



An aerial photograph of a coastal town and harbor. The town is built on a cliffside overlooking the ocean, with a large red arch graphic superimposed over it. The harbor is filled with numerous boats and a marina. The background shows rolling hills and mountains under a clear sky.

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

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 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

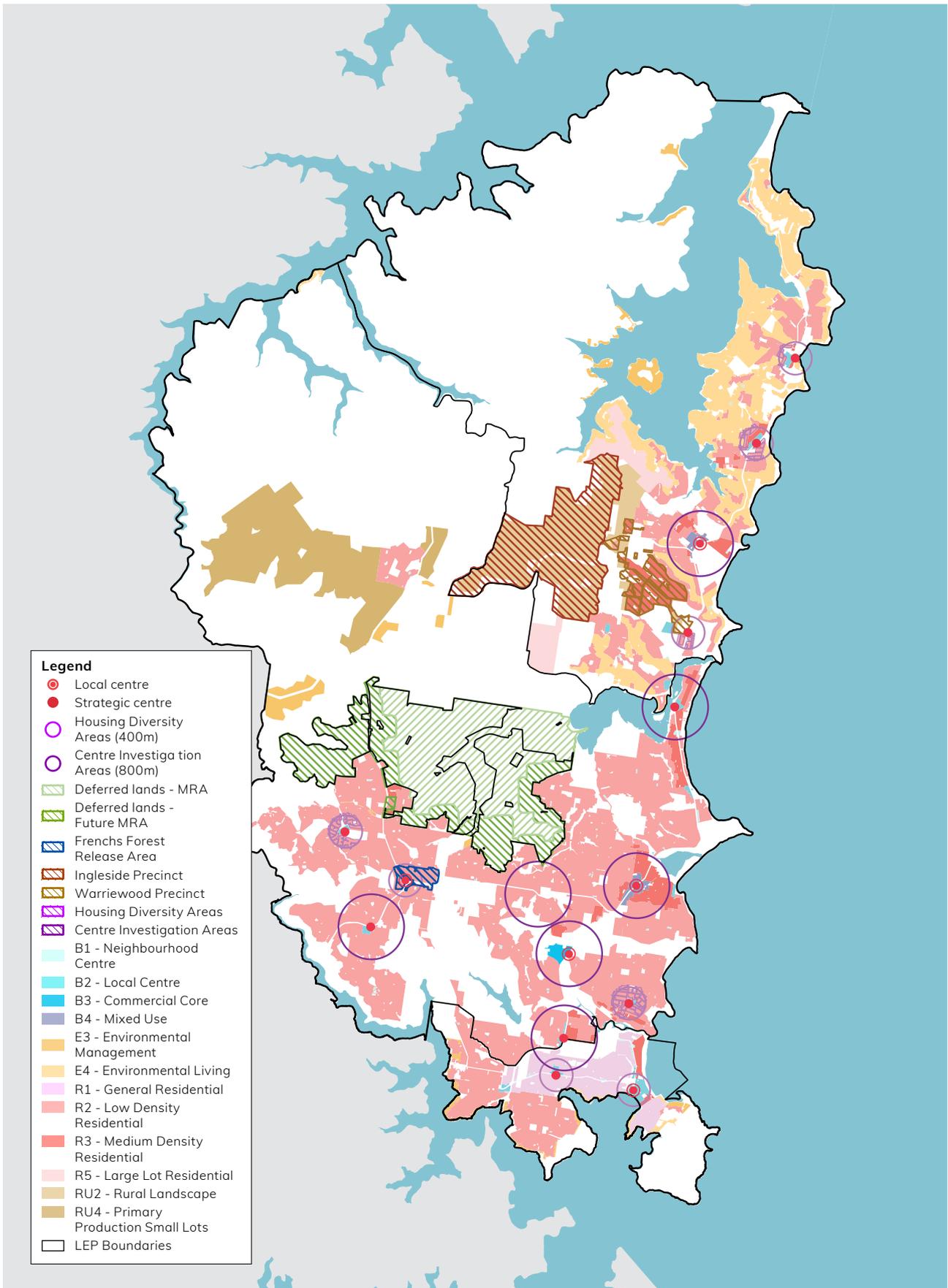
Setting the scene

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 to view the Local Housing Strategy.
- Visit legislation.nsw.gov.au to view the full definitions of different housing types in the Standard Instrument or Codes SEPP.



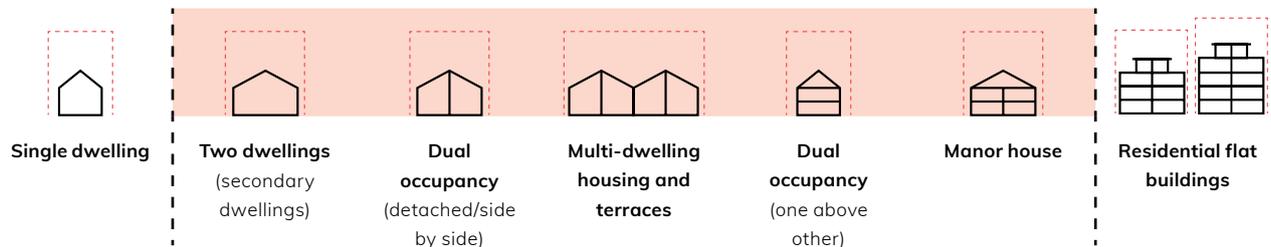
Dual occupancy development at 2 Mactier Street, Narrabeen



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) - [side-by-side – Codes SEPP]*					
dual occupancies (attached) - [one above the other – Codes SEPP]*					
dual occupancies (detached)					**
semi-detached dwellings					
manor homes (Codes SEPP)*					
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)					**
hostels (Seniors SEPP)*					**
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 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



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

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



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.

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 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 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 to find out more.



Priority 17

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 to read the Manly LEP design excellence considerations.
- Visit 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



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.

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

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 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.

