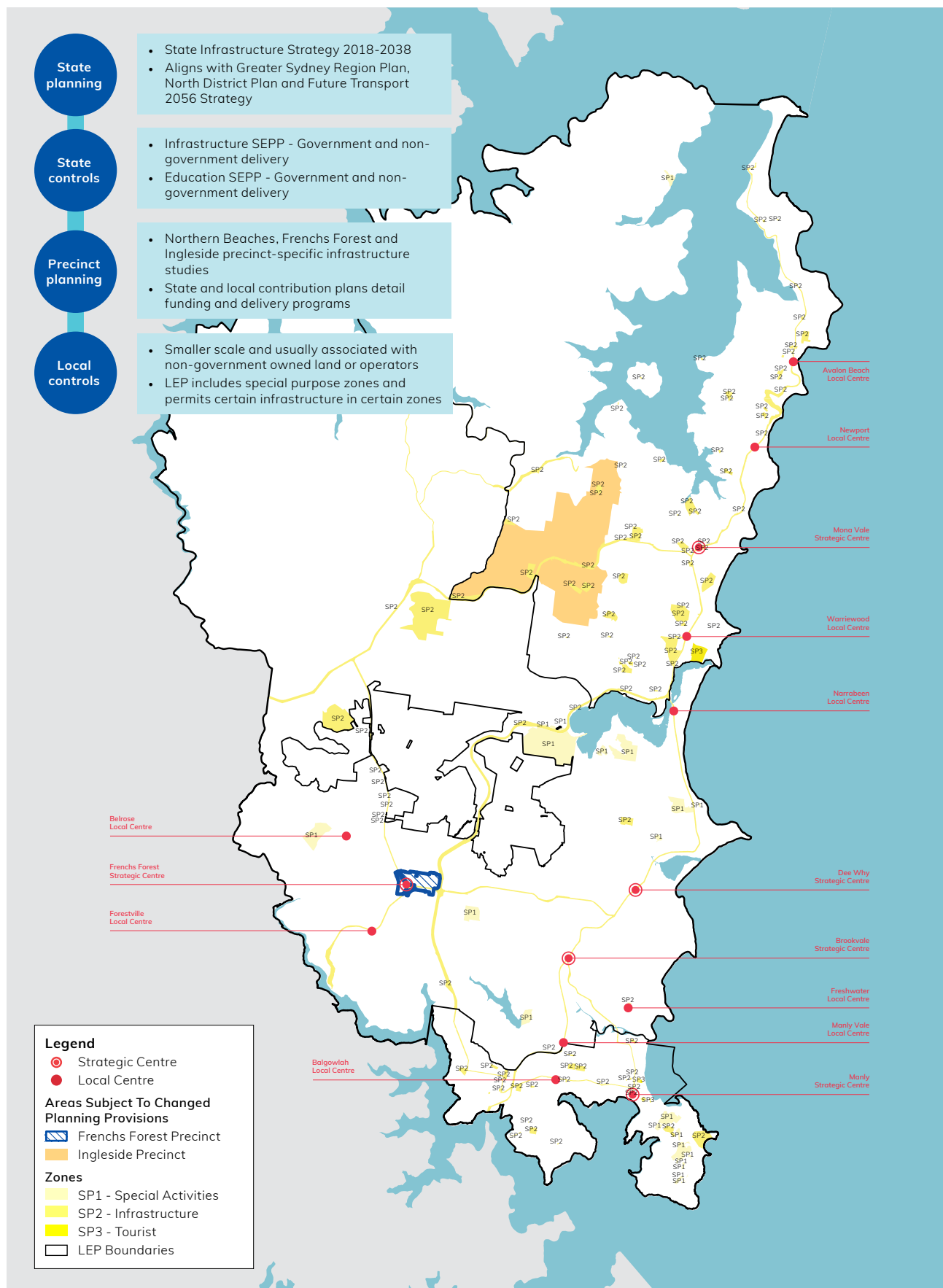
#### Setting the scene

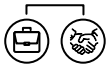
The current planning framework allows us to plan for infrastructure through:

- special purpose (SP) zones
- permitting certain infrastructure in other zones
- LEP provisions for essential services (under Manly and Pittwater LEPs)
- other DCP provisions.

In many cases, the rules for the approval and development of infrastructure are set down in SEPPs. For example, the Infrastructure SEPP and Education SEPP override local controls to enable the delivery of infrastructure deemed to be of State or regional significance.







## Priority 9

### Infrastructure delivered with employment and housing growth

Providing new and upgraded infrastructure such as public transport, schools and open space is essential to a more liveable, sustainable and productive Northern Beaches. The provision of infrastructure is often undertaken by or on behalf of public authorities and often involves Council working with State agencies at a strategic level to align planning for infrastructure with growth. Alignment across agencies is critical on large scale projects, such as the Beaches Link Tunnel, to smaller projects such as shared use of school sports fields.

Infrastructure controlled through the LEP and DCP is generally smaller in scale and/or associated with non-government owned land or operators.

*Towards 2040* contains various principles and actions relating to infrastructure. We can address these in the new planning framework by:

- permitting a range of infrastructure and education facilities within various zones
- using special purpose (SP) zoning for infrastructure such as transport or waste facilities
- considering the right zoning for community facilities and social infrastructure
- considering approaches to encourage co-location of services and facilities, such as enabling multiple use of sites and identifying key sites to be retained and consolidated.

#### Infrastructure SEPP

The Infrastructure SEPP permits a range of infrastructure and works that must also be listed as either a permitted or prohibited land use within Council's LEP.

This includes infrastructure for transport, electricity, waste management, sewerage, water supply, health services, public services, recreation areas and works (see Appendix on website).

#### About the Infrastructure SEPP

The Infrastructure SEPP permits development in a range of circumstances, such as:

- without consent if undertaken by or on behalf of a public authority, requiring an environmental assessment to be undertaken by that authority (e.g., sewerage reticulation systems, water reticulation systems, flood mitigation works)
- with consent if undertaken by any person, requiring a development assessment to be undertaken by Council (e.g., electricity generating works or health services facilities)
- as exempt or complying development.

The Infrastructure SEPP also identifies land on which this infrastructure or works is suited, which may be:

- only within prescribed zones (e.g., sewerage systems and waste or resource management facilities are permitted in certain rural and industrial zones)
- on any land (e.g., sewerage reticulation systems, water reticulation systems, flood mitigation works).

The SEPP also provides for matters to be considered in the assessment of development, consultation and exclusions.

Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to view the Infrastructure SEPP.



Our current LEPs permit some of this infrastructure and works in different zones. For example:

- Manly LEP permits:
  - » water recycling facilities in all residential zones, business zones, recreational zones, the SP3 zone, and the E2 zone
  - » water reticulation systems, water storage facilities, flood mitigation works and roads in all residential zones, business zones, recreational zones, the SP3 zone and environmental zones.
- Warringah LEP permits:
  - » sewerage and water supply systems in all business, industrial and infrastructure zones
  - » waste or resource management facilities in IN1
  - » hospitals and health consulting rooms within the R2, B2, B3, B4 and B7 zones
  - » medical centres within the B5 and B7 zones.
- Pittwater LEP permits:
  - » waste disposal facilities and water supply systems in the IN2 zone
  - » health consulting rooms in the R2, R3 and E3 zone
  - » emergency services facilities in the W2 zone
  - » roads in the RU2, R2, R3, B zones, IN2, SP zones, RE zone and E zones.

We do not wish to unnecessarily prohibit infrastructure that is permitted by the Infrastructure SEPP or that may emerge through advanced technologies. Our options are to:

- permit all infrastructure permitted under the Infrastructure SEPP within prescribed zones.
- if a type of infrastructure is permitted within a certain zone under an existing LEP, permit that infrastructure in all similar zones.
- prohibit all types of infrastructure, thus only enabling these uses to be developed either under the SEPP or where the infrastructure is ancillary to other development (similar to Pittwater LEP).

## Proposed approach



We will consult with the Department of Planning, Industry and Environment to rationalise permitted land uses between the Infrastructure SEPP and the new LEP. See Appendix (on website) which compares the Infrastructure SEPP and our current LEPs and a proposed approach to discuss with the Department.



We propose permitting certain emergency facilities, environmental protection works and flood mitigation works in all zones with consent to facilitate resilience. This will mean we can assess the impacts of any works not undertaken by or on behalf of a public authority.



For health services facilities permitted under the Infrastructure SEPP in the RU4, R1, R2, and R3 zones, we may look to restrict their locations to manage potential amenity impacts such as traffic, noise and privacy.

## Education SEPP

The Education SEPP permits a range of infrastructure and works including schools, educational establishments (universities and TAFE) and early education and child care facilities (i.e. centre-based, school-based and home-based child care). It permits development in a range of circumstances:

- Certain developments may be carried out without consent by both government and non-government schools, including a range of uses to encourage co-location and flexibility.
- Centre-based child care facilities require a development application to Council, and must be designed to meet with the physical environment requirements of the National Quality Framework, as outlined in the Department of Planning, Industry and Environment's Child Care Planning Guideline.
- Larger developments associated with schools (above \$20m) and tertiary institutions (above \$30m) are referred to the Minister for Planning and Public Spaces as the consent authority and may not have to comply to LEP standards including heights or floor space ratios (FSRs).

The Education SEPP clarifies that matters in LEPs or DCPs do not apply to certain forms of development. However, Council's LEP must list these facilities as either permitted or prohibited land uses within each zone.

The Education SEPP does not list any prescribed zones for early education and child care facilities. For educational establishments, we have several options to address the permissibility within each zone:

- permit educational establishments where they are already permitted under the SEPP (RU2, RU4, R1, R2, R3, R5, B1, B2, B3, B4, B5, B6, B7, SP1, SP2 and E4)
- if an educational establishment is permitted within a certain zone under an existing LEP, permit that infrastructure in all similar zones in the new LEP
- prohibit educational establishments within all land use tables and thus rely entirely on the SEPP.

### Find out more

Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to view the Education SEPP.

## Proposed approach



For educational establishments, we will consult with the Department of Planning, Industry and Environment to rationalise permitted land uses between the Education SEPP and the new LEP. For early education and child care facilities, we will look to permit these facilities in various zones on a case by case basis. Decisions will also be influenced by the strategic bush fire risk assessment. We will not adopt additional controls in the new LEP or DCP for development identified in the Education SEPP.

## SP zones and associated infrastructure

SP zones allow us to distinguish special activities or infrastructure that is important to the community, such as schools zoned as 'education establishments' rather than zoned with surrounding lands that are likely to be residential.

The Standard Instrument provides three special purpose zones:

- **SP1 Special Activities** applies to land uses or sites with special characteristics that are not accommodated in other zones, such as a major scientific research facility or international sporting establishment.
- **SP2 Infrastructure** provides for major infrastructure or land highly unlikely to be used for a different purpose in the future, for example cemeteries and major sewage treatment plants. It may also be suitable for transport, social infrastructure or utility infrastructure.
- **SP3 Tourist** is explained in Priority 29.

## SP1 and SP2 zones

For the SP1 and SP2 zone, the primary use or 'special purpose' is identified or 'annotated' on the LEP zoning map. In some cases, these special purposes, such as cemeteries, may not be permitted in any other zone. In addition to those 'annotated' uses the SP1 and SP2 land use tables also permit 'any development that is ordinarily incidental or ancillary to development for that purpose'.

Under the current framework, Pittwater LEP allows building identification signs and business identification signs in both the SP1 and SP2 zone.



## Proposed approach

We propose retaining the existing SP1 and SP2 zoned sites, with their special purpose named or 'annotated' on the corresponding LEP map (see Tables 12 and 13). Generally, the below criteria describes how the two zones are distinguished from one another, resulting in only minor changes to their existing application:

- SP1 – not accommodated on other zones and/or sites with a unique combination of land use activities, including:
  - » major recreation/health facilities
  - » research stations
  - » defence facilities
- SP2 – land highly unlikely to be reused, a single infrastructure use, major state infrastructure or strategic sites such as:
  - » hospitals, universities, TAFEs
  - » cemeteries
  - » road infrastructure including car parks, local roads, classified roads
  - » essential infrastructure such as electricity supply, public utilities, sewerage systems, telecommunication systems, waste or resource management, water supply
  - » social infrastructure including
    - » educational establishments and child care centres
    - » youth centres
    - » health services facilities,
    - » place of public worship
    - » public administration buildings and emergency services facilities.



As already noted, we will consult with the Department of Planning, Industry and Environment in terms of land uses permitted in the Infrastructure SEPP and the Education SEPP.



We are considering permitting additional uses to promote co-location and social infrastructure provision that is compatible with the existing special purpose. These could include community facilities, recreation areas, recreation facilities, environmental facility or ancillary uses.

See Priority 9 for inconsistent permissible uses for roads and environmental protection works. See Priority 17 for inconsistent permissible uses for signage.



Are there any other community or social infrastructure uses that could benefit from being distinguished within the special purposes zones?



**Table12**

Current and proposed application of SP1 zones

SP1: Special Activities	P	W	M	Proposed approach
Cemetery		Belrose		Change to SP2 zone as land unlikely to be reused.
Recreation facility (indoor), recreation facility (outdoor), function centre, medical centre		Sydney Academy of Sport and Recreation		Retain as SP1.
Research station		Water Research Lab, Manly Vale		
Health services facility, seniors housing community facilities, educational establishments		Arranounbai School		
Seniors housing and health services facility		RSL Anzac Village Collaroy Plateau		
Seniors housing and function centre		'Collaroy Centre' Salvation Army		
Health services facility	Sargood on Collaroy	Mona Vale Hospital	Bear Cottage	
Defence		Army Reserve		
Educational establishments		Cromer High	St Patrick's Estate	See discussion.
Management plan North Head School of Artillery			North Head	Retain as SP1.
Eco-tourist facility, camping ground and function centre	Currawong			

**Table13**

Current and proposed application of SP2 zones

SP2: Special Activities	P	W	M	Proposed approach
Car park	Mona Vale and Avalon Beach			Retain as SP2. See discussion.
Cemetery	Mona Vale and Church Point		Balgowlah	Retain as SP2.
Child care centres			various	
Classified road	various		various	
Community facility	various	RSL Anzac Village Collaroy Plateau		
Educational establishment	various	Arranounbai School	various	See discussion.
Electricity supply	various		various	Retain as SP2.
Emergency services facility	various		various	
Health services facility	various		various	
Local road	Warriewood			
Place of public worship			various	
Public administration building	Boondah Road		Manly Town Hall	
Public utility undertaking	various			
Sewerage system			North Head	
Telecommunications facility				Retain as SP2.
Waste or resource management facility		Kimbriki and Belrose		
Water supply system	Warriewood			
Youth centre and youth centre			Kangaroo St Manly	

### Educational establishments including schools

Zoning educational establishments including schools as a special use supports their growth and future demands and identifies their specific use within a local context. They are typically located strategically on sites within planned service catchments.

**Table14**

Zoning of schools - all zones and Standard Instrument LEPs

Land use	Zone SP1	Zone SP2	Zones RU2 & RU4	Zones R2 & R3	Zones B2 & B4
Educational establishments	2	21	7	43	7

Current approaches vary:

- Warringah LEP generally zones schools according to the zone of adjoining land use, predominantly residential. An exception is Cromer High School which was zoned SP1, adjoining an Industrial Zone.
- Manly and Pittwater LEPs zone land for schools as special purpose.

### Proposed approach



We propose to zone all educational establishments as SP2 to ensure these facilities are identified in the zoning framework. This includes public and private schools and sites such as Brookvale TAFE (already zoned SP2).

The proposed zoning approach will only affect existing educational establishments. As already noted, future educational establishments will be subject to the Education SEPP.







An aerial photograph of a coastal town, likely in New South Wales, Australia. The town is built on a peninsula or coastal strip, with a large body of water (likely a bay or harbor) in the background. The water is filled with numerous boats and yachts. The town itself is densely packed with houses and buildings, surrounded by lush greenery and trees. In the foreground, there is a rocky coastline with waves crashing against the shore. A large, thick red arch graphic is superimposed over the image, framing the town and the water. The word "Liveability" is written in large, white, sans-serif font across the middle of the image, partially overlapping the red arch and the town.

# Liveability





## People

Everyone in the Northern Beaches community should be able to engage in activities where they interact with others, improve their health and wellbeing or get involved in education.

### Priorities

#### Priority 10

World-class education facilities, including a university

#### Priority 11

Community facilities and services that meet changing community needs

#### Priority 12

An inclusive, healthy, safe and socially connected community

#### Priority 13

Strong engagement and cooperation with Aboriginal communities

#### Priority 14

A community enriched through the arts and connected through creativity

### Setting the scene

- The need for a social impact assessment intersects with other planning and development requirements such as Crime Prevention Through Environmental Design and the Community Impact Statements required under the *Liquor Act 2007*.
- There are many levels of existing legislation that influence accessibility, with a particular focus around equitable access for people with a disability. This includes the *Disability Discrimination Act 1992* (Cwth).
- The National Construction Code and accompanying Building Code of Australia also include controls to guide construction to enable equitable access.
- A range of Australian Standards also exist to guide the design and construction of accessible buildings and car parking spaces, as well as adaptable dwellings.
- Existing SEPPs include the Seniors SEPP and SEPP 65 and the accompanying Apartment Design Guide.
- DCPs include controls relating to accessibility, and meeting legislation and standards.



## Priority 12

### An inclusive, healthy, safe and socially connected community

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Many of the Towards 2040 'People' priorities are dealt with through Council activities outside the planning framework. This chapter is focused on how we can incorporate the assessment of social impacts into the development assessment process, to provide positive outcomes such as social equity and public safety, and minimise any negative impacts. We will also be reviewing current controls for accessibility and universal design.

Education and community facilities are discussed in Priority 9 and Aboriginal heritage and public art in Priority 18. Public art provisions are discussed in Priority 17.

## Provisions to manage social impacts and improve accessibility

### Social impact assessment

#### Proposed approach



We are looking at the type of developments that would warrant a social impact assessment, as well as the format of any required documentation and will consider including DCP controls relating to social impact assessment.

The new DCP or development application lodgement requirements could define the type of applications that may need to provide an assessment of social impacts, what is required to be addressed and any required qualification of its author.

### Crime prevention through environmental design

#### Find out more

Visit [police.nsw.gov.au](https://police.nsw.gov.au) to read more about Crime Prevention Through Environmental Design (CPTED) and Safer By Design.

#### Proposed approach



We propose new and more consistent controls to better capture the CPTED principles. We also propose additional controls to:

- improve security for letterboxes in multi dwelling developments (to minimise potential opportunity for identity theft)
- increase security around basement design (to minimise potential for theft of things such as bicycles or stored contents from basement areas).

We are also considering a potential requirement for the submission of a site management plan and Safer by Design evaluation, involving the NSW Police Service, for large developments or crime sensitive developments, that could create a crime risk. We could nominate these developments in the DCP or implement the requirement on a case-by-case basis. We note there could be some potential cross over with requirements for social impact assessments.



## Accessibility and universal design

### Proposed approach



We recommend a consistent set of DCP controls addressing matters relating to universal access, adaptable housing and accessible car parking.



We would like to introduce more consistent requirements for accessible parking across the LGA so that three per cent of all required parking spaces are accessible. This will see an overall increase in accessible parking being provided in new developments throughout the LGA (see also Priority 20).







