



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

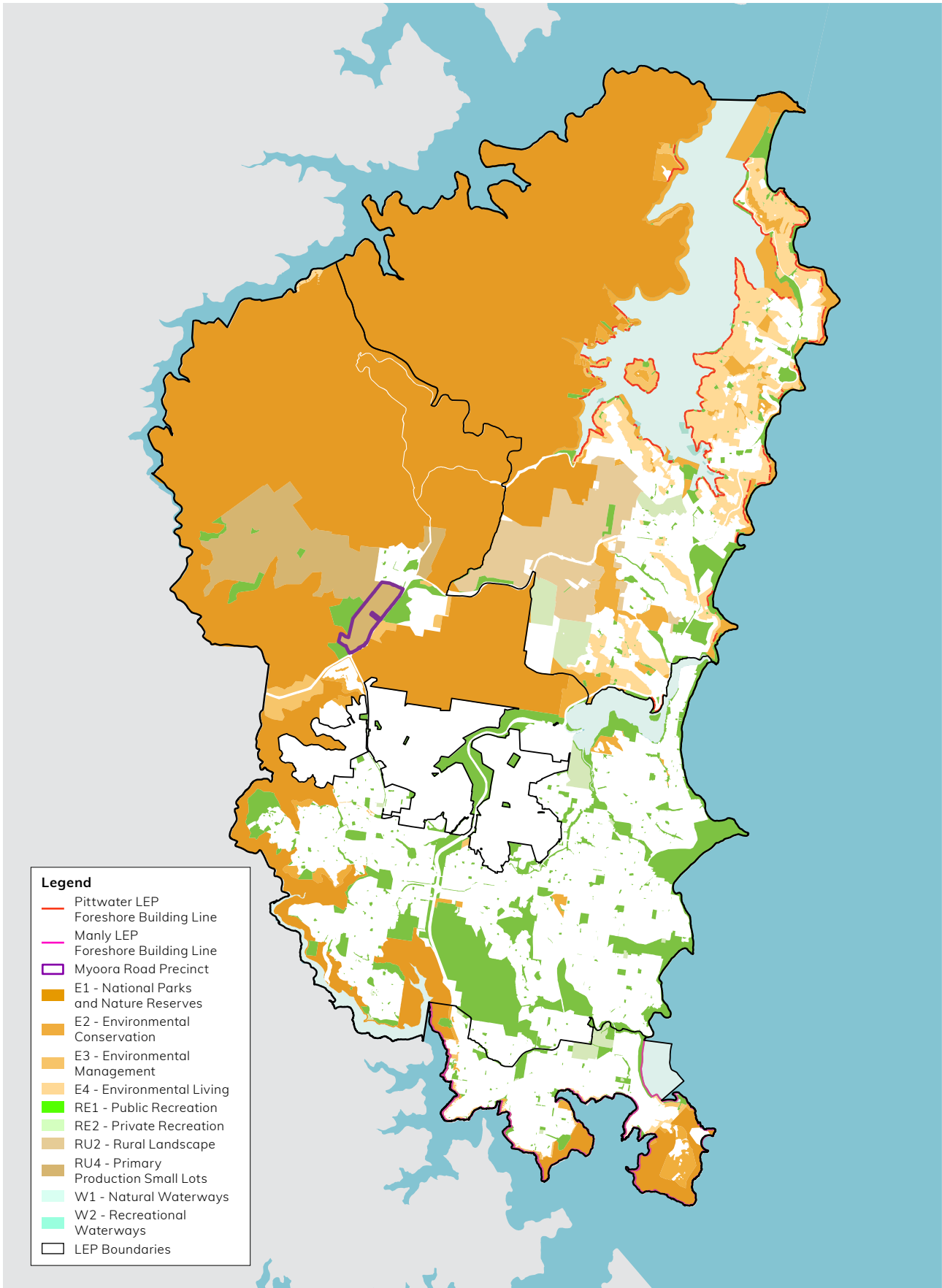
Protected Metropolitan Rural Area

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 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 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