## Housing

Demand for housing is linked to population growth.

### Priorities

#### Priority 15

Housing supply, choice and affordability in the right locations

#### Priority 16

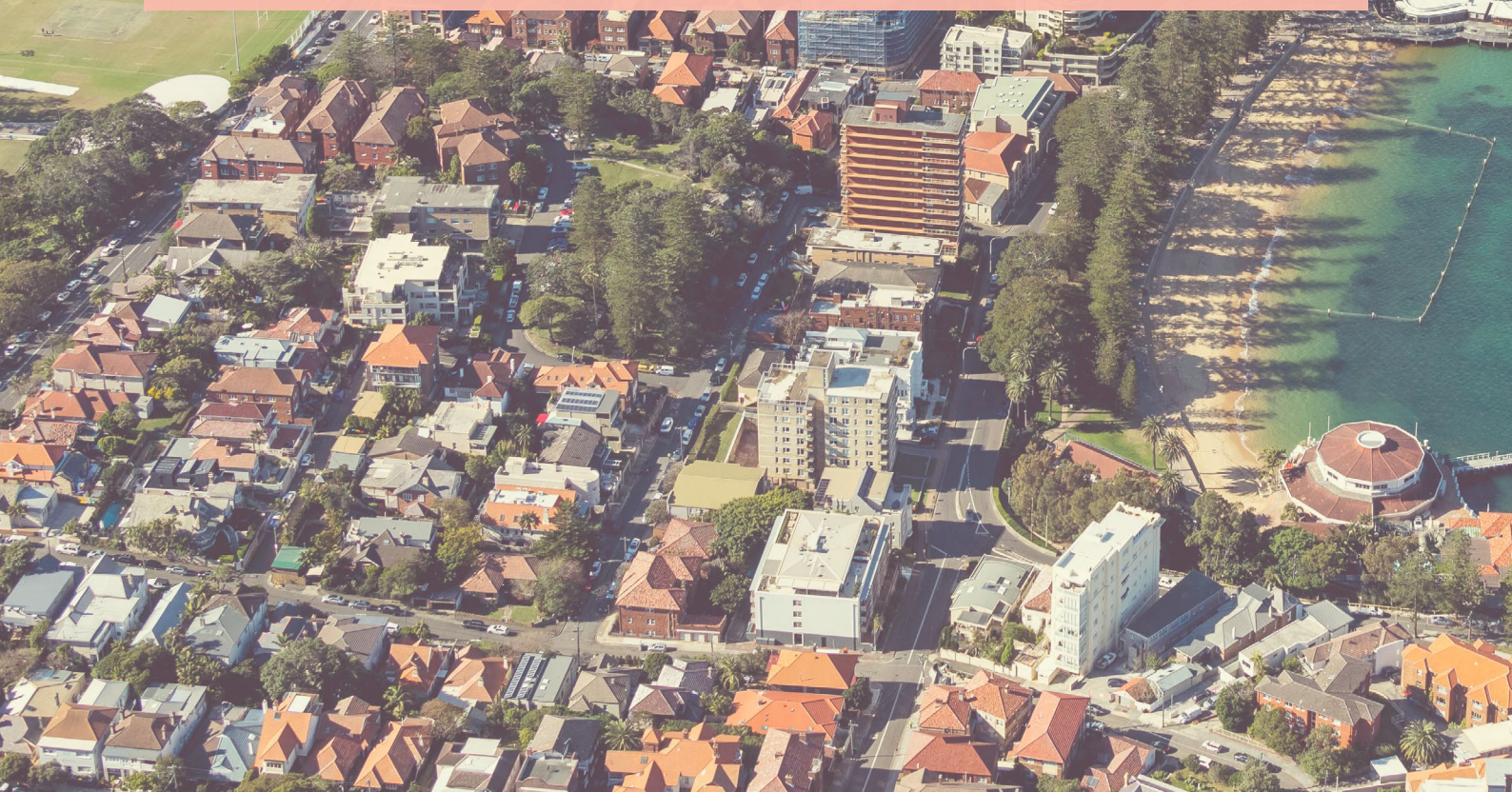
Access to quality social housing and affordable housing

### Setting the scene

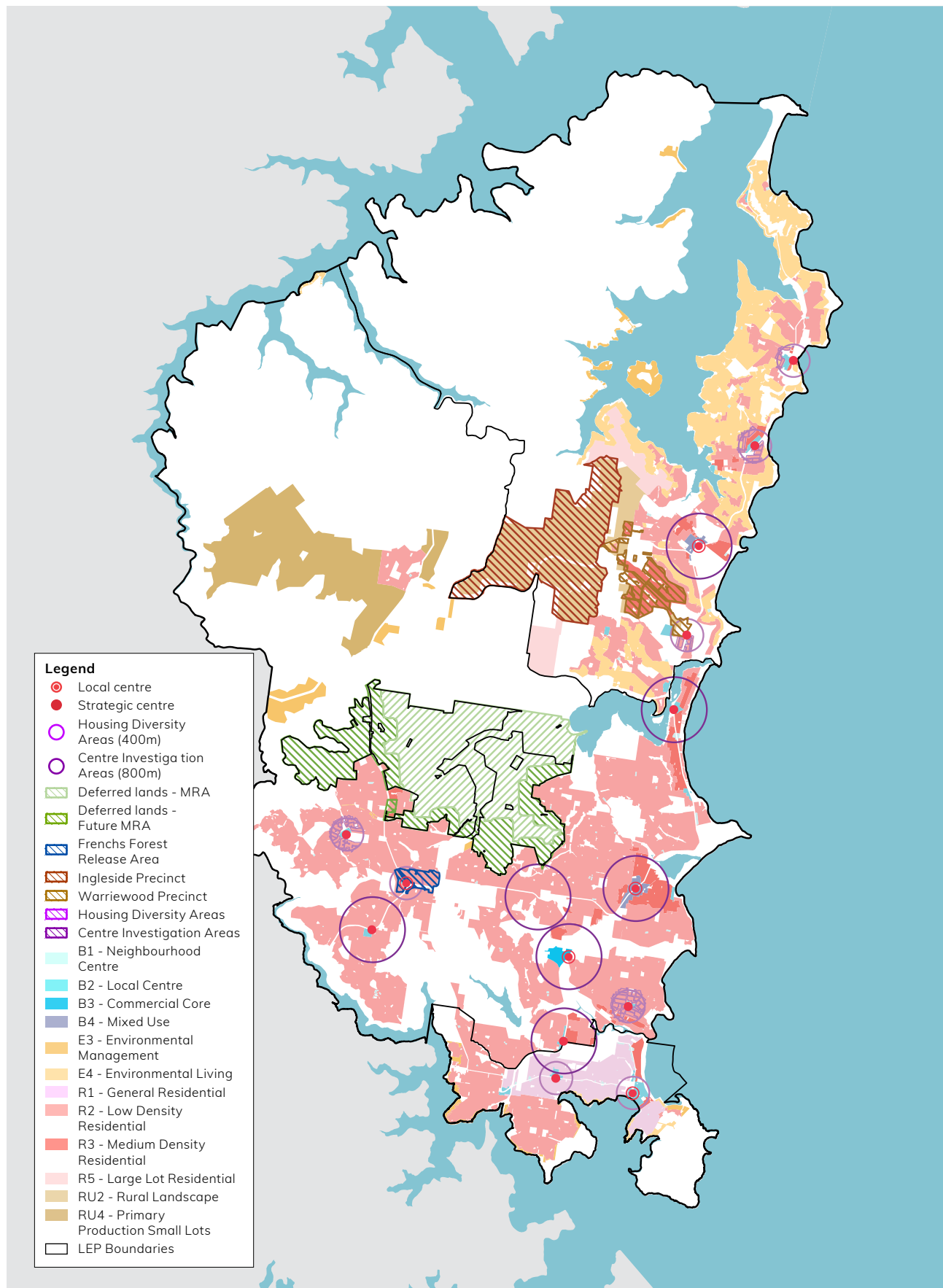
We plan for housing through land zoning, and initiatives that focus on housing diversity, affordable housing and seniors housing.

The Local Housing Strategy includes a range of actions in five priority areas:

- Priority 1: Housing targets
- Priority 2: Detailed planning for centres
- Priority 3: Social and affordable housing
- Priority 4: Precinct sustainability and housing
- Priority 5: Planning for seniors housing.









## Priority 15

### Housing supply, choice and affordability in the right locations

The projected population growth for the Northern Beaches is expected to generate demand for an additional 11,747 dwellings by 2036, or 652 new dwellings per year. Our Local Housing Strategy analyses the demand for housing to 2036 and recommends an approach to deliver housing to meet this demand.

Fortunately, Council's housing targets, established in conjunction with the Greater Sydney Commission, are achievable, with most of the demand able to be met by existing housing capacity in areas already zoned for growth. In addition, there is planned growth for Frenchs Forest (approximately 4,300 dwellings), Ingleside (980 dwellings) and Brookvale (yet to be determined).

However, we will need to do more, not just to address population growth, but to address key issues around affordable housing provision, and the lack of diversity in housing across the LGA.

#### Housing diversity

Most homes in the Northern Beaches – 56% – are separate dwellings. Higher density dwellings (semi-detached 9% and apartments 34%) are concentrated around locations like Manly and Dee Why. The remainder of the LGA generally comprises lower density housing.

We need to plan for a greater mix of housing types in well-planned neighbourhoods so that people can live near jobs, public transport, and walking and cycling options. Demand is increasing for different forms of housing, particularly medium density housing such as townhouses.

The lack of housing diversity is especially prevalent in the current Warringah and Pittwater R2 zones, where newer, larger subdivision patterns designed around the car are more typical. In comparison, areas of Manly offer smaller terraces, dual occupancies and semi-detached dwellings, within a subdivision pattern that includes laneways and small lots. This reflects the different periods in which original land subdivision took place.

More diverse housing such as dual occupancies and terraces are permitted in R3 zones, yet are often not as financially viable as apartments. We now see apartments dominating the R3 medium density residential zones, and single dwellings dominating the R2 low density residential zones. Dual occupancy development is prohibited in some areas (Warringah LEP) and in other cases, development controls in the LEP or DCP may make such development unfeasible.

#### Find out more

- Visit [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au) to view the Local Housing Strategy.
- Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to view the full definitions of different housing types in the Standard Instrument or Codes SEPP.



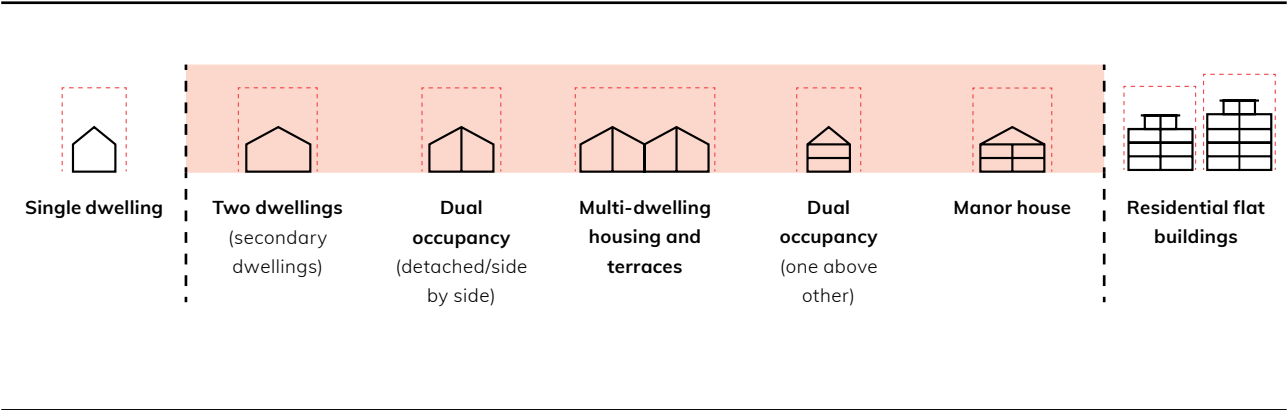


Dual occupancy development at 2 Mactier Street, Narrabeen



Townhouse at 189 McPherson St, Warriewood

**Figure 7:**  
Medium density development housing in the Medium Density Housing Code. Source: Adapted from Low Rise Housing Diversity Design Guide.



**Local Housing Strategy**

The Local Housing Strategy aims to address housing diversity by focusing new housing in two different areas:

- low-rise housing diversity areas (HDAs) that will permit seniors housing and boarding houses on larger sites greater than 1,000sqm and dual occupancies (attached, and detached on corner lots) on lot sizes to be determined. These will be investigated within 400m of identified local centres including Avalon Beach, Newport, Warriewood, Belrose, Freshwater, Manly and Balgowlah.
- centre investigation areas (CIAs) that will be subject to detailed planning to consider a broader range of housing types (e.g., multi-dwelling houses, terraces, flats and shop top housing) along current and future B-line bus routes. These will be investigated firstly within 800m of Brookvale, Dee Why, Mona Vale, Manly Vale and Narrabeen, and in Forestville and Beacon Hill subject to the future B-Line route.

Table 15

Proposed permitted housing types in residential zones and HDAs

Land use	R1	R2	R3	E4 / R5	HDAs
dwelling houses					
dual occupancies (attached) - <b>[side-by-side – Codes SEPP]*</b>					
dual occupancies (attached) - <b>[one above the other – Codes SEPP]*</b>					
dual occupancies (detached)					**
semi-detached dwellings					
<b>manor homes (Codes SEPP)*</b>					
attached dwellings					
multi dwelling housing					
residential flat buildings					
shop top housing (only neighbourhood shops w 80-100m floor area limit)					
seniors and affordable housing:					
secondary dwellings				?	
boarding houses					**
hostels (Standard Instrument definition)					**
<b>hostels (Seniors SEPP)*</b>					**
seniors housing					**
group homes (permanent and transitional)					

\* terms in bold relate to separate SEPPs and land uses not listed in the Standard Instrument land use tables.

\*\* subject to further conditions detailed in text.



## Proposed approach



In this LEP, we will look to implement HDAs within certain R2 areas (see below discussion), but not CIAs. For CIAs, the form and scale of development around each centre would be subject to individual investigation, consultation and development of a detailed place plan.

### Residential zones and associated development

Zoning land for residential uses ensures a large part of the Northern Beaches is set aside primarily to provide housing. Residential zones permit different types of housing, usually based on the density or scale of development. Generally, other permitted uses are limited to those that will support the community, such as local shops or community facilities.

In some cases, environmental zones are used for residential areas, in recognition of the environmental sensitivity of certain land. For example, dwelling houses are permitted in the E4 and E3 environmental zones (see Priority 2). Housing is also permitted in rural zones (see Priority 4) and some business zones (see Priorities 22 to 27).

The residential zones in use in the Northern Beaches are:

- **R1 General Residential:** allows a broad range of densities and housing types, and supports other land uses such as neighbourhood shops.
- **R2 Low Density Residential:** typical 'suburban' settings that support lower density housing, with more restrictions in terms of other land uses. Often located further away from strategic centres and transport hubs where higher densities are generally more appropriate
- **R3 Medium Density Residential:** allows for a variety of housing types, including townhouses and flats so that people have more choice and can also live near other uses such as shops or child care centres.
- **R5 Large Lot Residential:** allows for housing in a rural setting such as Bayview or Elanora Heights. Should only be allowed in areas that are properly serviced by utility services.

The R4 High density residential zone is not applied in the Northern Beaches.

#### Find out more





Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to view the full list of residential zones under the Standard Instrument, as well as permitted uses.



**R1 General Residential**

The R1 General Residential zone only applies under the Manly LEP. It permits all available residential housing types (excluding rural workers' dwellings), which reflects the built character of Fairlight and Balgowlah where it is currently applied. The scale of development is controlled by other provisions in the LEP and related DCP, for example, building height, lot sizes, densities and setbacks.

**Proposed approach**

		We intend to retain the use of this zoning and apply it to the same areas in the new LEP.
		We propose to permit exhibition homes to align with other similar zones across the LGA (the R3 zone). Exhibition homes can facilitate housing diversity by showcasing new designs and promote economic recovery.

### R2 Low Density Residential

All three LEPs apply this zone in different ways. In Manly LEP, for example, the zone permits all housing types except residential flat buildings (apartments). However, other controls, such as density controls, limit the ability to develop permitted housing types such as dual occupancies or attached housing on existing lots in many areas.

Warringah and Pittwater LEPs are more restrictive, generally only permitting dwelling houses and secondary dwellings in the R2 zone. The Pittwater LEP also permits dual occupancies on lots larger than 800sqm, but they cannot be subdivided.

### Proposed approach

We will look to implement the HDAs in the Local Housing Strategy within 400m of identified centres within the existing R2 zone. This would mean:

- within the HDA, permitting dual occupancies (attached, and detached on corner lots only) and strata subdivision subject to identifying a suitable minimum lot size. Seniors housing and boarding houses would also be permitted but only on lots greater than 1,000sqm.
- outside the HDA, prohibiting dual occupancies, seniors housing and boarding houses from the R2 zone.

Permissibility regarding seniors housing and boarding houses would be subject to approval by the Department of Planning, Industry and Environment to amend the Seniors SEPP and Affordable Rental Housing SEPP, which permit these developments within the R2 zone (see Priority 16).

Implementing the HDAs will result in the following changes to permissibility in these LEPs:

- Pittwater LEP: Except HDAs within 400m of Avalon Beach, Newport and Warriewood centres, dual occupancies (attached and detached) will no longer be permitted on sites greater than 800sqm
- Warringah LEP: Within HDAs 400m of Belrose and Freshwater centres, dual occupancies will be permitted where they are currently prohibited. Freshwater may have limited opportunities for dual occupancies as it contains smaller lot sizes (one dwelling per 450sqm) than Belrose (one dwelling per 600sqm).
- Manly LEP: HDAs will not impact any existing R2 zones as the 400m radius of Manly and Balgowlah falls within the R1 and R3 zones.
- The boundaries of the HDAs will be based on a 400m distance from a town centre as modified by a range of other considerations including environmental hazards and outcomes from technical reports.



Our proposed approach to resolving land use differences is summarised in Table 16; for some of these uses we go into more detail below or in Priority 16.

In the Manly LEP, we propose to prohibit attached dwellings, dual occupancies (attached and detached), multi-dwelling housing and semi-detached dwellings from R2 zone. While these housing types are currently permitted, density and lot size provisions make them too difficult to achieve under current controls.

**Table 16**

R2 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework.

Land use*	P	W	M	NB	Proposed approach
attached dwellings					Prohibit noting development is restricted by minimum lot size and density provisions where currently permitted in Manly. See discussion.
dual occupancies (attached)					Prohibit except in HDAs. This development is currently restricted in Pittwater and Manly by minimum lot sizes and / or density provisions. See discussion.
dual occupancies (detached)					
hostels					Prohibit except in HDAs. See Priority 16.
multi dwelling housing					Prohibit noting development is restricted by minimum lot size and density provisions where currently permitted in Manly. See discussion.
semi-detached dwellings					
shop top housing					
neighbourhood shops					Prohibit to avoid amenity impacts.
veterinary hospitals					Permit to align with Pittwater and Warringah.
home-based child care		w/o	w/o	w/o	Permit without consent noting permitted under Education SEPP. Sector regulated outside DA process (Priority 9).
information and education facilities					Permit to facilitate creative industry/social infrastructure. See discussion.
exhibition homes					Permit to promote economic recovery.

\* Educational establishments, schools, hospitals and emergency services facilities are discussed in Priority 9.

Proposed approach



As part of the urban design study, we will identify appropriate built form controls for the above developments. This may include minimum lot sizes, setbacks, landscape areas and tree plantings.

**R3 Medium Density**

The R3 zone permits apartments, as well as lower density housing such as dual occupancies, houses and granny flats. These are less likely to be constructed given higher land values and the greater profitability of apartment development.

The Warringah and Pittwater R3 zones permit veterinary hospitals and prohibit hostels and shop

top housing. The Manly R3 zone is unique to the residential lands around Manly Town Centre where hostels, shop top housing and service stations, and a range of tourist and visitor accommodation (as well as restaurants, cafes or takeaways) are permitted.

Warringah LEP R3 zone prohibits semi-detached dwellings and serviced apartments

Proposed approach



We intend to retain the use of this zoning and apply it to the same areas in the new LEP. Our proposed approach to resolving current land use differences is summarised in Table 17.



**Table 17**

R3 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P	W	M	NB	Proposed approach
hostels					Permit to support social work and support services. See Priority 16.
semi-detached dwellings					Permit to support housing diversity and isolated sites.
shop top housing				?	Explore permissibility above neighbourhood shops only. See discussion.
backpackers' accommodation**					Prohibit in R3 but allow in certain areas via tourism overlay (no change to Manly and Pittwater R3 – see Priority 29).
hotel or motel accommodation**					
serviced apartments**					
restaurants or cafes*					
service stations					Prohibit as incompatible with zone objectives.
veterinary hospitals					Permit to align with Warringah and Pittwater R3. See discussion.
home-based child care		w/o	w/o	w/o	Permit without consent. Permitted under Education SEPP. Sector regulated outside DA process.
school-based child care					Permit in all zones consistent with permissibility of schools in this zone under Education SEPP.
information and education facilities					Permit to facilitate creative industry/social infrastructure. See discussion.
exhibition homes					Permit to promote economic recovery.

\* educational establishments, schools, health consulting rooms and emergency services facilities are discussed in Priority 9.

\*\* Tourism related uses are discussed in Priority 29.

### Information and education facilities in R2 and R3 zones

These are buildings or places that provide information or education to visitors or exhibit items – for example, galleries, libraries or information centres. They are permitted in Manly LEP R2 and R3 zones.

#### Proposed approach

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Our proposed approach is to allow these uses in R2 and R3 zones throughout the Northern Beaches to promote creative industry and development.

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### Veterinary hospitals in R2 and R3 zones

Vet hospitals are allowed in Warringah and Pittwater R2 zones, but not in the Manly R2 zone, despite some of the R2 zones in Warringah and Pittwater being more isolated from shops and services than the R2 zone in Manly. Vet hospitals are permitted in the R3 zone in Warringah and Pittwater.

#### Proposed approach

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Our proposed approach is to permit vet hospitals in the new R2 zone given they are currently permitted across a large area of the LGA, and permit them in R3 zones also.

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### Shop top housing in the R3 zone

Shop top housing refers to a home above retail or business premises. It is permitted in the Manly R3 zone, but not in the other R3 zones.



Corner shop in Howard Avenue, Dee Why R3 zone where shop top housing is not permitted



Shop in Crown Road, Queenscliff R3 zone where shop top housing is not permitted

Proposed approach



We will consult with the Department of Planning, Industry and Environment on the permissibility of shop top housing in the new R3 zone. We would only want to allow housing above existing shops and any future neighbourhood shops that are limited in the size of the retail floor space (either 80-100sqm). We will need to develop appropriate controls to ensure that built outcomes are compatible with the local context.



We are considering the potential to rezone existing shops in residential zones as B1 Neighbourhood Centres (see Priorities 22-27). This would prevent the loss of existing shops while also providing greater flexibility in permissible uses.

R5 Large Lot Residential

The R5 zone allows for residential housing in a rural setting. It is only used in the Pittwater LEP where it supports areas with a large minimum lot size of one dwelling per 20,000sqm in Elanora Heights, and one dwelling per 4,000sqm in Bayview.

Proposed approach



The use of the R5 zone will be considered in the context of technical studies including the Environmental Zones Review and strategic bush fire risk assessment. Due to its non-urban nature, it may be considered as a suitable zone for certain lots within the MRA and Future MRA Investigation Area.



As identified in the Local Housing Strategy, we propose prohibiting dual occupancies from areas outside of HDAs and CIAs.



### Floor space ratio controls for low-density residential development

Floor space ratio (FSR) is a development control used to control the size of a development relative to the size of the land upon which it is located. Defined as “the ratio of the gross floor area of all buildings within the site to the site area,” it is calculated by adding together the floor areas of all buildings on a site and dividing it by the site area. For example, a building with a floor area of 500sqm on a site of 1,000sqm has an FSR of 0.5:1.

The Department of Planning, Industry and Environment advises that FSR should generally only be used as a development control in:

- strategic centres nominated in the Region Plan and local strategic planning statements (e.g., business zones, R3 and R4 zones)
- specific local centres (towns, villages, and neighbourhoods) where increased densities are planned, or if density controls will have a beneficial impact concerning the economic value of the land
- where there is development pressure for taller buildings in sensitive locations (coastal and natural environments) but there is potential for environmental impacts
- certain growth areas where R3 Medium Density Residential and R4 High Density Residential zones apply

Currently, Warringah LEP uses FSR controls for development in Dee Why town centre only. Pittwater LEP uses it in the Industrial IN2 zone and the Business Park B7 zone, whereas Manly LEP uses it in all zones except recreational zones.

Our urban design study will inform decisions around appropriate development controls. The preliminary recommendation of that work is that FSR controls should only be used to control higher density developments, and they should not be used for dwelling houses or other low-rise development such as semi-detached dwellings.

Consistent with the Department's advice, and with current LEPs, other controls such as those around landscape areas and open space can be used to manage low density residential development.

### Proposed approach



We are seeking feedback on whether we should remove the FSR requirements for dwelling houses and semi-detached dwellings in the Manly LEP and to instead manage these developments through a range of other controls.



## Priority 16

### Access to quality social housing and affordable housing

There is a limited supply of social housing and affordable rental housing on the Northern Beaches. The NSW Government provides around 1,200 social housing dwellings in the LGA, most of which are single-person households.

#### Affordable housing

Our existing policies and plans identify the need for more affordable housing - social and affordable housing stock is at historically low levels, with wait times for public housing over five years, and median property prices and rents have increased so that they are now beyond the reach of many seeking to stay on the Northern Beaches.

Three SEPPs are in place to facilitate development of more diverse and affordable housing types: the Seniors SEPP, the Affordable Rental Housing SEPP and SEPP 70. The Department of Planning, Industry and Environment aims to bring these SEPPs into a single Housing SEPP to address:

- infill affordable housing which must be used for affordable housing for 10 years
- secondary dwellings
- boarding houses
- supportive accommodation
- residential flat buildings developed by social housing providers, public authorities and joint ventures with the Land and Housing Corporation (LAHC)
- residential development carried out by the LAHC
- group homes.

The new SEPP will also introduce new definitions for build to rent housing, student housing and co-living. These definitions will allow Council to take a more targeted approach to the delivery of these housing forms once the new SEPP is made.

#### Find out more

Visit [planning.nsw.gov.au](https://planning.nsw.gov.au) to read more about Seniors SEPP, the Affordable Rental Housing SEPP, SEPP 70 and the proposed Housing SEPP.

## Boarding houses

A boarding house is a building that provides lodgers with a principal place of residence for three months or more, often with shared facilities. Some may include rooms with private kitchen and bathroom facilities, that accommodate one or more lodgers.

Boarding houses are permitted within all residential zones under the Affordable Housing SEPP. Those in R2 zones can be no more than 12 rooms. The planned Housing SEPP proposes that councils can determine whether they should be permissible in the R2 zone.

## Proposed approach



The Local Housing Strategy recommends boarding houses be permissible in HDAs, specifically R2 zones within 400 metres of local centres (they are mandated as permitted in B1, B2 and B4 zones). They would be restricted to sites greater than 1,000 square metres with a maximum of 12 rooms and developed and maintained in perpetuity by a community housing provider.



The Local Housing Strategy recommends boarding houses be permissible in CIAs, specifically centres on the current and future B-Line bus routes (likely R3, R4 and B4 zones), and on sites of at least 1,000 square metres and with a maximum of 12 rooms. Parking requirements would to be reviewed to reduce requirements for boarding houses in CIAs in accessible locations (such as core areas and mixed housing areas).



We are seeking feedback on whether we should incentivise this form of housing further in some locations such as existing centres.

Secondary dwellings

Secondary dwellings, better known as granny flats, are permitted in a range of zones under current LEPs subject to certain maximum total floor area and height restrictions. For example:

- Manly LEP, within the R1, R2, R3, E3, E4 zones.  
The size is limited to 60sqm or 30% of total floor area of principal dwelling, whichever is greater. If attached, secondary dwellings may be 75sqm. In relation to the E3 and E4 zones the secondary dwelling must be located entirely within an existing principal dwelling.
- Warringah LEP, within the R2 and R3 zones.  
The size is limited to 60sqm or 11% of total floor area of principal dwelling, whichever is greater. If attached, secondary dwellings may be 75sqm.
- Pittwater LEP, within the R2, R3, R5, E4 zones.  
The size is limited 60sqm or 25% of total floor area of principal dwelling, whichever is greater. Secondary dwellings are permitted in the RU2 zone however they are not restricted in size. Detached secondary dwellings are limited to 5.5m in height.

Secondary dwellings may be built according to built form controls within the Affordable Rental Housing SEPP. Where this does not apply, granny flats are subject to a development assessment by Council against local LEP and DCP controls.

As part of the State Government's Housing-Related Policy Reform package, the Department of Planning, Industry and Environment amended the NSW Standard Instrument (LEP) Order in December 2020. As part of these amendments, the controls limiting the size of secondary dwellings in rural zones were removed. In May 2021, Council resolved to advise the Department of Planning, Industry and Environment to reinstate controls relating to secondary dwellings on rural lands, including a limit of either 60sqm or 25% of the total floor area of the principle dwelling, whichever is greater.

Proposed approach



Outcomes from the various studies may address whether secondary dwellings are suitable in certain zones, such as rural and environmental zones, due to issues such as bush fire, and whether we should limit these developments to address issues such as evacuation. In some areas, secondary dwellings may be restricted to attached forms to maintain local character and reduce environmental impacts such as land clearing.



We seek your comment on the effectiveness of the current controls for secondary dwellings and whether a larger floor area should be supported for certain areas.



### Group homes

A group home is residential accommodation occupied by people as a single household with or without paid supervision or care. It provides permanent household accommodation for people with a disability or people who are socially disadvantaged.

Group homes are mandated as permitted in residential zones. The Manly LEP also permits Group homes in the B1 and B2 zones.

### Proposed approach



We propose to permit group homes in the new B1, B2 and B4 zones (in the form of shop top housing).

### Hostels

Hostels are generally staffed by social workers or support providers and at which accommodation is provided in dormitories, or on a single or shared basis. They are required in a range of locations to ensure affordability for service providers and safety for occupants from harassment or other threats.

Hostels as defined under the Standard Instrument are not currently permitted anywhere in Warringah

or Pittwater LEPs but are permitted in the R1, R2, R3, B1 and B2 zones under the Manly LEP. However, developments similar to hostels are permitted in some areas under relevant SEPPs. For example, the Affordable Rental Housing SEPP permits 'supportive accommodation' within a boarding house or residential flat buildings, while the Seniors SEPP permits hostels associated with aged care in R1, R3 and B4 zones.

### Proposed approach



We propose to permit hostels in the new R3, B1, B2 and B4 zones to align with the permissibility of the various SEPPs. We will also look to permit hostels where boarding houses are permitted within HDAs.

### Seniors housing

Under the Seniors SEPP, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors (people over 55) or people with a disability and includes:

- residential care facilities (high-care accommodation with onsite services)
- hostels (low-care accommodation with onsite services)
- self-contained dwellings (serviced self-care housing)
- self-contained dwellings (un-serviced in-fill self-care housing)
- a combination of the above.

Demand for seniors housing will increase as the population continues to age.

The Seniors SEPP facilitates new seniors housing development by identifying areas where it is permitted and establishing planning requirements for that housing, often overriding Council's requirements. Seniors housing is broadly permitted under the SEPP in all residential zones, some business zones, non-urban zones and rural zones adjoining urban areas, and the E4 Environmental Living zone.

The SEPP has led to development in areas away from centres and in rural areas (where land is cheaper), and to building outcomes that are not consistent with the character of existing development.

**Table 18**

Permissible zones under Northern Beaches LEPs for seniors housing under the SEPP (source, Local Housing Strategy).

Manly LEP	Pittwater LEP	Warringah LEP
R1 General Residential	-	-
R2 Low Density Residential	R2 Low Density Residential	R2 Low Density Residential
R3 Medium Density Residential	R3 Medium Density Residential	R3 Medium Density Residential
-	R5 Large Lot Residential (adjacent to urban use zones)	-
B1 Neighbourhood Centre	B1 Neighbourhood Centre	B1 Neighbourhood Centre
B2 Local Centre	B2 Local Centre	B2 Local Centre
	B3 Commercial Core	
	B4 Mixed Use	B4 Mixed Use
E4 Environmental Living	E4 Environmental Living	E4 Environmental Living
-	RU2 Rural Landscape (adjacent to urban use zones)	-
-	-	RU4 Primary Production Small Lots (adjacent to urban use zones)

### Proposed approach



The Local Housing Strategy suggests seeking exemption from the Seniors SEPP based on concentrating seniors development in HDAs and in CIAs on lots greater than 1,000sqm, and on the redevelopment of existing seniors development sites at higher densities. Seniors housing would be prohibited from other low density (R2 zone) and rural areas but continue to be permitted in business zones and in medium density residential zones (R1 and R3 zones).



## Great places

The Northern Beaches is a great place to live – we want to retain this by celebrating its special local characteristics and qualities.

### Priorities

#### Priority 17

Centres and neighbourhoods designed to reflect local character and lifestyle and demographic changes

#### Priority 18

Protected, conserved and celebrated heritage

### Setting the scene

- LEP and DCP controls directly regulate built form and provide standards to maximise amenity for future occupants and minimise impacts on neighbours.
- SEPP 65 and the accompanying Apartment Design Guide outline a range of amenity requirements for new residential flat buildings and shop top housing.
- The Design and Place SEPP is being prepared by the Department of Planning, Industry and Environment.
- The NSW Land and Environment Court decisions establish planning principles which must be considered in making a planning decision.
- A range of other legislation applies to amenity issues such as noise and air quality/odours.

Several technical studies will guide how the planning framework can help to shape great places. These include the local character study, urban design study and Local Housing Strategy.

The Department of Planning, Industry and Environment has developed a Local Character and Place Guideline and drafted a local character overlay and draft local character clause potentially allowing councils to insert a reference to local character into LEPs via a local character statement and map. Visit [planning.nsw.gov.au](http://planning.nsw.gov.au) to find out more.





## Priority 17

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### Centres and neighbourhoods designed to reflect local character and lifestyle and demographic changes

The Northern Beaches offers a broad collection of places, each with their own unique and special character. The LGA's five strategic centres, nine local centres and smaller neighbourhood centres, combined with the neighbourhoods that surround them all differ, supporting a mix of higher-density living to lower density suburban residential areas, and non-urban areas, each within an extraordinary natural environment.

**Character** is what makes a neighbourhood distinctive and is the identity of a place. It is influenced by buildings, landscaping and natural features and also by the people who live or work in an area and the type of uses carried on within an area. For example, a residential area has a different character to a commercial or industrial area.

**Place** is the layout, division and built form of built environments – its patterns, landscape, density, development, land use and mix, these aspects set the groundwork for places to flourish.

We can seek to include local character statements and/or desired future character statements within planning controls to identify the characteristics of a certain areas, including which characteristics should be retained or enhanced and which should be changed.

Pittwater DCP includes desired future character statements for different suburbs, as well as controls for individual localities relating to building bulk and scale and landscaping.

Manly DCP includes controls to improve both streetscape (residential) and town scape (commercial) areas.

Warringah LEP 2000 (Deferred lands) contains 'desired future character statements' for Locality B2 Oxford Falls Valley and Locality C8 Belrose North whilst Warringah LEP has specific controls for the Dee Why Town Centre

We will use the local character study to determine whether to seek NSW Government approval to include local character areas in the new LEP and/ or determine whether to include local character statements in the new DCP.

Provisions to create and manage great places

Built form controls

Built form controls guide the size and shape of a building and how a building is sited on an individual property. They include things like maximum building heights, density controls or floor space ratio, minimum setbacks, building envelopes, maximum site coverage, and minimum landscape area requirements.

Proposed approach



Given the range of differences across the existing LEPs and DCPs we commissioned an urban design study to review current built form controls and provide recommended solutions for the LGA, having regard to local character and place.

From this, we propose to develop a more consistent and up-to-date to building controls, taking into account local character where required.

Amenity impacts

When assessing a development application, we must consider amenity impacts, such as how a development will impact nearby properties in terms of sunlight, privacy, shadowing, noise, vibration, ventilation, glare and reflection or air quality and odours.

We also consider whether occupants of new buildings will have access to natural daylight, sunlight and ventilation and sufficiently sized private open spaces (such as balconies) and storage areas, particularly in apartment buildings.

If a new development will have a negative impact on neighbours, or will not provide adequate amenity to future occupants, we can look at what changes can be made to negate or minimise the impact and achieve a better outcome; however, if the impacts are considered too great, we may have to refuse the development application.

Most DCPs cover the main amenity considerations of privacy, overshadowing, and noise. However, not all DCPs capture natural ventilation, glare, reflection and air quality or odour.

## Proposed approach



The new DCP will include amenity controls relating to noise and vibration; solar access; visual privacy; natural ventilation (with efficiency controls); glare and reflection; and air quality and odours. Additional controls relating to late night trading venues and the night-time economy will also be prepared, noting the potential for negative amenity impacts for these types of development.

In developing these controls, we will engage with the Design and Sustainability Advisory Panel, comprising experts in urban design and environmental sustainability to assess and provide advice on the suitability of proposed built form controls across the LGA.

### Design excellence

Planning controls identify considerations in the design and assessment of new buildings or external alterations. There are provisions for design excellence in Manly and Warringah LEPs; in Manly, they apply to land zoned B2 Local Centre (Manly, Balgowlah and Seaforth) and in Warringah, to B4 Mixed Use (Dee Why Town Centre).

Both clauses require that development involving the erection of a new building or external alterations to an existing building in these locations must exhibit design excellence

#### Find out more

- Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to read the Manly LEP design excellence considerations.
- Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to read the Warringah LEP design excellence considerations.

## Proposed approach



We propose consolidating the design excellence provisions for Dee Why, Manly, Balgowlah and Seaforth and consider opportunities to introduce design excellence to other areas, including centres, employment lands, residential areas and community precincts. This consolidation will consider issues around:

- form, bulk, massing and external appearance
- whether a high standard of architectural design, materials and detailing will be achieved
- sustainable design principles
- the configuration and design of communal areas
- interfaces with surrounding streets and public areas
- whether the development minimises overshadowing of public open spaces
- whether a development is sympathetic to its setting
- whether the development protects and enhances the natural environment,
- how design excellence will be carried through to completion.