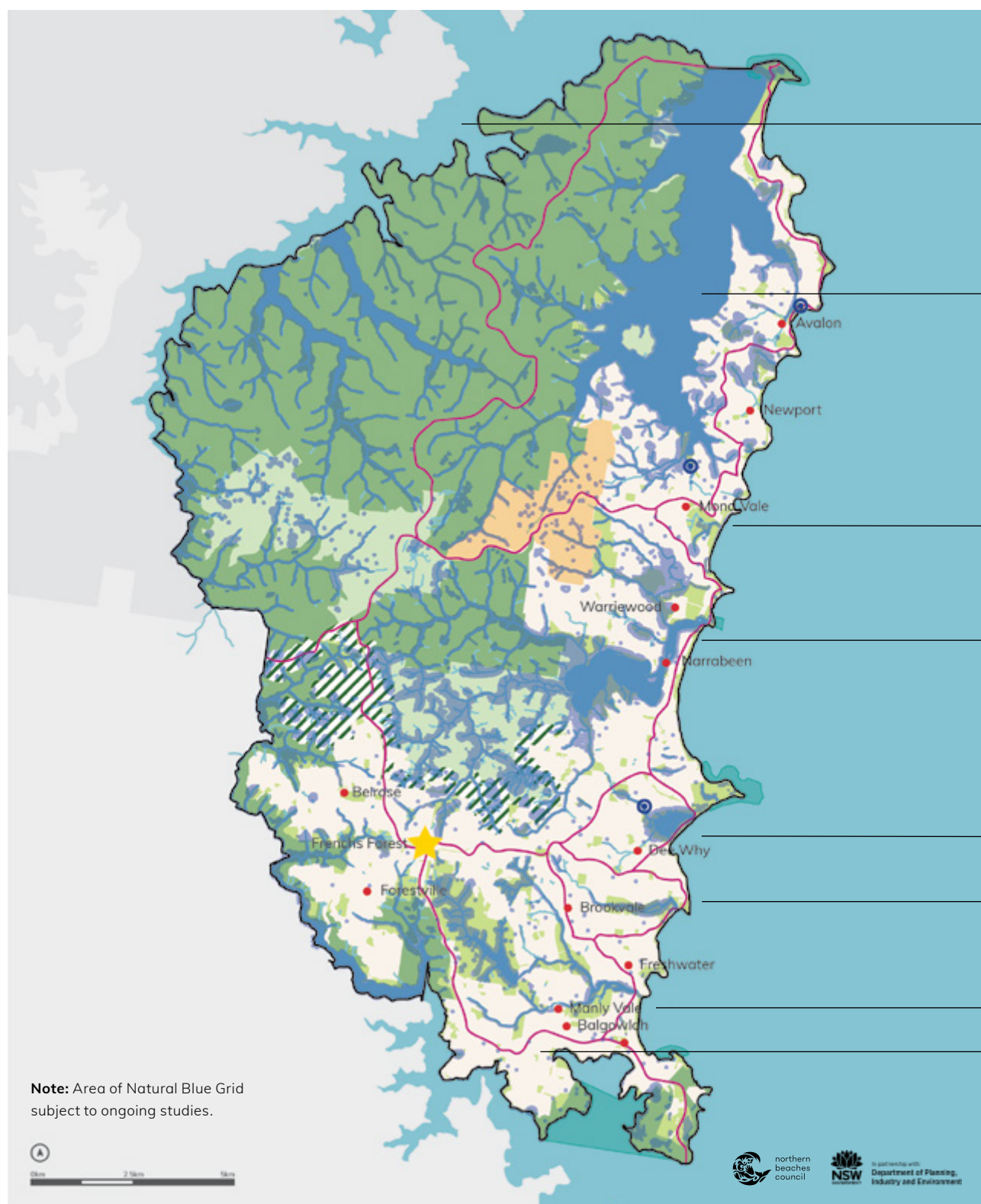


A draft watercourse and wetlands map will show the location of watercourses, wetlands and riparian areas. Once developed, we propose a single Northern Beaches LEP clause that includes objectives to protect or improve the environmental values and functioning of waterways and riparian land and to manage 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