We will also consider whether additional design requirements should apply to developments of a certain value or development type e.g., design competitions.

### Active street frontages

The phrase 'active street frontage' describes the requirement for developments to include uses such as shops or services at street level. These are the uses that will encourage people to engage with the street – such as cafes or shop window displays.

Active street frontage provisions generally apply in business zones, such as local and neighbourhood centres and larger strategic centres. These areas provide retail and other services to activate street frontages, and further limit housing to locations above ground level in the same manner as shop top housing. In the absence of provisions for active frontage, residential development would be allowed on the ground level.

Warringah LEP contains clauses relating to Dee Why Town Centre that seek to establish a mix of ground floor retail. Manly LEP contains an active street frontage clause that applies to Manly, Balgowlah and Seaforth, which seeks to 'promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre'. The relevant areas are mapped on the Active Street Frontages Map. In the Manly DCP the Townscape Principles Map for each centre identifies significant existing and potential pedestrian links and other areas where active street frontages may not be encouraged such as delivery areas.

For all LEPs, housing is limited to shop top housing in most neighbourhood and local centres.

We want to further encourage active street frontages in more centres. However, in some circumstances, an active street frontage may not be appropriate – such as a site on the fringe of a neighbourhood or local centre that fronts low density residential housing or a service lane where deliveries, garbage collection etc. conflicts with pedestrian traffic.

Shop top housing is currently defined as 'above retail or business premises'. This limits opportunities for a wider range of active street-level uses, such as community facilities. We will advocate to the Department of Planning, Industry and Environment to change the definition of shop top housing to permit housing above community facilities. If this cannot be achieved, we will consider permitting residential flat buildings in larger centres (e.g., B2 and B4 zones), subject to specific requirements and LEP provisions for active street frontages.

### Proposed approach



We propose to continue the operation of active street frontages currently identified for Manly, Balgowlah, Seaforth and Dee Why. We will either introduce active frontage provisions for local and mixed use centres generally or selectively stage wider application, firstly to Avalon Beach, Newport, North Narrabeen, Narrabeen, Collaroy, the Strand at Dee Why, Forestville and Manly Vale.



We are proposing more detailed controls around the design of centres to make them more pedestrian friendly and amenable including the provision of continuous awnings.



### Public art in private developments

New development can contribute to and enhance the public domain and local character with artwork and art-based activities on private land that interface with public areas.

With the exception of Dee Why Town Centre and specific sites such as Warringah Mall, we do not broadly include requirements for public art in private developments. However, we've seen these requirements used in other DCPs, such as those in the City of Sydney, City of Parramatta, Randwick, Leichhardt and Waverley.

### Proposed approach

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We propose controls within the DCP to require development with an estimated construction costs greater than or equal to \$5 million in centres zoned B2, B3 or B4, and some residential areas, to provide a public art plan with the development application. A public art plan may also be requested if an industrial or commercial development will result in clearly visible large blank walls as viewed from a public place.

Public art plans must outline the proposed public art that could be included within building facades/walls, front setback areas and gardens, main entrances, lobbies, forecourts, walkways, roof tops or similar. The art must be relevant to its location and enhance a sense of place or the distinctive identity of the area. We will provide guidelines to support the development of plans and our Public Art Coordinator would also assist.

The artworks could be integrated as lighting, paving or seating, such that it can be incorporated into building design, materials or finishes rather than be an additional cost to the development.

All public art would remain on privately owned land and be managed by the private landowner in agreement with the relevant artist.

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### Signage

For each zone in the Northern Beaches LEP, we must determine whether to prohibit signage or permit signage with or without consent. Under the Standard Instrument, signage refers to advertising structures, building identification signs or business identification signs. Currently, existing LEPs provide an inconsistent approach. For example:

- **Advertising structures:** are permitted with consent in the B1, B2, B6, zones in the Manly LEP, the B1, B2, B4, B6, B7, IN2, IN4, RE1, RE2 and W2 zones in the Pittwater LEP, and no zones in the Warringah LEP
- **Building identification signs:** are generally permitted with or without consent in most zones except the W1 and E2 zones in all LEPs, the SP1, SP2, E3 and E4 zone in the Manly LEP, the SP3 zone in the Pittwater LEP and the SP1 and SP2 zone in the Warringah LEP
- **Business identification signs:** are generally permitted with consent in all zones except the E2 and W1 zones for all LEPs, the SP1, SP2, E3 and E4 zones in the Manly LEP, the SP3 zone in the Pittwater LEP and the SP1 and SP2 zones for the Warringah LEP.

Certain signage is also listed as exempt in the Manly and Warringah LEPs. Signage is also controlled by SEPP 64 and the Codes SEPP.

### Proposed approach



We will undertake a review of exempt signage and consult with the Department of Planning, Industry and Environment to rationalise permitted signage land uses between the Advertising SEPP, Codes SEPP and the new LEP. We seek to provide a consistent approach and ensure signage is of high quality design and suits the desired amenity and visual character of an area, and does not present a hazard. We must also ensure our approach does not unnecessarily restrict economic opportunities for businesses. In the case of public infrastructure, we must ensure we can permit advertising that funds improved public transport facilities, such as advertising on bus shelters.



## Priority 18

### Protected, conserved and celebrated heritage

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Retention of heritage items and places provides a tangible reflection of and connection to the past. Our management approaches aim to maintain the culture and significant elements of heritage-listed places.

#### Setting the scene

Heritage is generally dealt with in the current planning framework by:

- standard LEP clauses to protect Aboriginal heritage and listed non-Aboriginal heritage
- mapping and listings of heritage items, heritage conservation areas and archaeological sites within an LEP.

In terms of DCP controls:

- Manly and Pittwater DCPs include controls relating to heritage items and heritage conservation areas
- Only Pittwater DCP includes controls relating to Aboriginal heritage significance
- Warringah DCP does not include any requirements relating to Aboriginal or non-Aboriginal heritage
- Pittwater DCP includes a detailed Appendix document which provides further guidance with respect to heritage items, heritage, conservation areas, landscape items, archaeological sites and aboriginal heritage.

Our decisions around heritage are also guided by:

- Warringah Aboriginal Site Management Plan 2014
- Northern Beaches Council Potential Aboriginal Areas Report 2019.

#### Aboriginal heritage

Aboriginal objects and Aboriginal Places of Heritage Significance reflect the historic occupation of the land by Aboriginal people. These objects and places are often associated with natural features.

Aboriginal objects and Aboriginal Places of Heritage Significance, including archaeological sites are protected in NSW primarily by the National Parks and Wildlife Act 1974. Rather than relying on lists within Council's planning controls, this legislation provides blanket protection for these places whether they have been formally identified or not.

Heritage NSW maintains the 'Aboriginal Heritage Information Management System' (AHIMS) which contains information on more than 100,000 recorded sites and more than 14,000 archaeological and cultural heritage assessment reports.

While many Aboriginal objects and Aboriginal Places of Heritage Significance have been identified there are many that are not known.

Aboriginal site data is confidential and therefore cannot be listed on LEPs unless a particular site has been heritage listed or there has been agreement between Aboriginal community and the NSW Government. This creates a problem as the LEP structure suggests significant items will be listed but Aboriginal sites are not. This reinforces the importance of articulating the due diligence approach in the National Parks and Wildlife Act 1974 and ensuring recorded sites and sensitive areas are picked up in the development assessment process.

No current LEPs specifically list 'Aboriginal objects' or 'Aboriginal places of heritage significance'. Individual listing is not required as they are captured by other legislation and AHIMS. Listing is also limited as not all sites are 'known'. Furthermore, of the known sites, publication is limited to protect such sites.

Currently Pittwater DCP includes specific controls relating to Aboriginal heritage significance, including within its Appendix document.

Proposed approach



Due to the need to protect the location of known Aboriginal sites we do not propose to list any known Aboriginal sites. Future revisions of the LEP may consider integration with the Government Architect NSW's Connecting with Country Draft Framework to better recognise and protect significant places.



We propose DCP controls with respect to 'Aboriginal Heritage Significance' that will be specific to matters for consideration during a development application process to ensure any potential unidentified aboriginal objects or sites are recognised and protected.

Find out more

Visit [governmentarchitect.nsw.gov.au](http://governmentarchitect.nsw.gov.au) to read more about the Connecting with Country Draft Framework.

Non-Aboriginal heritage

Non-Aboriginal heritage reflects different periods of European occupation of Australia since 1788 and usually includes buildings, structures or trees, but can also include landscape areas and archaeological sites. Councils often also list broader areas or groupings with similar heritage value together, and these are often termed heritage conservation areas.

Local heritage listings are places that are significant in the context of a local area based on how they contribute to an area's sense of place, or reflect local history or a significant person.

Proposed approach



We propose a consolidated list of heritage items, heritage conservation areas and archaeological sites with one corresponding map. We will also review the accuracy of listings and their mapping.

Within the Warringah LEP, many of the listed heritage conservation areas are single items. We will investigate whether these areas are more appropriate as individual landscape items.

No new listings will be added as part of this initial new LEP process. However some group items may be separated into individual items.



We propose one set of DCP controls for heritage items and archaeological sites, including controls for ancillary development such as fencing or signage. We are reviewing the existing controls for Manly Town Centre and Manly Pittwater Road heritage conservation areas. We will also update controls for the other heritage conservation areas and consider potential mapping of contributory and non-contributory items in conservation areas.











# Productivity





Connectivity

Access into and out of the Northern Beaches, particularly by public transport, is limited in most areas. This means many residents are left with little alternative but to use cars.

Priorities

<b>Priority 19</b> Frequent and efficient regional public transport connections	<b>Priority 20</b> Sustainable local transport networks	<b>Priority 21</b> Redesigned road space and facilities to match changing community needs
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Setting the scene

- Planning for transport issues is undertaken at State level in Future Transport 2056, which aligns with the Greater Sydney Region Plan and State Infrastructure Strategy 2018-2038.
- Transport planning at a local level is guided by the Northern Beaches Transport Strategy – MOVE and Towards 2040.
- We will prepare a land use and infrastructure implementation plan for the LGA.
- The LEP only manages transport in some circumstances as the Infrastructure SEPP often controls transport infrastructure over and above the LEP.
- The DCP contains provisions for traffic and parking, including car parking rates and provisions for loading and unloading vehicles.
- Private developments must also reference NSW Government guides and manuals including the Guide to Traffic Generating Developments at [rms.nsw.gov.au](https://rms.nsw.gov.au).







## Priority 20

### Sustainable local transport networks

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This chapter is focused on car parking and sustainable transport. See Priority 9 for discussion on transport related infrastructure.

#### Car parking and sustainable transport

Towards 2040 recognises that with limited public transport services in the Northern Beaches, many people rely on their cars. If we're to encourage people to choose a more sustainable option than their car, we need make it easier for people to find alternatives.

Sustainable transport measures proposed for new development include requirements for bicycle parking and end of trip facilities; car share; electric vehicle charging and green travel plans.

#### Car share

Car share refers to a member-based service where vehicles can be accessed for a fee (usually an hourly rate). When car share is utilised it may influence the user's need to buy their own car (or second car). They may even choose to sell their existing car, reducing traffic congestion and car parking demand.

The ease and availability of car share and associated cost will influence whether people choose to use it. While many car share schemes are available, they could be set up privately within a new development.

At present we only require car share parking spaces to be provided for new development within Dee Why town centre.

#### Proposed approach



We are investigating a requirement for car share spaces to be provided within a range of new developments across the LGA.

**Electric vehicles**

Our planning controls need to accommodate current and future demand for electric vehicle charging. We currently only require electric vehicle charging points in certain new developments within Dee Why town centre.

**Proposed approach**



We're investigating requirements for both fast and slow vehicle charging in new developments. The intention would be for all new buildings, including single dwellings, to have access to appropriate power supply for electric vehicles. Fast charge electric charging is also being investigated for vehicles such as electric bicycles, electric motorcycles and electric mobility scooters.

**Green travel plans**

A Green Travel Plan sets out an organisation's commitment to encourage use of sustainable transport options by their employees, students or customers, through car pooling, public transport, walking or cycling. It includes elements like the provision of bicycle storage and showers.

**Proposed approach**



We will require a Green Travel Plan for new developments that have many people travelling to them each day. This might include large workplaces, schools, universities or other education facilities, or even shopping centres and community facilities.

### Bicycle parking and end of trip facilities

If we are going to encourage people to ride bicycles, particularly for longer distances, we need to make sure there are places to safely store bicycles and somewhere to shower or change when the destination is reached.

We already require bicycle parking to be provided for most development types. Warringah DCP also currently requires end of trip facilities in certain developments.

### Proposed approach



We are proposing some changes to bicycle parking to improve consistency. We are also proposing to require end of trip facilities for all new non-residential uses to be provided at the rate of one shower/toilet per first required five bicycle parking spaces, plus one additional shower/toilet per 10 additional spaces.

### Car parking provision

Our planning controls include a requirement to provide a prescribed number of car parking spaces within new developments, for example, a new dwelling house is generally required to provide two car parking spaces.

Parking requirements across the three DCPs differ for the same form of development.

### Proposed approach



We're proposing a set of parking rates for the LGA that are consistent. This includes rates for accessible parking spaces as discussed under Priority 10.

**Maximum parking rates in strategic centres**

Encouraging people to visit local shops and restaurants on public transport while encouraging occupants of new buildings to reduce car ownership will help to limit congestion. Our Move – Northern Beaches Transport Strategy 2038 aims to shift trips to walking, cycling, public transport and car share.

**Proposed approach**

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Within Strategic Centres we propose to introduce maximum parking requirements. We need to reduce further traffic or parking demand in these centres as the local road network cannot accommodate additional cars.



We are seeking feedback on reduced parking rates for new developments in strategic centres.



We will consider feedback from this Discussion Paper with our sustainability consultants to identify suitable parking rates for a particular area based on local details such as rates of car ownership, public transport accessibility and car share rates.

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## Jobs and skills

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Well-planned strategic centres stimulate economic activity, provide jobs closer to home and use infrastructure more efficiently, while local centres are essential for the local population to access goods and services.

### Priorities

<b>Priority 22</b> Jobs that match the skills and needs of the community	<b>Priority 20</b> Frenchs Forest as a sustainable health and education precinct	<b>Priority 24</b> Brookvale as an employment and innovation centre
<b>Priority 25</b> Dee Why as a thriving cosmopolitan centre by the sea	<b>Priority 26</b> Manly as Sydney's premier seaside destination	<b>Priority 27</b> Mona Vale as the contemporary, urban heart of the north
<b>Priority 28</b> Safeguarded employment lands	<b>Priority 29</b> A thriving, sustainable tourism economy	<b>Priority 30</b> A diverse night-time economy

### Setting the scene

- This section references recommendations from employment study investigations. A draft employment study will be finalised for further consideration. The 2019 background report is available at [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au).
- The Local Housing Strategy identifies centres where new residential growth requires new floor space for population-serving businesses, or social places such as restaurants and cafes. The Local Housing Strategy can be viewed at [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au).
- In March 2021 the Department of Planning, Industry and Environment released a reform package which proposes a reduction in business and industrial zones, increased flexibility for permitted land uses and a greater range of complying development. Visit [planning.nsw.gov.au](https://planning.nsw.gov.au) for more information.



### Town centres and associated development

The Town Centre zones in use in the Northern Beaches are:

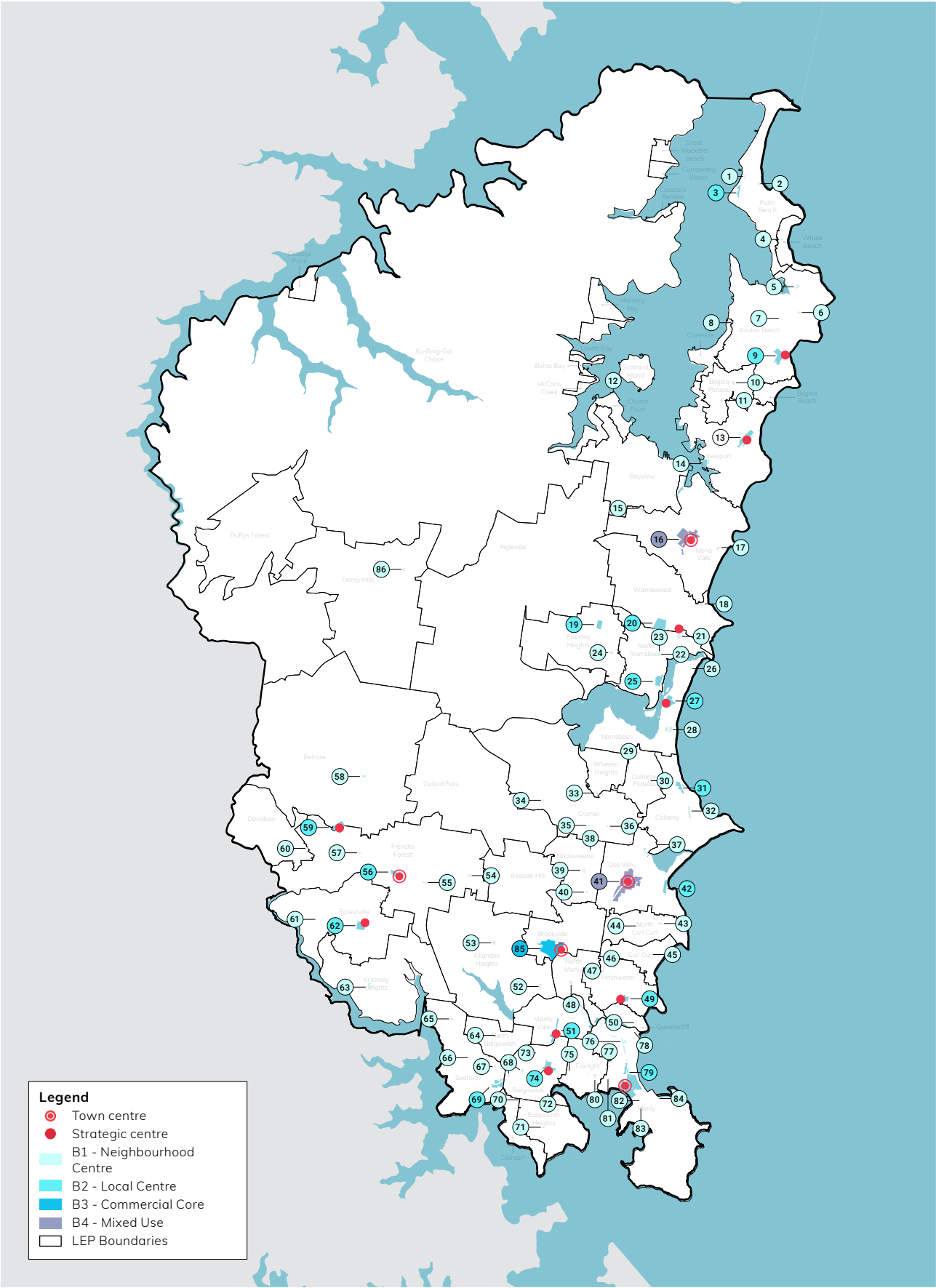
- **B1 Neighbourhood Centre** permits a limited range of small-scale convenience retail premises, business premises, medical centres and community uses, as well as shop top housing.
- **B2 Local Centre** permits a broader range of commercial, civic, cultural and residential uses. Shop top housing is permitted along with educational establishments, entertainment facilities, function centres, information and education facilities, office premises and tourist and visitor accommodation.
- **B3 Commercial Core** is for major centres that provide a range of business uses but generally prohibits residential use. Warringah Mall is the only centre in the Northern Beaches with this zone.
- **B4 Mixed Use** permits a commercial, residential, tourist and visitor and community land uses. Residential development contributes to a lively retail or service centre, as we see in Dee Why.