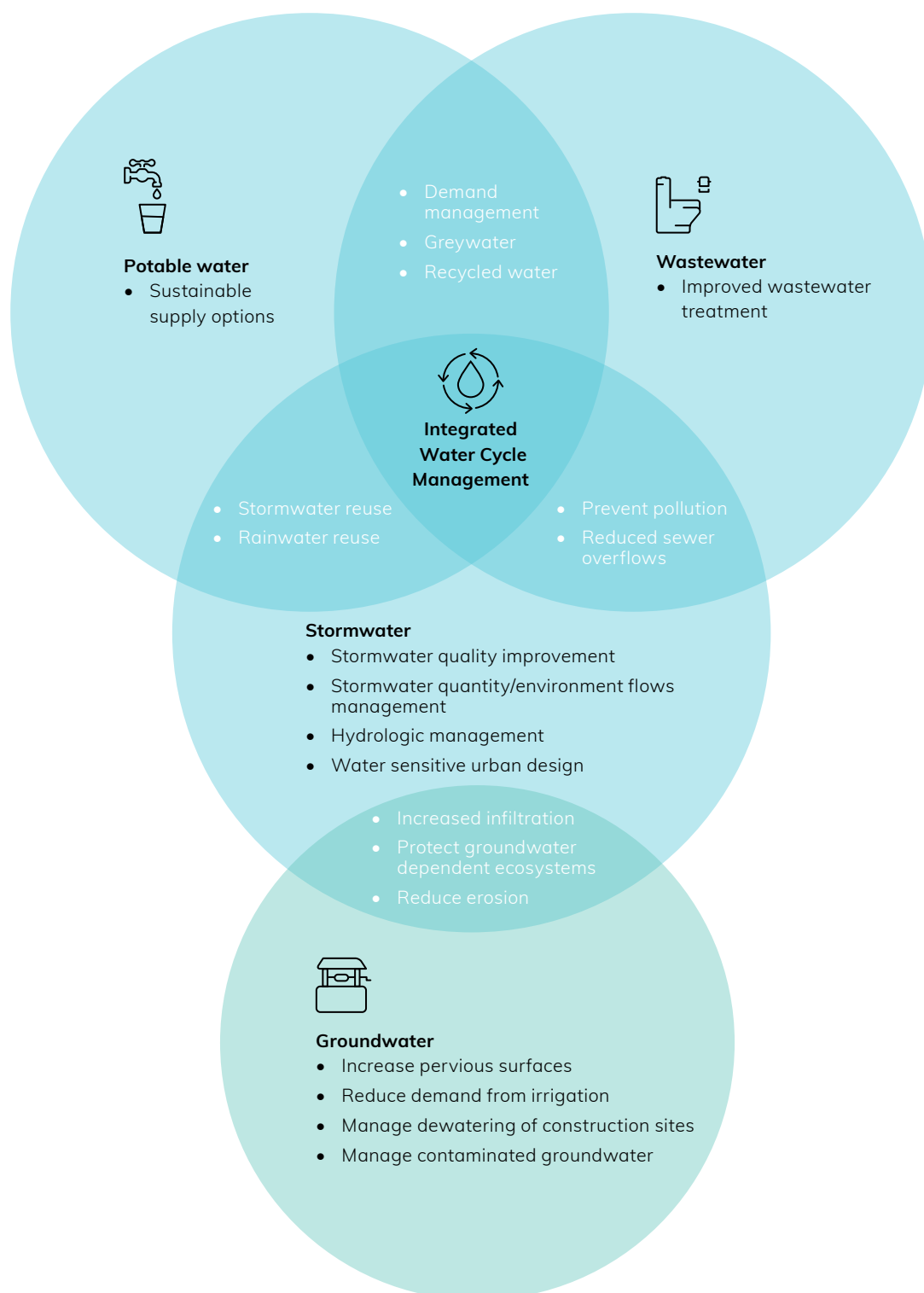
We propose mapping priority areas for cost-effective stormwater management for the whole LGA and apply the risk-based framework for healthy waterways. LEP mapping will identify land to protect, maintain or improve waterway conditions.



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 for updates.
- Visit 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

53

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:

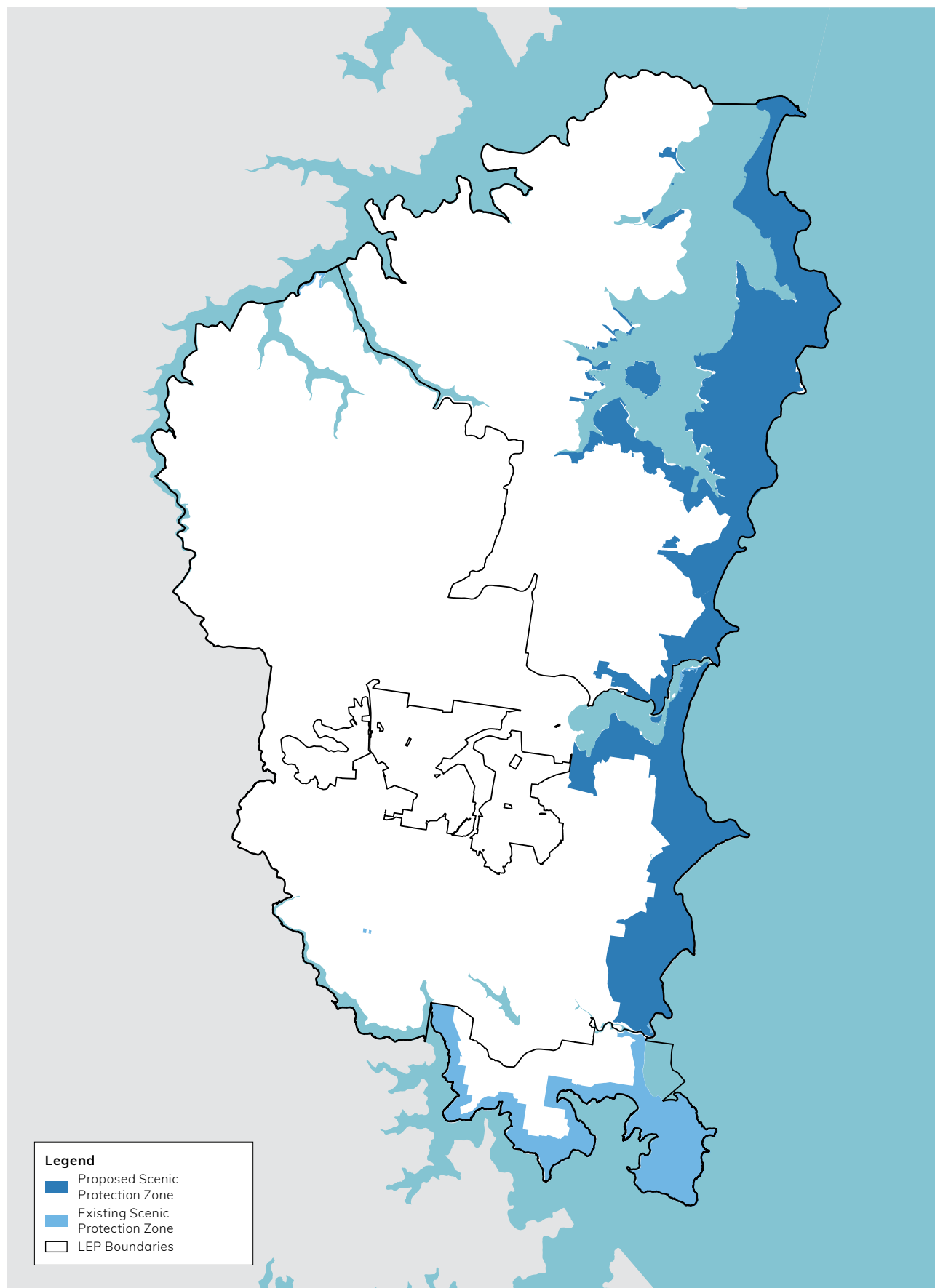
- whether impacts are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore
- any measures to protect and improve scenic qualities of the coastline
- the suitability of development given 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.