The Northern Beaches contains 84 town centres, ranging from larger mixed use town centres (Mona Vale and Dee Why), to 18 local centres and 63 neighbourhood centres. These centres cater to a broad range of needs from convenience and destination shopping through to entertainment and night-time economy.

The strategic centres identified in the North District Plan are Frenchs Forest, Brookvale-Dee Why (which we plan for as two discrete centres), Manly and Mona Vale. These are subject to employment growth targets, recognising the benefits of employment in accessible locations.



Map 14  
Northern Beaches town centre zones for neighbourhood centres, local centres, commercial core and mixed use





- 
- |                                                        |                                                            |                                                                   |
|--------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------|
| 1. B1 Palm Beach Wharf                                 | 30. B1 Aubreen Street                                      | 59. B2 Glenrose shopping area and theatre, Glen Street            |
| 2. B1 Ocean Road                                       | 31. B2 Pittwater Road                                      | 60. B1 Yindela Street                                             |
| 3. B2 Iluka Road                                       | 32. B1 Pittwater Road                                      | 61. B1 Cnr Arthur Street & Duke Street                            |
| 4. B1 Whale Beach Road                                 | 33. B1 Wheeler Heights                                     | 62. B2 The Centre                                                 |
| 5. B1 Cnr Barrenjoey Road & Careel Head Road           | 34. B1 Truman Avenue                                       | 63. B1 Tramore Place                                              |
| 6. B1 North Avalon Road                                | 35. B1 Carawa Road                                         | 64. B1 Woodbine Street                                            |
| 7. B1 Elvina Avenue                                    | 36. B1 Fisher Road North & Carawa Road                     | 65. B1 Burnt Street                                               |
| 8. B1 Hilltop Road                                     | 37. B1 South Creek Road East                               | 66. B1 Montauban Avenue                                           |
| 9. B2 Avalon                                           | 38. B1 Rayner Road                                         | 67. B1 Cnr Frenchs Forest Road & Brook Street                     |
| 10. B1 Bilambee Avenue                                 | 39. B1 Alfred Street                                       | 68. B1 Sydney Road (Burnt Bridge creek Deviation - Wanganella St) |
| 11. B1 Plateau Road                                    | 40. B1 May Road                                            | 69. B2 Seaforth                                                   |
| 12. B1 McCarrs Creek Road                              | 41. B4 Dee Why                                             | 70. B1 Beatrice Street                                            |
| 13. B2 Newport                                         | 42. B2 Dee Why - Strand                                    | 71. B1 Dobroyd Road                                               |
| 14. B1,B2 Kalinya Street                               | 43. B1 Cnr Griffin Road & Pitt Road                        | 72. B1 Lower Beach Street                                         |
| 15. B1 Parkland Road                                   | 44. B1 Pitt Road                                           | 73. B1 Lodge Street & West Street                                 |
| 16. B4 Mona Vale                                       | 45. B1 Adams Street                                        | 74. B2 Balgowlah                                                  |
| 17. B1 Darley Street East                              | 46. B1 Brighton Street                                     | 75. B1 Sydney Road (Austin Street - Hill Street)                  |
| 18. B1 Warriewood Beach, Narrabeen Park Parade         | 47. B1 Harbord Road                                        | 76. B1,B2 Pittwater Road (from Raglan Street - Balgowlah Road)    |
| 19. B2 Kalang Road                                     | 48. B1 Corrie Road                                         | 77. B1 Augusta Road & Birkeley Road                               |
| 20. B2 Warriewood Square, Jacksons Road                | 49. B2 Freshwater Village                                  | 78. B1 Cnr Collingwood Street & Bridge Road                       |
| 21. B1 Pittwater Road (Berry Avenue - Walsh Street)    | 50. B1 Bridge Road                                         | 79. B2 Manly                                                      |
| 22. B1 Garden Street                                   | 51. B2 Manly Vale                                          | 80. B1 Fairlight                                                  |
| 23. B1 Powderworks Road                                | 52. B1 Kentwell Road                                       | 81. B1 Sydney Road & George Street                                |
| 24. B1 Elanora Road                                    | 53. B1 Allambie Road                                       | 82. B1 Darley Street & Cliff Street                               |
| 25. B2 Pittwater Road (Windsor Parade - Nareen Parade) | 54. B1 Skyline Shops, Frenchs Forest Road East             | 83. B1 Addison Road                                               |
| 26. B1 Ocean Street                                    | 55. B1 Warringah Road & Bantry Bay Road                    | 84. B1 Bower Lane                                                 |
| 27. B2 Pittwater Road                                  | 56. B2 Frenchs Forest / Northern Beaches Hospital Precinct | 85. B3 Warringah Mall                                             |
| 28. B1 Sands Precinct                                  | 57. B1 Sorlie Road                                         | 86. B1 Terrey Hills                                               |
| 29. B1 Veterans Parade                                 | 58. B1 Ralston Road                                        |                                                                   |
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**Table 19**  
Job targets from North District Plan

Centre	2016 jobs	2036 target	Industries
Frenchs Forest	9,300	13,300	Health
Brookvale-Dee Why	20,000	23,000 – 26,000	Industrial, urban services, retail
Manly	5,000	6,000 – 6,500	Retail with tourism focus
Mona Vale	4,300	5,000 – 6,000	Retail, commercial, light industrial

Employment activity is not limited to town centres, with large clusters of activity in Brookvale's Industrial area and Frenchs Forest business park. Further, the nature and location of many jobs are changing, especially the rise of online business models and work-from-home arrangements. Despite this, the strategic centres provide the best opportunities to accommodate future employment growth.

Population-serving employment is expected to see the strongest growth alongside healthcare and social assistance employment. Retail and commercial activity is suited to town centre locations. We will seek to encourage clusters of this activity in more accessible locations. Mona Vale will continue to be a hub for people in the LGA's north, while Frenchs Forest will evolve into a health-related town centre.

Employment opportunities on the Northern Beaches are limited for professional workers with many commuting to Sydney CBD, North Sydney and Ryde. The high rate of small businesses in the LGA is understood to be a result of mid to late career professionals seeking independence and the local lifestyle. With the capital, industry contacts and skillsets, these businesses could be a foundation for high skilled employment opportunities.

Brookvale provides the largest concentration of employment and businesses in the LGA, including at Warringah Mall and the largest industrial area (85 ha) in the North District. With the third highest commercial office rents in the Northern Beaches (after Manly and Balgowlah), and the highest level of transport connectivity, Brookvale can be a focus for high skilled employment and livelihood opportunities. This is already demonstrated at Brookvale's Lifestyle Working Building, where high quality, small and flexible floor space is key. A central core of commercial activity co-located with regional level social infrastructure will help to complement the convenience and entertainment functions of Warringah Mall.

Commercial office demand is dispersed across the Northern Beaches and broadly aligned with existing clusters. Focusing on the needs of the market and providing high amenity can attract demand for commercial office space from Dee Why, Balgowlah and Manly to Brookvale.

#### **B1 Neighbourhood Centre**

Neighbourhood centres perform an important function within neighbourhoods and support Towards 2040 Priority 12 for an inclusive, safe and socially connected community. Of the 63 neighbourhoods with a B1 zoning, ten are small and may only include a few single shops, mainly in Manly, with some in Pittwater.

The range of permitted uses focuses on small retail and services. There are differences in the range of permissible uses in this zone across the three current LEPs, for example:

- Warringah and Manly LEPs permit office premises but the Pittwater LEP does not.
- The Warringah LEP permits small bars but the Manly and Pittwater LEPs do not.
- The Warringah LEP permits restricted premises and mortuaries but Manly and Pittwater LEPs do not.

#### Explainer: Employment Zones Reform

Our analysis and recommendations for business and industrial zones are based on the employment study investigations and existing Standard Instrument zones. They will be reviewed with respect to the draft reforms and community feedback from this Discussion Paper.

Visit [planning.nsw.gov.au](https://planning.nsw.gov.au) for more information.

#### Proposed approach



Will retain the existing B1 centres.



We propose amending the zone objectives to encourage pedestrian safety, social interaction, creative and cultural pursuits.



Our proposed approach to resolving current land use differences is summarised in Table 20. We propose to consolidate permitted uses and adopt a closed zone approach prohibiting farm buildings, restricted premises, warehouse or distribution centres, local distribution premises, truck depots, boat launching ramps, exhibition homes and mortuaries. These uses are currently permitted with consent by default under Warringah LEP's open zone approach.



We seek your feedback as to whether we should rezone existing shops in residential areas as B1 (see Priority 15). This would ensure existing shops would not be replaced by residential redevelopment. It would allow for a greater range of permissible uses and shop top housing.

**Table 20**

B1 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P	W	M	NB	Proposed approach
farm buildings**					Prohibit as this use is inconsistent with zone objectives.
group homes (transitional and permanent) and hostels					Permit within a 'shop top housing' built form. Active frontage provisions will ensure mixed use buildings.
office premises					Permit in line with Manly and Warringah. Active frontage provisions will require offices above street level or in lower foot traffic positions.
small bars					Permit to align with Warringah and provide greater flexibility to promote economic recovery.
kiosks					Permit in line with Pittwater and Manly.
markets					Permit in line with Pittwater and Manly.
restricted premises**					Prohibit in line with Pittwater and Manly and zone objectives. This use is permitted in larger centres including B2, B3 and B4 under standard instrument.
service stations					Prohibit to align with Pittwater and Warringah.
warehouse or distribution centres and local distribution premises**					Prohibit in line with zone objectives and to protect active street frontages. Note that ecommerce related 'click and collect' services can occur as an ancillary use.
car parks					Permit to support transport infrastructure.
truck depots**					Prohibit in line with Pittwater and Manly and zone objectives.
home-based child care		w/o	w/o	w/o	Permit without consent. Permitted under Education SEPP. Sector regulated outside DA process.
school-based child care					Permit to align with Education SEPP which permits educational facilities in this zone.
information and education facilities					Permit to facilitate creative industry / social infrastructure.



**Table 20 (continued)**

B1 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

places of public worship					Permit to facilitate social infrastructure.
boat launching ramps**					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
environmental facilities					Prohibit noting that this use is intended for natural environment settings.
recreation facilities (indoor)					Permit to encourage gyms within walking distance of home.
exhibition homes**					Prohibit in line with Manly and Pittwater and zone objectives.
mortuaries**					Prohibit in line with Manly and Pittwater and zone objectives.

\* Health services facilities, emergency services facilities, public administration buildings and flood mitigation works are discussed in Priority 9.

\*\* Warringah LEP permitted this use by default under open zone approach.

**B2 Local Centre**

Eighteen precincts have a B2 local centre zone; of these, nine are recognised as local centres by the Greater Sydney Commission (identified in bold below). The range of uses permitted in B2 is broader than the B1 zone and a greater range of retail premises, along with entertainment and evening economy activity. These centres are generally larger, better connected to public transport and attract a broader catchment of users including visitors.





**Manly town centre is zoned B2** rather than B4

Mixed Use despite being a strategic centre. Manly will retain its unique character and tourism function under the B2 zone.

**Smaller B2 centres** include Palm Beach, Newport, Elanora Heights and the Strand precinct at Dee Why beach front. While these precincts may not have the scale or the broader range of functions that local centres generally support, the B2 zone is appropriate to support visitation.

There are differences in the range of permissible uses across the three current LEPs. Warringah LEP permits warehouse or distribution centres, local distribution premises, truck depots, health services facilities (includes hospitals), school-based child care, emergency services facilities, exhibition homes and mortuaries; Manly and Pittwater LEPs do not. Pittwater LEP permits horticulture, sex service premises and home industry but Manly and Warringah LEPs do not.

Proposed approach

		We propose to retain all existing B2 centres. We also propose amendments to the zone's objectives to encourage accessibility and safety, evening economy functions, and appropriate scale and architecture.
		<p>Table 21 summarises inconsistent land uses and the proposed approach.</p> <p>The employment study investigations recommend a closed zone approach to prohibit horticulture, farm buildings, warehouse or distribution centres, local distribution premises, truck depots, boat launching ramps, boat launching ramps, boat sheds, jetties, exhibition homes and mortuaries in B2 centres.</p>

Find out more

Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to see Pittwater LEP provisions restricting the location of sex services premises (Clause 7.12).

**Table 21**

B2 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P	W	M	NB	Proposed approach
horticulture**					Prohibit noting that cultivation for commercial purposes is inconsistent with the intended character of a local centre. This will not prevent community gardens which are not for commercial purposes.
farm buildings**					Prohibit as this use is inconsistent with zone objectives.
group homes (transitional and permanent) and hostels					Permit within a 'shop top housing' built form. Active frontage provisions will prevent standalone buildings.
camping grounds					Prohibit in line with Manly and Pittwater and zone objectives.
warehouse or distribution centres and local distribution premises**					Prohibit in line with zone objectives and to protect active street frontages. Note that ecommerce related 'click and collect' services can occur as an ancillary use.
truck depots**					Prohibit in line with Manly and Pittwater and zone objectives.
home-based child care					Permit without consent. Permitted under Education SEPP. Sector regulated outside DA process.
school-based child care					Permit in line with Education SEPP.
places of public worship					Permit to facilitate social infrastructure.
sex services premises					Prohibit noting proposed permissibility in other zone.
boat launching ramps**					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
boat sheds**					
jetties**					
recreation areas					Permit to facilitate social infrastructure (see Priority 6).
exhibition homes**					Prohibit in line with Manly and Pittwater and zone objectives.
mortuaries**					Prohibit in line with Manly and Pittwater and zone objectives.

\* Health services facilities, hospitals, health consulting rooms, emergency services facilities, public administration buildings and flood mitigation works are discussed in Priority 9.

\*\* Warringah LEP permits this use by default under open zone approach.

**B3 Commercial Core**





The B3 Commercial Core zone encourages standalone office buildings, shopping malls and the like, and only applies to Warringah Mall in Brookvale on land surrounded by IN1 and B6 zones.

The employment study investigations recommend the B3 zone be extended to support a professionally focused CBD-style environment co-located with social infrastructure to activate the precinct across the day and week, close to the B-line and Warringah Mall. This will be considered in the Brookvale Structure Plan project.

Amusement centres, car parks, early education and care facilities, school-based child care, building identification signs, business identification signs and recreation areas will remain permissible.

Health services facilities including hospitals are permitted in the B3 zone under the Infrastructure SEPP. However, we propose to prohibit hospitals from the B3 zone as recommended in the employment study investigations, subject to approval from the NSW Department of Planning, Industry and Environment.

**Proposed approach**

		We propose new objectives to support Brookvale's future role. We do not expect to create any new B3 zoned areas nor change the zoning of the existing B3 area.
		We propose to change the range of permissible uses to limit these to core business functions that will support commercial CBD outcome. Table 22 shows our proposed approach to inconsistent land uses.



**Table 22**

B3 zone: Permissibility in Standard LEP and proposed prohibition for new LEP

Land use*	W	NB	Proposed approach
farm buildings			Prohibit as this use is inconsistent with zone objectives.
service stations			Prohibit to prioritise the core function of a B3 commercial core zone noting this use is proposed to be permitted in nearby B6 and IN1 zoned land.
veterinary hospitals			
warehouse or distribution centres			
local distribution premises			
truck depots			
places of public worship			
mortuaries			
hospitals			Prohibit to avoid introducing residential uses to protect employment lands. Permitted under Infrastructure SEPP.
boat launching ramps			Prohibit to prioritise the core function of a B3 commercial core zone.
jetties			

\* Health services facilities, emergency services facilities, public administration buildings, environmental protection works, flood mitigation works are discussed in Priority 9.

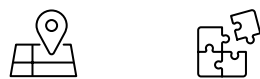
#### B4 Mixed Use

The B4 zone applies to Dee Why and Mona Vale town centres and will likely apply to part of Frenchs Forest. It permits similar uses to that of a B2 zone, with the main difference being the density of the urban environment, height of buildings, scale of the precinct, level of connectivity and the type of economic activity. Warringah LEP permits a broader range of uses to Pittwater LEP because it uses an open zone approach.

Given the distinct nature of the two B4-zoned centres, we will look to retain place-specific objectives. Dee Why should continue to provide major retail and local business services, in addition to its civic role. Mona Vale should reinforce its role as the strategic centre of the north, providing local services.

Both should aspire to supporting night-time and weekend economies.

Proposed approach



While we expect to create a new B4 zone area at Frenchs Forest, we will also look to apply the Warringah LEP B4 zone objectives and broader range of permissible uses to other areas to encourage active streets and buildings with restaurants and business premises on the ground floor and housing and offices on the upper floors, lively streets and public spaces, interesting and safe human scale environments, with an active day and evening economy. LEP provisions are also to be broadened with this objective (see Priority 17).

The proposed centre-specific objectives are based on the employment study investigations:

- Strengthen the role of Mona Vale as the major centre for retail and services in the north of the LGA
- Support a range of retail, civic and commercial uses in Dee Why.



Table 23 summarises current inconsistencies in the B4 zone and a proposed approach.

The employment study investigations recommend a closed zone approach and to prohibit horticulture, farm buildings, warehouse or distribution centres, local distribution premises, truck depots, boat launching ramps, boat sheds, jetties, exhibition homes and mortuaries in B4 centres.

As per the B2 zone, we propose permitting sex services premises (currently only permissible under Pittwater LEP) with LEP provisions that require a reasonable level of separation from sensitive uses such as centre-based child care facilities, community facilities, schools and places of public worship.

**Table 23**

B4 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P	W	NB	Proposed approach
horticulture**				Prohibit noting that cultivation for commercial purposes is inconsistent with the intended character of a local centre. This will not prevent community gardens which are not for commercial purposes.
farm buildings**				Prohibit as this use is inconsistent with zone objectives.
residential flat buildings				Prohibit to ensure residential uses are provided above ground level.
service stations				Permit in line with Pittwater and zone objectives.
warehouse or distribution centres**				Prohibit in line with Pittwater and zone objectives.
local distribution premises**				
truck depots**				
home-based child care				Permit without consent. Permitted under Education SEPP. Sector regulated outside DA process.
school-based child care				Permit as schools are permitted in this zone under the Education SEPP.
sex services premises				Prohibit noting proposed permissibility in other zones.
boat launching ramps**				Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
jetties**				
exhibition homes**				Prohibit in line Pittwater and zone objectives.
mortuaries**				

\*Health services facilities, hospitals, health consulting rooms, emergency services facilities, public administration buildings are discussed in Priority 9.

\*\* Warringah LEP permitted this use by default under open zone approach.