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



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.



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.

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.

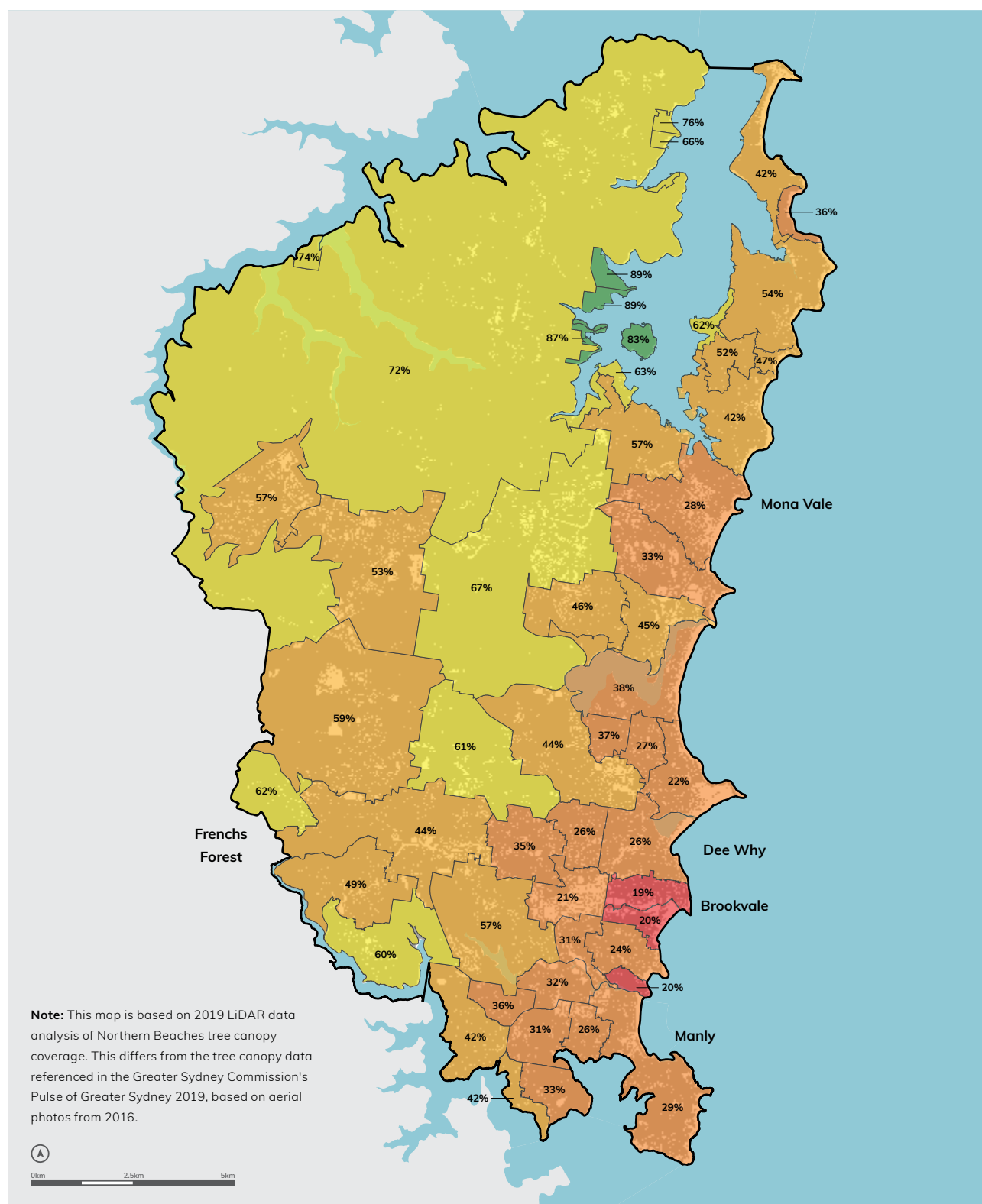
The LEP may include maps, requirements and objectives, with more detailed provisions in the DCP.

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.

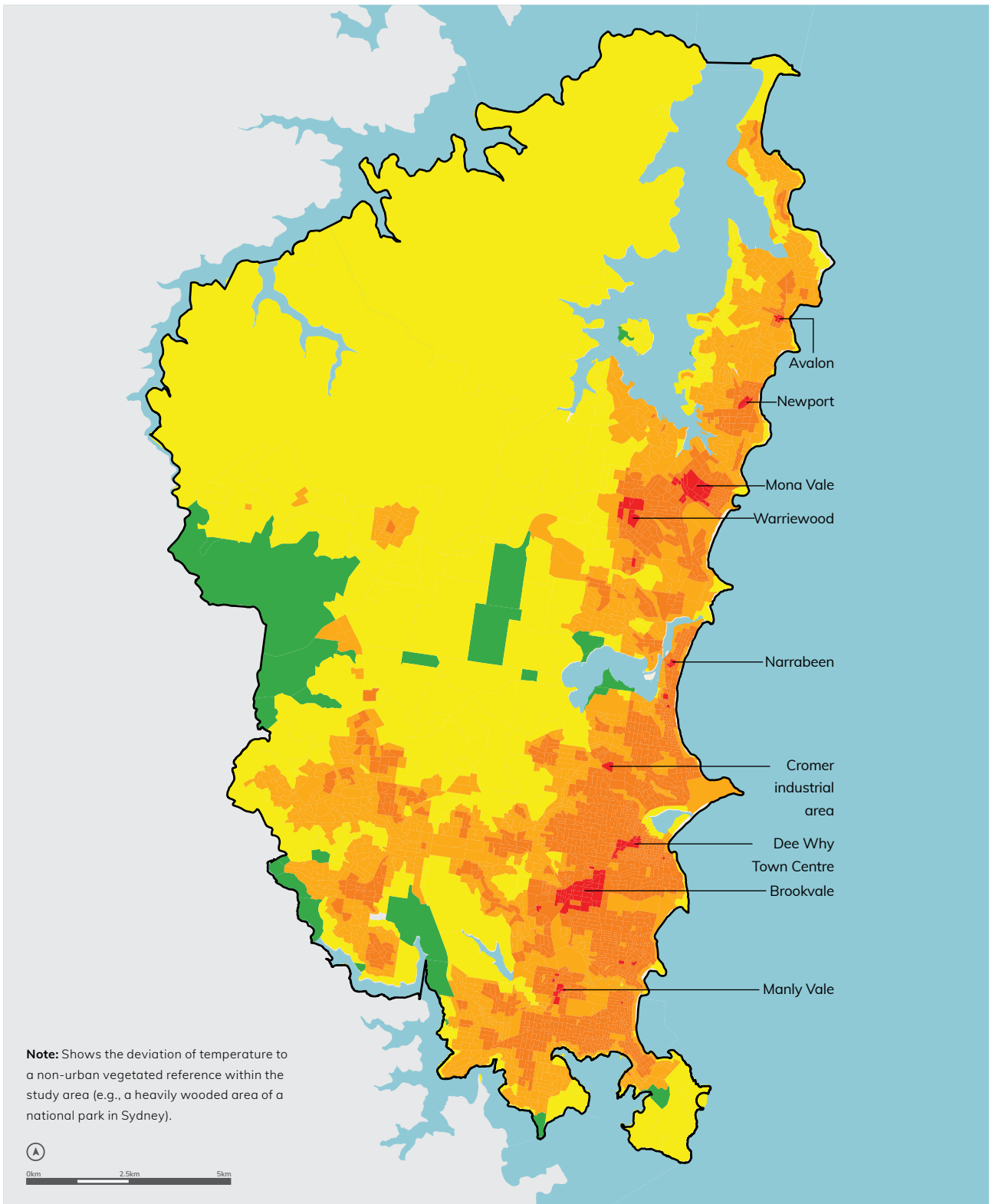


Legend

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

- | | |
|--|--|
| ■ Cooler than reference | ■ 6 - 9 degrees warmer |
| ■ 0 - 3 degrees warmer | ■ Warmer than 9 degrees |
| ■ 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

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



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.
-