### Home-based business activity

Given the high rates of business ownership (33,281 local businesses with only 156,094 working residents), there is a substantial number of home-based business activity on the Northern Beaches. In order to support people working from home and promote economic activity, residents should have access to low-impact economic opportunities in both low density and medium density / shop top housing environments.

Council must ensure adequate procedures are in place to manage home-based business activity to protect community health and manage issues such as fire safety and noise. Whilst the Codes SEPP overrides the LEP and specifies most home businesses, home industries and home occupations as exempt development, it does not currently apply to food production or skin penetration businesses meaning Council must clarify the approval pathway for these developments.

### Relevant land use definitions

A **Home Occupation** is carried out in a residential environment by one or more permanent residents.

A **Home Business** means a business carried out in a residential environment by one or more permanent residents. This does not involve the employment of more than two people other than residents.

A **Home Industry** involves light industrial activity that does not interfere with the amenity of the neighbourhood. This does not involve the employment of more than two people other than permanent residents.

## Proposed approach



We will discuss with the Department of Planning, Industry and Environment the best method to manage the permissibility of home business, home industry and home occupation in the new LEP. While we support most of these uses as exempt development (i.e. development permitted without consent), we wish to ensure we can better regulate high risk businesses such as skin penetration, and those businesses with adverse amenity impacts such as animal minding and training.

We propose retaining section 5.4 controls that limit floor space to 50 square metres for home business and home industry.

### Find out more

Visit [legislation.nsw.gov.au](https://legislation.nsw.gov.au) to see section 5.4 controls that limit floor space for home business and home industry in the current LEPs.



### Low impact industrial uses within town centres

The employment study investigations recommend some low impact light industrial uses in B2, B4 and B6 zones to expand the range of uses and the types of mixed use developments, including high technology industry, artisan food and drink and vehicle repair stations.

**High tech industries** could include a range of information technology, health-related technology, creative uses or sustainable energy. They are not activities that would generally present a hazard.

**Artisan food and drink** are places where food or drinks are manufactured, in association with a retail area or facilities for holding tastings, tours or workshops, such as a brewery.

**Vehicle repairs stations** are places that fix cars or machinery but do not sell these items.

### Proposed approach



Our proposed approach is to permit high technology industry with consent across B2, B4 and B6 zones and permit artisan food and drink and vehicle repair stations in the B6 zone. This expands the range of land uses that can occur within B2, B4 and B6 zones and the range of locations where high skilled creative and technical employment activity can occur.

Given that pubs and a range of food-related land uses are already permitted in B2 and B4 zones, local manufacturers can open venues for tastings in town centres without introducing higher impact manufacturing activity into more sensitive mixed use environments which could lead to issues including pest attraction, noise, exhaust fumes and odours.

### Sex services premises

Current LEPs differ in the permissibility of sex services premises. Currently, they are permitted in the Manly LEP B6 zone, the Pittwater B2 and B4 zones, and the Warringah IN1 zone.

### Proposed approach



We propose permitting sex services premises within the B5, B6 and B7 and IN1 zones with LEP provisions that require a reasonable level of separation from sensitive uses such as centre-based child care facilities, community facilities, schools and places of public worship.

### Height of buildings

The height of buildings is controlled in LEP clauses and a related map. Some DCPs also set rules for the maximum number of storeys, roof and wall height. Many zones, particularly business zones, permit mixed use development, comprising retail, commercial and residential floor areas with a range of height requirements.

Most land under Council's current LEPs has a building height control, with parks and sporting fields being the main exception. Building height is a common development control to ensure that built outcomes are generally consistent with the character of an area.

Two areas not subject to building height controls in current Northern Beaches LEPs are the Frenchs Forest Business Park on Warringah Road and Warringah Mall on Pittwater Road. Whilst Warringah Mall is subject to certain site-specific height controls in the Warringah DCP, these do not have the "statutory weight" of an LEP control.

Until recently, it was considered that building height in the Frenchs Forest Business Park was self-regulating, based on the range of permitted land uses available under the Business Park B7 zone. However, in recent times, certain SEPPs have permitted additional uses in these areas, for example Seniors Housing, which were not originally anticipated.

Similarly, until recently the Business Core B3 zone applying to Warringah Mall did not permit any form of residential development. This has changed with the State Government permitting "build-to-rent" type development in the B3 zone. It is therefore necessary to adopt specific LEP building height controls for each of these areas.

The urban design study is reviewing height controls for mixed use development to ensure adequate internal floor to ceiling heights. This approach is also consistent with the NSW Apartment Design Guidelines. Preliminary study recommendations are:

- Ground Level: 4.0-4.5m to support retail
- Level 1: 3.6m to support office
- Level 2+: 3.1m to support residential
- Roof: 1.2m to support increased roof construction tolerance, parapet and minimum lift overrun

The proposed floor to ceiling heights cannot be contained within the typical existing total height controls of 8.5m and 11m for two and three storey development respectively which apply in many local and neighbourhood centres. To accommodate desired ceiling heights, the total height standard would need to change as follows:

- 2-storeys: From 8.5m to 9.0m or 9.5m
- 3-storeys: From 11m to 12.0 or 12.5m

## Proposed approach

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Preliminary findings from the urban design study recommend a small increase in building height to existing B1 and B2 centres with 2 or 3 storey height limits, but no increase in the number of storeys.

This would allow increased floor to ceiling heights at ground and first floor levels to provide greater amenity and increase the flexibility in the use of spaces over the life of the building. It would also allow for greater flexibility in roof design and improved design outcomes.

Generally, this would see an increase in building heights from 8.5 to 9m or 9.5m for areas with 2 storey limits, and from 11m to 12m or 12.5m in areas with 3 storey limits.

These LEP height limits would be complemented by minimum ceiling height and number of storey height controls in the DCP.

We will not be changing building height controls for centres with locality specific controls, such as Dee Why Town Centre or Frenchs Forest. No building height increases are proposed for Mona Vale.



We propose to include LEP height controls for the Frenchs Forest Business Park B7 zone. This height will either be 11m to reflect other Business Park zones on the Northern Beaches, or 18m as proposed in the NSW Government's Building Business Back Better policy. Read more at [planning.portal.nsw.gov.au](https://planning.portal.nsw.gov.au).



We propose to investigate the inclusion of various height controls in the Warringah Mall DCP in the new LEP rather than adopt a single height limit for the entire site. A similar approach was taken to height controls on key sites in the Dee Why Town Centre.

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**Provisions for retailing  
and commercial floor space**

**Large scale retailing in local centres**

Existing provisions in Manly LEP restrict the size of retail premises in the Manly B2 zone to no more than 1,000sqm in gross floor area. This clause aims to retain the character of Manly town centre and restrict large floor plate retail development in the area.

This provision could potentially apply to other B2 local centres and other centres as appropriate, such as shops in the new B5 zone.

**Proposed approach**



Should we apply the provisions which limit the gross floor space of any retail development in Manly, Balgowlah and Seaforth town centres to other local centres?  
If so, which centres?

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### Protecting and incentivising floor space in centres

Manly LEP provisions aim to balance commercial and residential land uses in local centres, particularly Manly Town Centre.

Provisions that require a minimum component of commercial floor space (e.g., in Manly Town Centre at least 25% of gross floor area must be commercial), and provide incentives for commercial floor space (e.g., in Manly Town Centre a bonus floor space of 0.5:1 is provided when at least 50% of gross floor area is commercial), seek to increase local jobs and ensure that residential development does not diminish employment or economic opportunities.

In a similar manner, the Pittwater DCP requires 25% of the gross floor area of shop top housing developments in business zones to be used for commercial/ retail purposes.

### Proposed approach



We propose to implement a minimum 25% commercial / retail gross floor area requirement in the new LEP (currently applied in the Manly LEP B2 zones and the Pittwater DCP). This would apply to all B1, B2 and B4 zones (excluding Dee Why and the future Frenchs Forest B4 zones).



We are seeking feedback on whether we should continue and / or extend incentives for additional commercial floor space, for example through floor space or reduced parking. Currently, a floor space bonus is provided in the Manly LEP B2 zones of Manly, Seaforth, Balgowlah where at least 50% of gross floor area is commercial.



## Priority 28

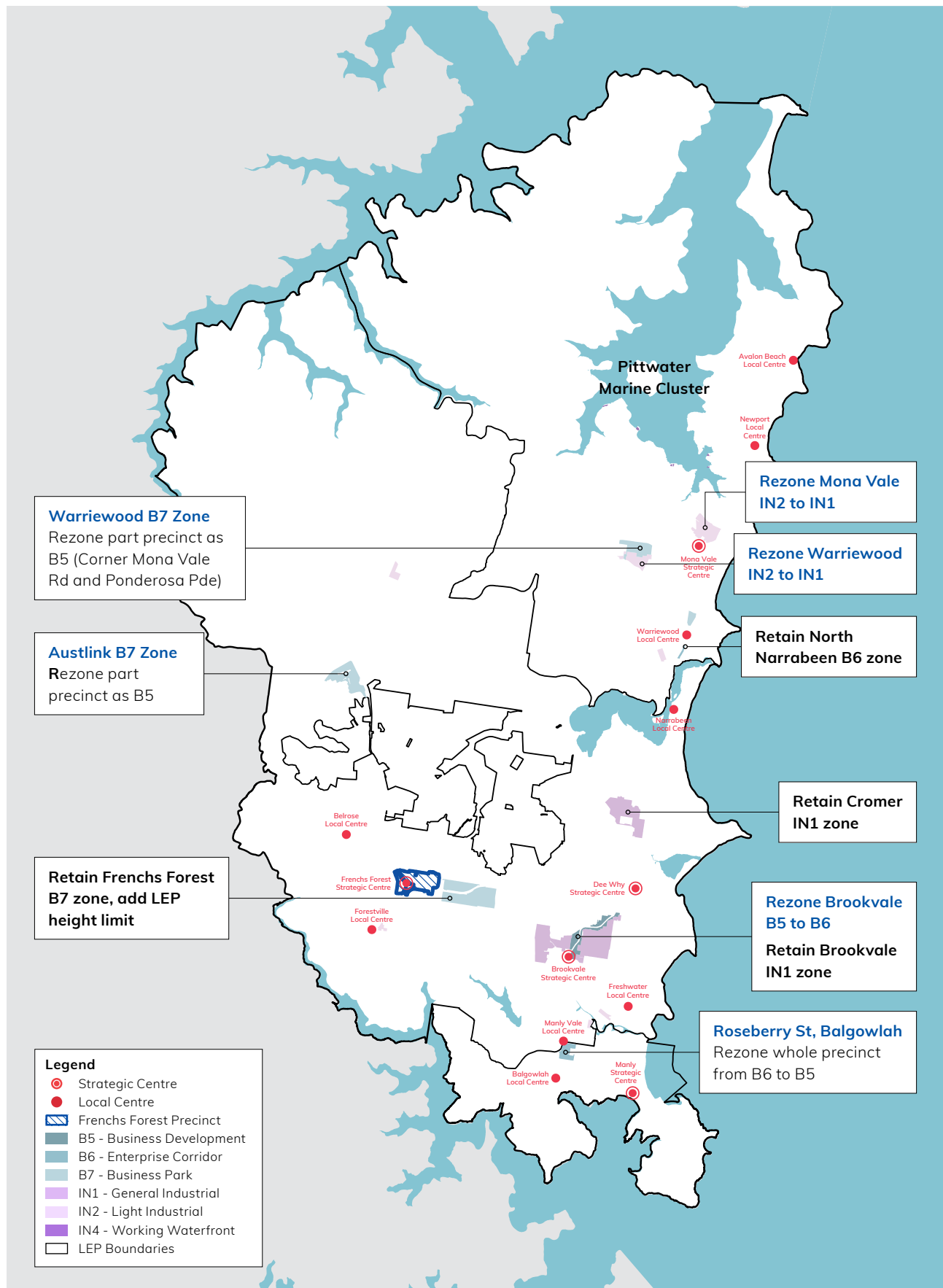
### Safeguarded employment lands

Demand for employment lands outside of centres is growing substantially, with emerging advanced manufacturing opportunities offering economic and employment potential through automation, digital technology and artificial intelligence.

The LGA's employment lands face demand for pressure from the encroachment of residential uses or uses like retail that do not genuinely need to operate in these areas. Trends towards online retailing, faster delivery, food delivery services creating 'dark kitchens', demand for specialist gyms and the rise of compact living (where households store items offsite) place pressure on industrial precincts.

#### Setting the scene

- Towards 2040 defines employment lands as industrial and business zones that cater for a range of activities from major freight and logistics, heavy manufacturing, light industry to urban services, creative uses and business parks that cater for offices.
- This section references recommendations from employment study investigations. A draft employment study will be finalised for further consultation. The 2019 background report is available at [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au).
- In March 2021 the Department of Planning, Industry and Environment released a reform package which proposes a reduction in business and industrial zones, increased flexibility for permitted land uses and a greater range of complying development. Visit [planning.nsw.gov.au](https://planning.nsw.gov.au) for more information.



Business employment zones

Three business employment zones apply in the Northern Beaches:

- **B5 Business Development** provides for employment generating uses such as warehouses or distribution centres, specialist retail premises, hardware and building supplies, landscaping material supplies and garden centres. It only applies to Pittwater Road at Brookvale.
- **B6 Enterprise Corridor** is intended to support commercial or industrial development along main roads. Retail activity is limited. Some hotel or motel uses may be included in this zone if considered appropriate. This applies to Roseberry Street in Balgowlah, home to supermarkets and large format retail, and to North Narrabeen between Lake Park Road and Berry Avenue.

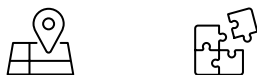
- **B7 Business Park** is intended for larger campus-style business parks. It applies to Frenchs Forest Business Park, Austlink Business Park at Belrose and to Mona Vale Road and Vuko Place at Warriewood.

There are overlaps between the B5 zone, which are primarily intended for bulky good clusters, and the B6 zone, which is primarily intended for major road corridors.

Explainer: Employment Zones Reform

Our analysis and recommendations for business and industrial zones are based on the employment study investigations and existing Standard Instrument zones. They will be reviewed with respect to the draft reforms and community feedback from this Discussion Paper. Visit [planning.nsw.gov.au](http://planning.nsw.gov.au) for more information.

B5 Business Development  
Proposed approach



We propose to identify existing bulky goods or large format retail clusters and zone them B5 to limit this use moving into other employment focused zones and to support population-serving employment near arterial roads in non-residential environments that can accommodate larger floorplates and higher ceilings.

This would rezone the Balgowlah Roseberry Street precinct from B6 to B5, Ponderosa Pde at the corner of Mona Vale Road (which supports a small cluster of fast food restaurants) from B7 to B5, and part of the Belrose Austlink Niangala Close precinct (including the Super Centre and Bunnings) from B7 to B5.

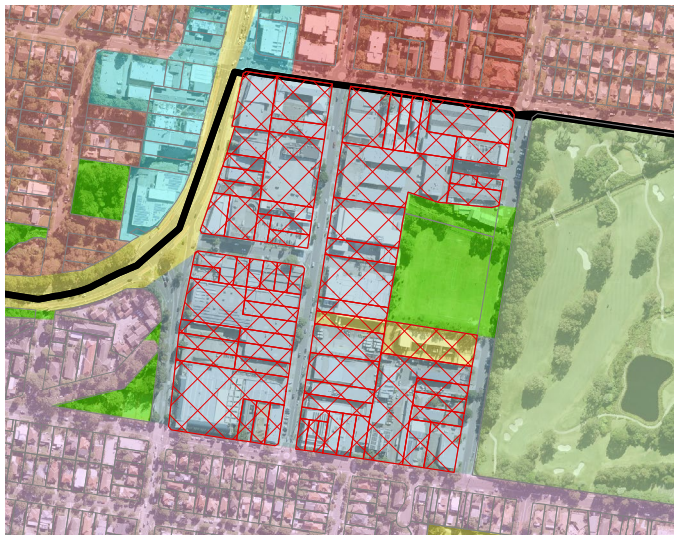
The B5 zone on Pittwater Road Brookvale would be rezoned to B6 Business Development (discussed further below).



Table 24 outlines a proposed approach to land uses in the new B5 zone.

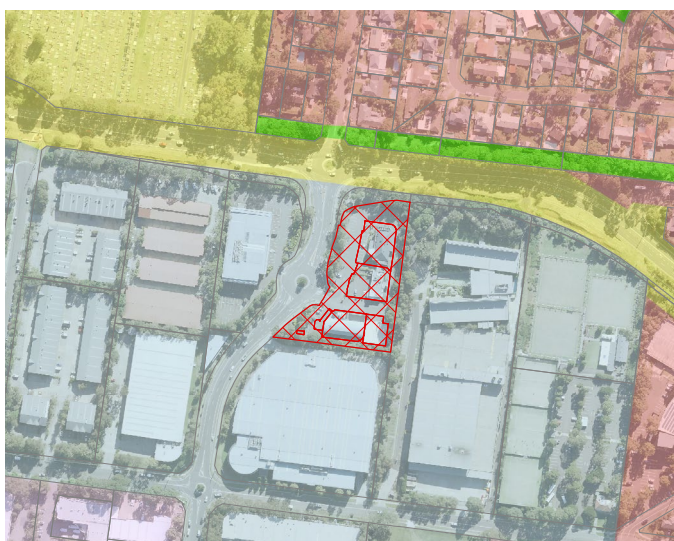


**Figure 8**  
Proposed new B5 zones



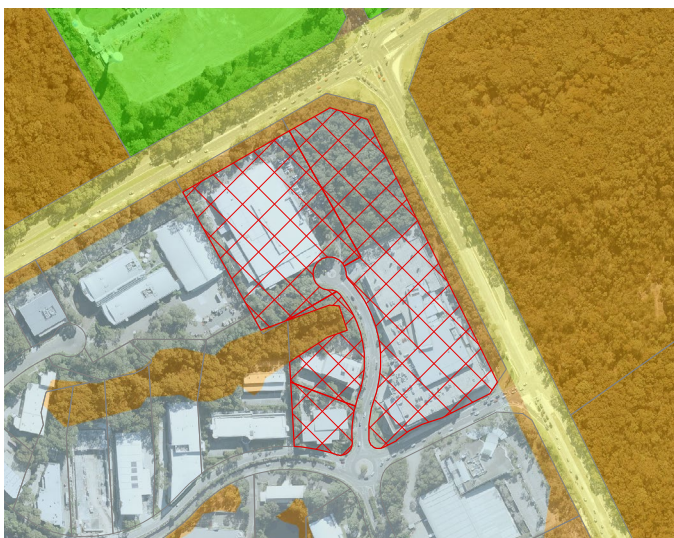
**Roseberry St, Balgowlah – rezone whole precinct from B6 to B5**

This precinct is zoned B6. While the Condamine Street interface could be considered for B6 zone given its main road location, a B5 zone is recommended given these sites are generally larger and more accessible, thus easier to visit.



**Warriewood at corner of Mona vale Road and Ponderosa Parade – rezone part of precinct from B7 to B5**

This small cluster of fast food restaurants operating under the B7 zone. A rezoning to B5 would support continuation of these uses.



**Belrose Business Park – rezone from B7 to B5**

The Niangala Close precinct supports large format retail including the Belrose Super Centre and Bunnings. Additional permitted uses under Area 3 supported the cluster's evolution. Rezoning from B7 to B5 will ensure the uses can continue. Removing the Area 3 additional permitted uses will prevent proliferation into the broader business park and protect Austlink business park and its economic and employment contribution.

The original Austlink Corporate Park Development Strategy Plan identified the concentration of bulky goods retail in this north east corner of the business park, possibly due to the transition to current planning instruments.

Table 24

Proposed B5 zone amalgamation: Uses with inconsistent permissibility in Standard LEPs (and proposed permissibility for new planning framework)

Land use*	P B7	W B7+ APU's	M B6	NB B5	Proposed approach
horticulture					Prohibit as previously only permitted in Warriewood. This use is not actively used in the proposed precinct.
animal boarding or training establishments					Permit to accommodate this population serving use while not increasing pressure on industrial zones.
farm buildings**					Prohibit to align with Pittwater and Manly.
office premises					Continue to permit with consent.
pubs					Permit recognising ongoing permissibility at Belrose business park.
restaurants or cafes					Permit recognising this is the only non-centre zone where restaurants are permitted.
kiosks					Permit to align with Pittwater and Manly.
markets					Permit to align with Manly.
shops					Permit subject to floorspace control to ensure large retail uses do not proliferate outside of existing and proposed centres that are better serviced.
neighbourhood shops					Continue to permit with consent with floor area limit.
neighbourhood supermarkets					Permit with consent with floor area limit.
timber yards					Permit to align with Manly.
vehicle sales or hire premises					Permit to align with Pittwater and Manly.
amusement centres					Permit to support social infrastructure and align with Manly.
function centres					Permit recognising ongoing permissibility at Belrose business park.
industrial retail outlets					Permit to align with Pittwater and Manly.
restricted premises					Permit to align with Manly.
service stations					Permit to align with Pittwater and Manly.
veterinary hospitals					Permit to align with Manly.
wholesale supplies					Permit to align with Pittwater and Manly.

**Table 24 (continued)**

Proposed B5 zone amalgamation: Uses with inconsistent permissibility in Standard LEPs (and proposed permissibility for new planning framework)

boat building and repair facilities					
vehicle body repair workshops					Permit to align with Pittwater.
vehicle repair stations					Permit to align with Pittwater and Manly.
storage premises					Permit to align with Pittwater.
self storage units					Permit to align with Pittwater and Warringah.
depots					Permit reflecting recent history of light industrial zone at Balgowlah precinct
car parks					Permit to align with Warringah.
transport depots					Prohibit as previously only permitted in Warriewood. This use is not actively used in the proposed precinct.
truck depots					Permit with consent reflecting recent history of light industrial zone at Balgowlah precinct.
centre based child care					Permit with consent, noting centre based child care is a mandated permitted use for the B5 zone in the Standard Instrument.
industrial training facilities					Prohibit as previously only permitted in Warriewood. This use is not actively used in the proposed precinct.
boat launching ramps**					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
environmental facilities					Prohibited to align with Pittwater and Warringah noting that this use relates to the recreational use or scientific study of natural systems and is therefore not relevant to an urban environment.
jetties**					Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1)
recreation areas					Permit to align with Pittwater and Warringah.
recreation facilities (outdoor)					Permit to align with Warringah.

\* Research stations are discussed in Priority 9.

\*\* Warringah LEP permitted this use by default under open zone approach.

**B6 Enterprise Corridor**  
**Proposed approach**

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The B6 zone is proposed to continue to support commercial and light industrial uses including specialist showrooms for the automotive and construction industries. It will support smaller scale or more specialist retailing outlets for construction and trades that do not rely on foot traffic but may not require industrial zoning designation.

The B6 zone will continue to apply to North Narrabeen on Pittwater Road. The B5 zone on Pittwater Road Brookvale is proposed to be rezoned to B6.



Table 25 outlines a proposed approach to land uses in the new B6 zone. It is proposed to either prohibit bulky goods retailing in these areas or subject them to a retail floor space restriction.

We propose the continued prohibition of residential uses in the B6 zone, with the only exception being the area in Brookvale where it is currently permitted (Area 5). The future of this area will be considered in more detail through the Brookvale Structure Plan.



**Table 25**

Proposed B6 zone amalgamation: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P B6	W B5	NB B6	Proposed approach
farm buildings**				Prohibit as not relevant to this zone.
take away food and drink premises				Prohibit to align with Pittwater and reflect transitioning function of Pittwater Rd Brookvale from high street to enterprise corridor.
kiosks				Permit to align with Pittwater.
specialised retail premises				Continue to permit noting recommendation to implement maximum floor space control.
registered clubs				Permit to align with Warringah and reflect existing use in proposed B6 precincts.
restricted premises				Prohibit to align with Pittwater and standard instrument objective to limit retail activity.
wholesale supplies				Permit to allow low impact industrial uses that benefit from main road visibility.
storage premises				Permit to enable existing light industrial uses in B6 corridor to take pressure off industrial zones.
transport depots				Permit to align with Warringah.
truck depots				Permit to align with Warringah.
early education & care facilities				Permit to encourage 'non-core' industrial uses to locate outside of industrial precincts.
centre-based child care facilities				
information and education facilities				Prohibit to reflect transitioning function of Pittwater Rd Brookvale from high street to enterprise corridor.
places of public worship				Permit to encourage 'non-core' industrial uses to locate outside of industrial precincts.
respite day care centres				Permit recognising increased demand and preference to locate outside of industrial zones.
boat launching ramps**				Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
jetties**				Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
mortuaries				Permit to encourage 'non-core' industrial uses to locate outside of industrial precincts.

\* Research stations are discussed in Priority 9.

\*\* Warringah LEP permitted this use by default under open zone approach.

**B7 Business Park**  
**Proposed approach**

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As discussed, parts of the B7 zone are proposed to be rezoned to B5 at Austlink Business Park in Belrose and Warriewood (Corner Mona vale Road and Ponderosa Parade). No changes are proposed to the B7 zone at Frenchs Forest Business Park and Vuko Place at Warriewood.

The LGA's business parks will continue to provide a professional environment for specialised businesses including high technology industries, wholesale trade and logistics activities while a more diverse range of floor plate options and shared space business models may start to emerge. This focus must be protected from competing uses.

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Table 26 outlines a proposed approach to land uses in the new B7 zone. It is proposed to continue to prohibit restaurant and café use in line with Warringah LEP. Neighbourhood shops will continue to be permitted with consent.

Hospitals will also be prohibited to prevent further expansion of private hospitals and to protect the non-residential character of the business park, given seniors housing is permissible where hospitals are permitted. This will be subject to consent by the Department of Planning, Industry and Environment as hospitals are permitted under the Infrastructure SEPP.

The range of uses permitted in Pittwater LEP B7 zone will be amended to align with business park zone objectives and to differentiate the role and function of a business park from nearby industrial precincts.

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**Table 26**

Proposed B7 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework.

Land use*	P B7	W B7	NB B7	Proposed approach
horticulture				Prohibit. Inconsistent with standard instrument zone objective to provide a range of office and light industrial uses.
animal boarding or training establishments				Permit to accommodate this population serving use while not increasing pressure on industrial zones.
farm buildings				Prohibit as not relevant to this zone.
funeral homes				Prohibit. Inconsistent with standard instrument zone objective to provide a range of office and light industrial uses.
restaurants or cafes				Prohibit. Inconsistent with standard instrument zone objective to provide a range of office and light industrial uses. Existing fast food restaurants at Warriewood Business Park are proposed to become B5 where restaurants will continue to be permitted. Note that neighbourhood shops are permitted with consent to meet the day to day needs of workers in the area.
kiosks				Permit to align with Pittwater B7 uses.
vehicle sales or hire premises				
industrial retail outlets				
service stations				
wholesale supplies				Prohibit. Inconsistent with standard instrument zone objective to encourage employment opportunities and proposed objective to encourage a diverse range of high skilled employment opportunities. Note that warehouse and distribution centres are permitted uses.
boat building and repair facilities				Permit to align with Pittwater B7 uses.
vehicle body repair workshops				
vehicle repair stations				
storage premises				Prohibit. Inconsistent with standard instrument zone objective to encourage employment opportunities and proposed objective to encourage a diverse range of high skilled employment opportunities.
depots				Prohibit. Inconsistent with standard instrument zone objective to provide a range of office and light industrial uses.
car parks				Prohibit. Inconsistent with standard instrument zone objective to provide a range of office and light industrial uses. Note that this does not affect car parking as an ancillary use.

**Table 26 (continued)**

Proposed B7 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework.

transport depots				Prohibit. Inconsistent with standard instrument zone objective to provide a range of office and light industrial uses.
early education & care facilities				Permit with consent in line with zone objective to enable other land uses that provide facilities that meet the day to day needs of workers in the area.
industrial training facilities				Permit to increase the availability of local education opportunities.
boat launching ramps**				Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1)
jetties**				
recreation facilities (outdoor)				Permit to align with Warringah.

\* Research stations are discussed in Priority 9.

\*\* Warringah LEP permitted this use by default under open zone approach.



## Industrial zones

Industrial precincts serve the local community and support a more diverse and resilient local economy. These precincts support local wholesale trade (10.2% of value added and \$2.6b in output for the LGA), manufacturing (8.9% of value added and \$3.4b economic output) and construction (7.6% of value added and \$3b economic output). Industrial areas allowed many of these sectors to remain operational throughout the COVID-19-related lockdowns.

A high number of small industrial units in strata complexes can support local small businesses. Traditionally these units have supported local trades, manufacturers or wholesale trade businesses that import and distribute niche products.

We will need to accommodate increased demand for storage as more families live in apartments, more dispersed warehousing to support last mile logistics and faster deliveries and growing demand for boutique businesses such as local breweries or businesses that style houses to sell.

Industrial precincts provide space to test new ideas - already we see activities such as vertical farming, modular construction techniques, tiny homes, drone technology, vegan leather handbags, e-commerce businesses, circular economy manufacturing and automated manufacturing of sheet metal products.

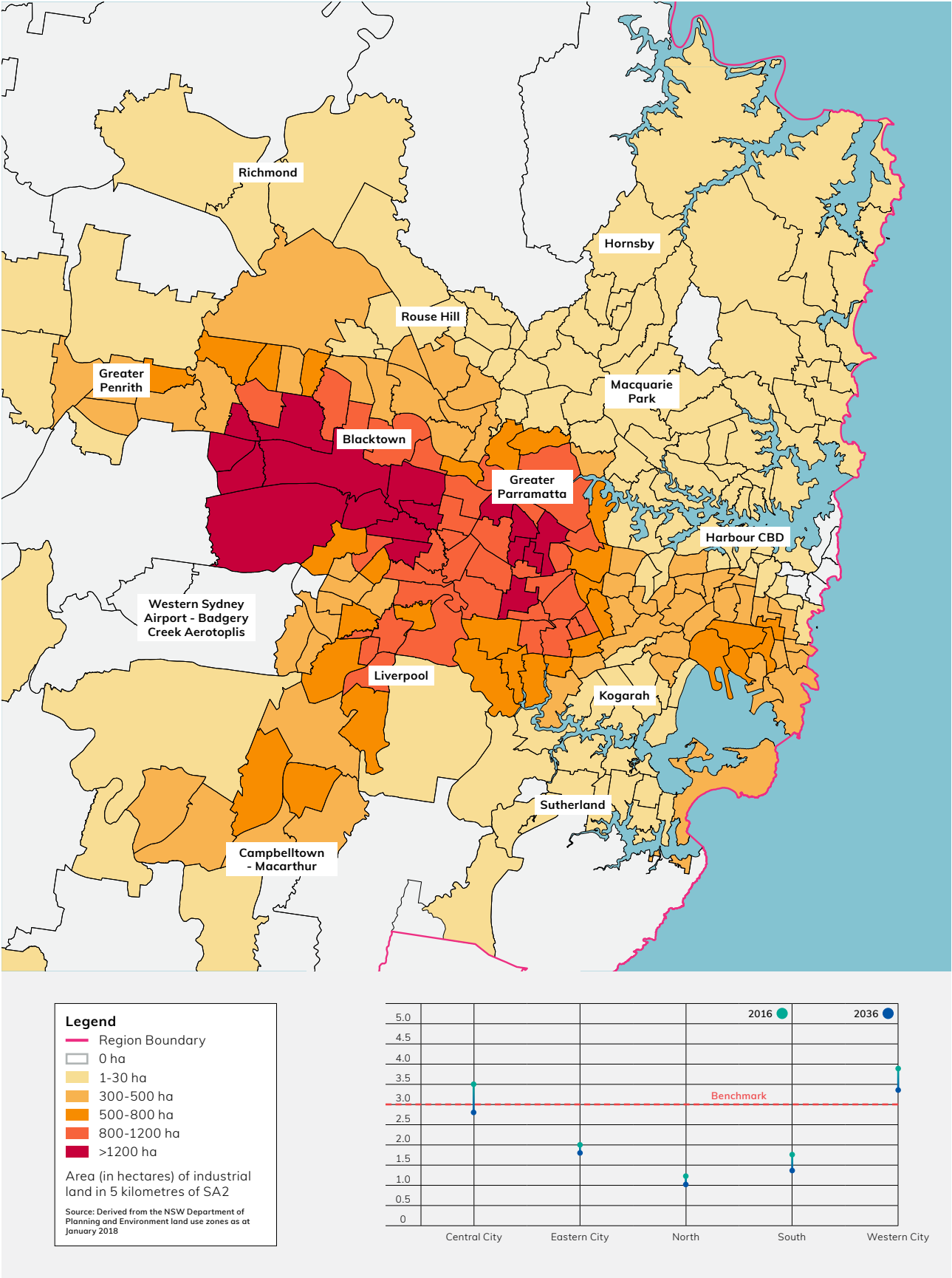
The Pittwater marine industry cluster is a valuable working waterfront environment providing specialised marine services to the Australian east coast, protected and supported by nearby industrial precincts.

## Protecting industrial lands

The North District has the lowest supply of Industrial land in Greater Sydney. Brookvale, Cromer and Mona Vale account for 90% of industrial floor space in the LGA.

Future demand equates to the need for an additional 51,600 sqm of industrial floor space in the LGA by 2036. Much of this demand comes from Brookvale, and some could be accommodated across the LGA's industrial precincts. However, options to expand industrial zones are limited to measures such as increasing building heights.

Another option is to limit the proliferation of non-core uses such as gyms or child care centres that can locate in other zones.









Northern Beaches LEPs use the IN1 General Industrial zone (Warringah LEP), IN2 Light industrial zone (Warringah and Pittwater LEP), and IN4 Working Waterfront industrial zone (Pittwater LEP). No land is zoned for industrial purposes under Manly LEP.

**IN1 General Industrial**

The IN1 General Industrial zone supports a range of land uses and industries that are not suited to other zones. The more diverse range of lot sizes and larger scale of these precincts provides a rare space where these uses can operate effectively. Land in Brookvale and Cromer is zoned IN1.

The scale of these precincts supports the wider economy. Clusters of specialist businesses co-locate with complementary industrial businesses.

**Proposed approach**

		The IN1 zone is proposed to still apply to Brookvale and Cromer; we are considering whether to apply it to Mona Vale and Warriewood industrial areas (see discussion below).
		Table 27 outlines a proposed approach to land uses in the new IN1 zone. It is proposed to retain the range of industrial use permitted under the Warringah LEP except child care centres.
		We are seeking feedback on whether we should continue to permit recreation facilities (indoor) in IN1 and IN2 zones. Prohibiting this use would protect industrial land for industrial uses and prevent further expansion of commercially viable non-industrial land uses, noting existing approved gyms would be protected as existing permitted uses. Alternatively permitting this use would recognise the significant population serving health and recreation benefits these facilities provide.

**Table 27**

Proposed IN1 zone amalgamation: Uses with inconsistent permissibility in Standard LEPS and proposed permissibility for new planning framework

Land use*	WIN1	PIN2	NB	Proposed approach
horticulture				Permit noting changing technology such as indoor hydroponic and vertical gardens already operating in IN1 zones. Proliferation of this use will need to be monitored.
animal boarding or training establishments				Permit to align with Pittwater IN2 zone.
funeral homes				Permit noting this use is also permitted across town centres and non-centre B zones.
landscaping material supplies				Permit noting existing activity, population serving function and low risk of proliferation.
crematorium				Permit noting that it is not currently permitted in any other zone across the Northern Beaches.
farm buildings**				Prohibit as this use is inconsistent with zone objectives.
car parks				Permit to align with Warringah.
centre-based child care facilities				Prohibit to protect industrial land for industrial uses and prevent further expansion of commercially viable non-industrial land use. See also Priority 9.
school-based child care				
community facilities				Prohibit as not an industrial use.
respite day care centres				
boat launching ramps**				Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
jetties**				
recreation areas				Permit to align with Warringah (see Priority 6).
recreation facility (indoor)			?	We are seeking comment on whether to permit or prohibit this use. See proposed approach.

\* sewerage systems, biosolids treatment facilities, sewage reticulation systems, sewage treatment plants, water recycling facilities, waste or resource management facilities, resource recovery facilities, waste or resource transfer stations, airstrip, helipad, electricity generating works, flood mitigation works, emergency services facilities, public administration buildings and flood mitigation works are discussed in Priority 9.

\*\* Warringah LEP permitted this use by default under open zone approach



### IN2 Light Industrial

The IN2 Light Industrial zone is intended for lower impact industrial activities including smaller neighbourhood industrial precincts where a buffer zone may be required to deal with land use conflicts and amenity issues, particularly with surrounding residential lands.

IN2 light industrial precincts typically provide industrial strata units that can support storage, fabrication, trades, e-commerce businesses and other uses that cannot be accommodated in town centres.

Smaller IN2 precincts are often surrounded by residential areas, including Pittwater Road at North Manly; Campbell Parade, Manly Vale; Cook Street Forresterville; and Tekpo Road, Terrey Hills.

Pittwater LEP does not use the IN1 zone, and applies the IN2 light industrial zone to the larger Mona Vale and Warriewood precincts (which are more comparable to the scale and range of land uses of Brookvale and Cromer industrial areas) together with the smaller precincts at Garden Street, North Narrabeen and Vuko Place, Warriewood.

The Pittwater IN2 zone has previously allowed for a broader range of higher impact uses, including freight transport facilities, waste disposal facilities, vehicle body repair workshops and boat building and repair facilities, given the absence of the IN1 zone in the Pittwater LEP.

Light industrial precincts are attractive to gyms and other indoor recreation uses. Certain uses – such as rock climbing or trampolining centres – require diverse floor space and built form which can also locate in more appropriate zones including the B5 Business Development zone, B6 Enterprise Corridor and B7 Business Park zones. Across the Northern Beaches' IN1 and IN2 zones, there are plenty of indoor recreation facilities that will retain existing use rights to serve the community.

Proposed approach



- We are considering two options regarding the future IN2 zone:
- combine the permitted uses in Warringah LEP IN2 and the Pittwater LEP IN2 into a single IN2 zone that applies to all current IN2 zones, or
  - use the limited range of permitted uses under the Warringah IN2 zone in the new IN 2 zone and apply to all areas currently zoned IN2 other than Mona Vale and Warriewood IN2 areas, which would be rezoned to IN1.

This first option could permit a range of higher impact uses in Warringah's small neighbourhood industrial precincts in Pittwater Road at North Manly; Campbell Parade, Manly Vale; Cook Street, Forestville; and Tekpo Road, Terrey Hills. This could cause nuisance or adversely affect the surrounding amenity.

The second option would slightly increase the range of permitted uses in Mona Vale and Warriewood industrial areas consistent with the IN1 zoning, but would reduce the range of permitted uses in the Garden Street, North Narrabeen and Vuko Place, Warriewood industrial areas.



We will consider increasing building height limits in IN1 and IN2 zones following precinct-specific urban design and impact testing. Increasing building heights to permit at least one more storey, from 11m to around 16m, will provide greater flexibility for businesses that want to stay in the region but require additional floor space. With very little vacant floor space available, this approach, over time, will support a transition to higher density industrial uses while providing incentive to renew industrial buildings.



Table 28 outlines a proposed approach to land uses in the new IN2 zone. We propose to protect industrial land for industrial uses and prevent further expansion of commercially viable non-industrial land use such as child care in these zones. We are also considering a closed zone approach to the IN1 and IN2 zones to exclude non-industrial such as farm buildings, boat launching ramps and jetties which are not aligned with the objectives of the zones.

**Table 28**

Proposed IN2 zone amalgamation: Uses with inconsistent permissibility in Standard LEPS and proposed permissibility for new planning framework

Land use*	W	P	NB	Proposed approach
horticulture				Permit noting changing technology such as indoor hydroponic and vertical gardens already operating in IN1 zones. Proliferation of this use will need to be monitored.
animal boarding or training establishments				Permit to align with Pittwater IN2 zone.
funeral homes				Prohibit to support and protect industrial land for industrial uses noting that this use is included under the definition of a 'business premises' and is permitted in all town centre zones under standard instrument and in all B zones apart from WLEP B7.
landscaping material supplies				Prohibit to minimise any adverse effect of industry on other land uses.
timber yards				
vehicle sales or hire premises				
industrial retail outlets				
service stations				Permit to align with Pittwater.
wholesale supplies				Prohibit to minimise any adverse effect of industry on other land uses.
boat building and repair facilities				
vehicle body repair workshops				
vehicle repair stations				Permit to align with Pittwater.
freight transport facilities				Permit to provide for efficient movement of freight and deliveries.
transport depots				Permit to align with Pittwater.
recreation facilities (indoor)			?	We are seeking comment on whether to permit or prohibit this use. See proposed approach.
crematorium				Prohibit to minimise any adverse effect of industry on other land uses.
farm buildings**				Prohibit as this use is inconsistent with zone objectives.

**Table 28 (continued)**

Proposed IN2 zone amalgamation: Uses with inconsistent permissibility in Standard LEPS and proposed permissibility for new planning framework

airstrip				Prohibit to align with Pittwater. See also Priority 9.
helipad				
centre-based child care facilities				Prohibit to protect industrial land for industrial uses and prevent further expansion of commercially viable non-industrial land use. See also Priority 9.
school-based child care				
community facilities				Prohibit as not an industrial use.
respite day care centres				
boat launching ramps**				Prohibit in zone but permit via an additional permitted use in appropriate areas (Priority 1).
jetties**				
recreation areas				Permit to align with Warringah (see Priority 6).

\* Sewerage systems, biosolids treatment facilities, sewage reticulation systems, sewerage treatment plans, water recycling facilities, waste disposal facilities, airstrip, helipad, electricity generating works, emergency services facilities, public administration buildings and flood mitigation works are discussed in Priority 9.

\*\* Warringah LEP permitted this use by default under open zone approach

#### IN4 Working Waterfront

The Pittwater marine cluster applies to a small number of properties in Church Point, Bayview, and Newport zoned IN4 under the Pittwater LEP.

Given the limited availability of industrially zoned land along the eastern seaboard with water access, this cluster provides nationally significant specialised marine services that serve other local industrial precincts on the Northern Beaches and beyond.

#### Proposed approach



We propose to retain the IN4 zone and land use permissibility as identified in the Pittwater LEP. We also propose to retain the additional permitted use for the Mona Vale industrial zone which allows shops for the sale, hire or storage of goods associated with the use of, or used in the construction, repair and maintenance of watercraft, used or capable of being used as a means of transportation on water, with development consent.



## Priority 29:

### A thriving, sustainable tourism economy

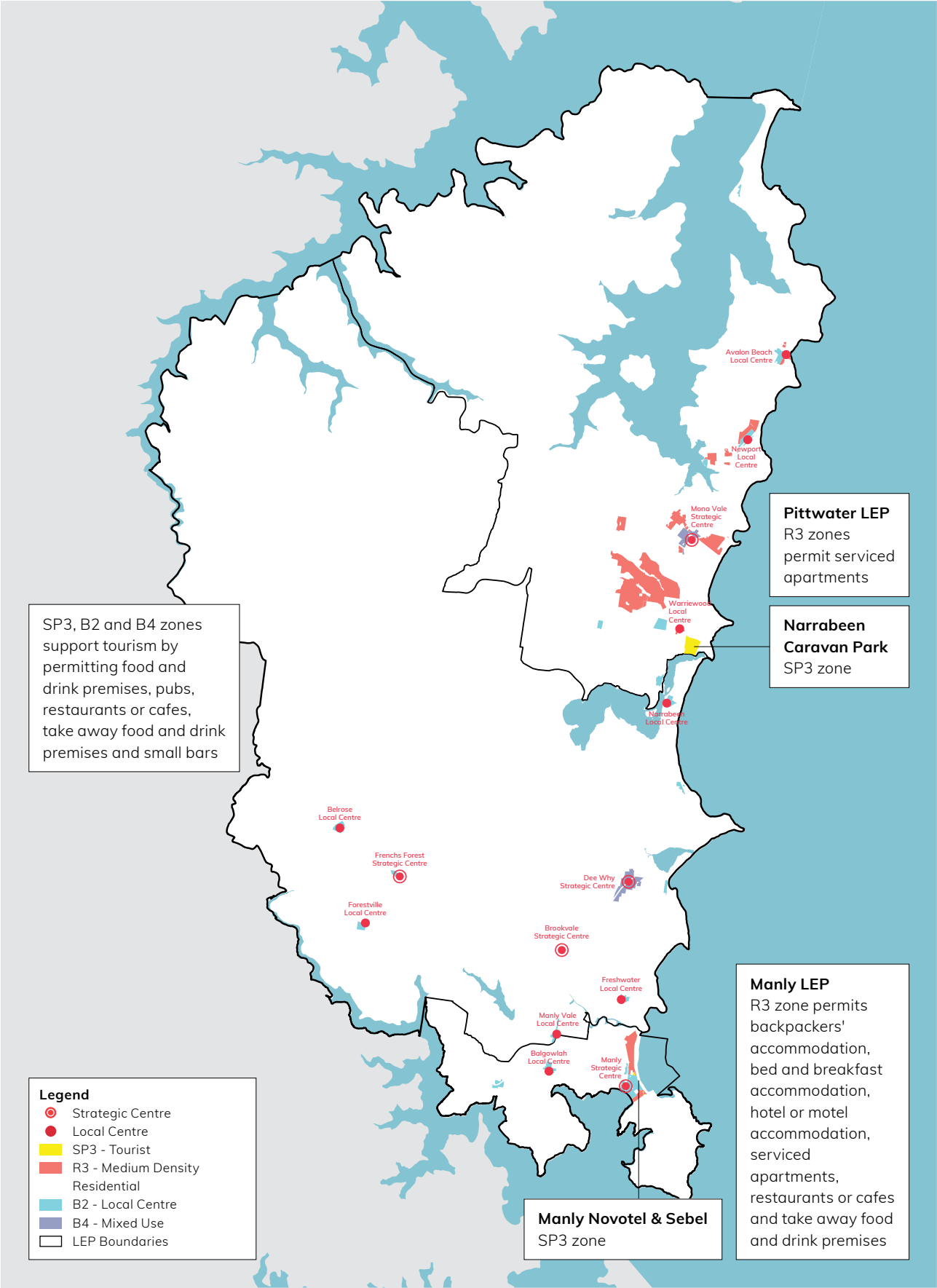
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The Northern Beaches is a valuable tourism asset for Greater Sydney, and more broadly NSW and Australia. The local tourism and hospitality sector contributes twice as many jobs and twice the revenue to the Northern Beaches economy compared to the NSW average.

#### Setting the scene

- Towards 2040 requires new LEP and DCP controls and planning processes that remove barriers to the tourism economy, informed by the employment study and destination management plan.
- In December 2020, we exhibited a draft destination management plan (DMP) Destination Northern Beaches: Creating a Sustainable Visitor Economy and a Destination Northern Beaches COVID Recovery Plan specifically aimed to help local tourism operators rebound, recover and drive new business over the next 2 years. Find out more at [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au).
- This section references recommendations from employment study investigations. A draft employment study will be finalised for further consideration. The 2019 background report is available at [yoursay.northernbeaches.nsw.gov.au](https://yoursay.northernbeaches.nsw.gov.au).





## Provisions supporting tourism

Planning controls that support a sustainable tourism economy in the Northern Beaches need to be retained, while recognising that they may not be appropriate outside of tourism-focused precincts.

Tourism and visitor accommodation is supported in a range of ways:

- SP3 Tourism zone: This protects uses such as hotels in Manly or Narrabeen caravan park and prohibits competing land uses such as dwelling houses or residential flat buildings to avoid the conversion of serviced accommodation and other accommodation types into residential uses.
- Other zones: Tourist and visitor accommodation is permitted in R3 in Manly and in the B2 and B4 zones.
- Duration of stay provisions: Both Manly and Pittwater LEPs address how long visitors can stay at tourist accommodation. For example, Pittwater LEP permits short term holiday rental accommodation (STRA) as exempt development for up to three months.
- Supporting amenity: A range of hospitality,

entertainment and recreation activities, particularly in the evenings, support a thriving and sustainable tourism economy.

- » The SP3, B2 and B4 zones support uses such as food and drink premises, pubs, restaurants or cafes, take away food and drink premises and small bars. B2 and B4 zones also support entertainment facilities, function centres, information and education facilities and recreation facilities (indoor).
- » Manly R3 adjoins Manly Town Centre and permits backpackers' accommodation, bed and breakfast accommodation, hotel or motel accommodation, serviced apartments, restaurants or cafes and take away food and drink premises with consent. These uses are prohibited under Warringah and Pittwater LEP R3 zones except the Pittwater LEP which permits serviced apartments.
- Gross floor area controls: Manly LEP gross floor area controls for B2 zone require at least 25% of the gross floor area of a building to be used as commercial premises. This encourages a diversity of businesses while limiting residential development that may conflict with tourism uses. Further controls limit any retail premises to 1,000 sqm, helping to retain the finer grain character of the Manly centre.

There are inconsistencies in permissibility and land uses in SP3 zones.

### Explainer

The Department of Customer Service and the Department of Planning, Industry and Environment developed a framework for short term rental accommodation (STRA).

The framework can be viewed at [planningportal.nsw.gov.au](https://planningportal.nsw.gov.au). The new framework will include:

- a new standard definition of STRA
- a 180 day cap for non-hosted STRA homes in Greater Sydney, with the ability for other councils to opt in
- the ability for hosted STRA homeowners to rent their homes out 365 days of the year
- minimum fire safety standards
- the Code of Conduct that applies to hosts, guests, online booking platforms and letting agents.

The STRA Code of Conduct and exclusion register applies from 18 December 2020.

A whole-of-government framework commenced 1 March 2021. This replaces our current controls for STRA.

Pittwater LEP seeks to prevent substandard residential accommodation occurring through the conversion of serviced apartments to a residential flat building. It requires any conversion to meet the design quality guidelines in SEPP 65 and the design principles of the Apartment Design Guide.

## Proposed approach



Our proposed approach is to:

- combine the range of permissible uses in the SP3 zones under the Manly and Pittwater LEPs in the new LEP (Table 29)
- consider expanding application of SP3 to cover additional tourism assets
- retain tourist and visitor accommodation as a permissible use in B2 and B4 zones.



Our proposed approach is to:

- introduce a LEP provision, or tourism overlay, to support tourism-related planning controls within areas or zones that support tourism, such as Manly LEP R3 zone, and B2 and B4 zones that support tourist and visitor accommodation and supporting services.
- retain provisions relating to the conversion of serviced apartment to residential flat buildings.

**Table 30**

SP3 zone: Uses with inconsistent permissibility in Standard LEPs and proposed permissibility for new planning framework

Land use*	P	M	NB	Proposed approach
camping grounds				Permit to align with Pittwater. More suited to non-urban areas however will be assessed in DA
caravan parks				Permit
eco-tourist facilities				Permit
function centres				Permit
information and education facilities				Permit to align with Pittwater to facilitate creative industry and social infrastructure.

\*Water recycling facilities, water reticulation systems, water storage facilities, roads, environmental protection works and flood mitigation works are discussed in Priority 9.

**Aboriginal heritage** - Aboriginal objects and Aboriginal Places of Heritage Significance that reflect the historic occupation of the land by Aboriginal people.

**Adaptable housing** - Housing designed so it be modified when required to be accessible to a resident without costly/extensive alterations.

**Advanced manufacturing** - The use of innovative technology to improve products or processes, including high-tech design and development, innovative research, product customisation, client-focused support and repair services.

**Affordable housing** - Housing for very low income households, low income households or moderate income households.

**Additional permitted use** - Additional uses for particular area that are permitted in addition to those identified in the Standard Instrument or other planning instruments.

**Asset protection zone** - A bush fire fuel-reduced area surrounding a building or residential, commercial, industrial or environmental asset of value.

**BASIX** - A NSW Government scheme to regulate the energy and water efficiency of residential buildings.

**Biodiversity stewardship sites** - Formerly known as biobanking, these enable biodiversity credits to be traded and used as an offset against the impact of proposed development on biodiversity values.

#### **Centres**

- Local centres provide day-to-day access to goods and services.
- Neighbourhood centres are small clusters of shops and services. They are often larger than a neighbourhood shop centre and smaller than a local centre.
- Strategic centres vary in size, location and mix of activities. They enable access to a range of goods, services and jobs.
- Town centres areas zoned as either B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core or B4 Mixed Use.
- Business employment zones areas zoned as either B5 Business Development, B6 Enterprise Corridor or B7 Business Park.

**Centre investigation areas (CIAs)** - Areas identified in the Local Housing Strategy within 800m of Brookvale, Dee Why, Mona Vale, Manly Vale and Narrabeen, and in Forestville and Beacon Hill subject to the future B-Line route.

**Contributory and non-contributory heritage items** - Items that either contribute (or do not) to the heritage significance of a heritage conservation area. For example, a house may contribute to the significance, but the fence may not.

**DA lodgement requirements** - Requirements to be submitted with a development application, such as plans or reports.

**Dark kitchens** - Delivery-only kitchens, designed for takeaway dining.

**Design excellence** - Describes a variety of requirements intended to lift design quality, as outlined in statutory planning documents such as LEPs and SEPPs. Most commonly used in relation to a single building or development.

**Development Control Plan (DCP)** - Contains detailed planning and design controls that support the planning controls in a local environmental plan.

**Development delivery plan** - Created under the Aboriginal Land SEPP to devise a way forward for the development of a site listed under that SEPP that is owned by a Local Aboriginal Land Council.

**Floor space ratio (FSR)** - A measure of the maximum floor area that can be built compared to the total area of the block. Like other standards such as height or setbacks, determines how big a development can be and where it should be located on a site.

**Foreshore building line** - Designates a foreshore area - the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on a Foreshore Building Line Map.

**Green infrastructure** - The network of green spaces, natural systems and semi-natural systems, including waterways; bushland; tree canopy and green ground cover; parks and open spaces.

**Grey to green infrastructure** - Describes a transfer from traditional grey infrastructure such as concrete, to natural infrastructure such as trees or riparian vegetation.

**Gross floor area** - The sum of the floor area of each floor of a building measured from the internal face of external walls.

**Heritage conservation area** - An area recognised and valued for its special historical and aesthetic character.

**Housing diversity areas (HDAs)** - Areas identified in the Local Housing Strategy within 400m of identified local centres including Avalon Beach, Newport, Warriewood, Belrose, Freshwater, Manly and Balgowlah.



**Industrial/employment lands** - Lands zoned for industrial, business or similar purposes in planning instruments. For the Northern Beaches, they include land zoned IN1 General Industrial, IN2 Light Industrial, IN4 Working Waterfront, B5 Business Development, B6 Enterprise Corridor, B7 Business Park.

**Land use** - A development or use of land that may be permitted or prohibited.

**Local character** - What makes a neighbourhood distinctive, influenced by buildings, landscaping and natural features and also by the people who live or work in an area and the type of uses carried on within an area.

**Local Environmental Plan (LEP)** - Guides planning decisions at the local level through zoning and development controls, which provide a framework for the way land can be used.

**Local Government Area (LGA)** - The administrative boundary managed by a council (e.g., Northern Beaches LGA is the the Northern Beaches Council administrative boundary).

**Local Housing Strategy** - Outlines how and where housing will be planned to meet forecast demand.

**Local strategic planning statement** - Sets out the 20-year vision for land use in an LGA, the special character and values that are to be preserved and how change will be managed into the future.

**LEP provisions** - Other matters that need to be considered during the development assessment processes.

**Metropolitan Rural Area** - Identified in the Greater Sydney Region Plan and North District Plan as land with a diversity of farmland, mineral resources, and distinctive towns and villages in rural and bushland settings, usually on the edges of Greater Sydney.

**NabERs certification** - A national rating system that measures the environmental performance of Australian buildings and tenancies.

**Net zero** - A target to reach carbon neutrality, whereby the amount of greenhouse gases produced by human activity is equal to the amount removed from the atmosphere.

**Non-Aboriginal heritage** - Reflects different periods of European occupation of Australia since 1788 and usually includes buildings, structures or trees, but can also include landscape areas and archaeological sites.

**Place-based planning** - A planning approach that looks holistically at a place to better align growth with the provision of infrastructure and services.

**Planning proposal** - Explains the intended effect of a proposed LEP or amendment to an LEP and sets out the justification for making or amending that plan in accordance with Guidelines prepared by the Department of Planning, Infrastructure and Environment.

**Public domain** - Places accessible to the public, either on public or private land, such as open space, pedestrian paths, building frontages or awnings over footpaths.

**Residential flat buildings** - A building containing three or more dwellings on one lot of land.

**Riparian areas** - Areas adjoining creeks, wetlands and other waterways.

**Short term holiday rental accommodation (STRA)** - A dwelling used by a host to provide accommodation in the dwelling on a commercial basis for a temporary or short period.

**Social impact assessment** - The process of identifying, predicting, evaluating and developing responses to the social impacts of a proposed State significant project.

**Standard Instrument** - Prescribed by the Standard Instrument (Local Environmental Plan) Order 2006, which aims to achieve a common format and content for all LEPs across NSW.

**State Environmental Planning Policy (SEPP)** - Sets controls for how land is to be used, dealing with matters of State or regional environmental planning significance.

**Sustainability certification** - Certification schemes such as Green Star that can be used alongside state and national provisions to encourage sustainable development.

**Universal access/design** - The process of designing for everyone to have access to a product or environment regardless of their ability.

**Zoning** - Applied to show how land should be used, either for rural, residential, commercial, recreational or industrial, waterway or environmental protection purposes and which uses are permitted or prohibited. Zones set out which land uses are permitted, and which are prohibited.



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