

AGENDA

Notice is hereby given that an extraordinary Northern Beaches Council Meeting will be held in the Council Chambers at the Civic Centre, Dee Why on

Monday 17 June 2024

Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.

Scott Phillips
Chief Executive Officer

OUR VISION

Delivering the highest quality service valued and trusted by our community

OUR VALUES

Trust Teamwork Respect Integrity Service Leadership

OUR OBLIGATIONS

I swear/solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Northern Beaches and the Northern Beaches Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

ORDER OF BUSINESS

1.0	ACKNOWLEDGEMENT OF COUNTRY	
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3.0	DISCLOSURES OF INTEREST	
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1.0 ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, Northern Beaches Council acknowledges the traditional custodians of these lands on which we gather and pays respect to Elders past and present.

2.0 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

In accordance with Part 6 of the Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council meeting may be granted.

3.0 DISCLOSURES OF INTEREST

In accordance with Part 17 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

A councillor who has a **pecuniary interest** in any matter with which Council is concerned, and who is present at a meeting of Council at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

The councillor must not be present at, or in sight of, the meeting:

- a. at any time during which the matter is being considered or discussed, or
- b. at any time during which Council is voting on any question in relation to the matter.

A councillor who has a **significant non-pecuniary** conflict of interest in a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

A councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why the conflict is not significant and does not require further action in the circumstances.

4.0 PUBLIC ADDRESS

In accordance with Part 5 of the Code of Meeting Practice, residents, ratepayers, applicants or other persons may request to address Council in relation to any one matter related to the general business of Council.

11.0 PLANNING AND PLACE DIVISION REPORTS

ITEM 11.1 PLANNING PROPOSAL – NORTHERN BEACHES LOCAL ENVIRONMENTAL PLAN (LEP)

PURPOSE

The purpose of this report is to seek Council endorsement to submit the Planning Proposal for the new Northern Beaches Local Environmental Plan (LEP) to the Minister for Planning and Public Spaces for Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

EXECUTIVE SUMMARY

- The Planning Proposal outlines the content, justification, and intended effect of the new, comprehensive LEP for the Northern Beaches, repealing the 4 LEPs that currently apply in the area being: Manly LEP 2013; Pittwater LEP 2014; Warringah LEP 2011; and Warringah LEP 2000.
- The LEP will guide planning decisions for the development and conservation of land on the Northern Beaches, comprising aims, land use zoning, development controls and other provisions, reflecting the priorities and principles of the Northern Beaches Local Strategic Planning Statement – Towards 2040.
- The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Housing and Infrastructure's *Local Environmental Plan Making Guideline* (August 2023).
- The Planning Proposal is aligned with regional and local strategies and informed by technical studies, research, spatial analysis, as well as extensive engagement with the community, Councillors, key stakeholders, and the Northern Beaches Local Planning Panel (NBLPP).
- The NBLPP considered the Planning Proposal at its meeting on 23 May 2024 and advised that the Planning Proposal is appropriate for submission to the Minister for Planning and Public Spaces for issue of a Gateway Determination.
- The LEP will be complemented by a new Northern Beaches Development Control Plan (DCP), replacing all current DCPs and which will be reported to Council separately.
- Public exhibition of the Planning Proposal (as well as the draft DCP), including extensive LGA-wide public consultation, will take place following Gateway Determination, subject to the Department's advice and conditions.

RECOMMENDATION

That:

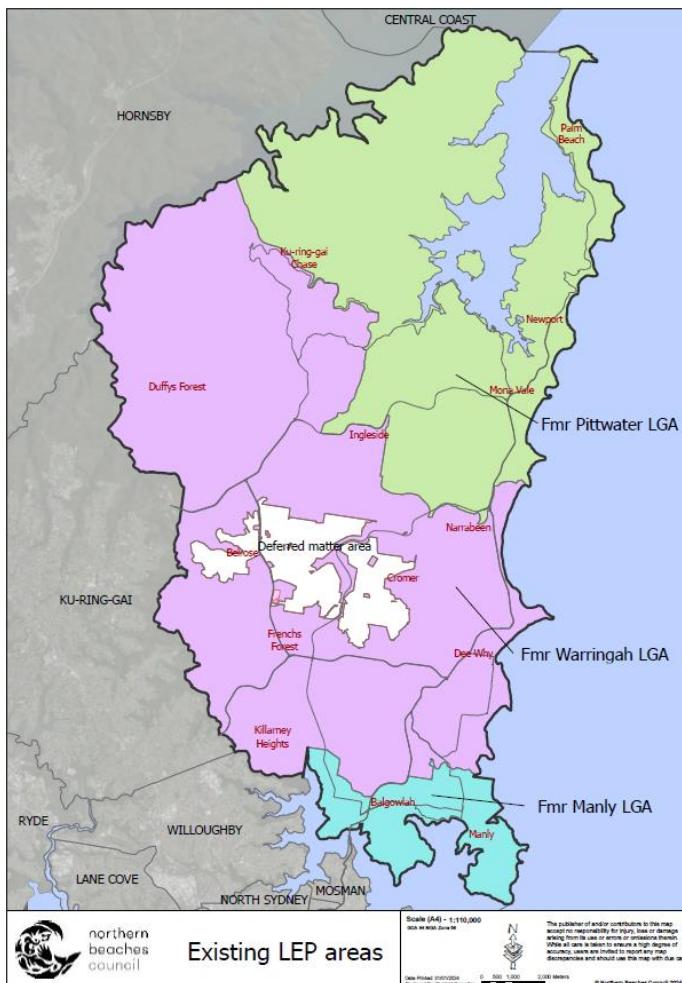
1. Council endorse the Planning Proposal (Attachment 1 and Attachment 2) for submission to the Minister for Planning and Public Spaces for Gateway Determination.
2. Council delegate authority to the Chief Executive Officer to make any required amendments to the Planning Proposal to address minor errors or the requirements of the Department of Planning, Housing and Infrastructure which do not alter the intent or result in material changes to the Planning Proposal, prior to the commencement of any public exhibition.

BACKGROUND

On 12 May 2016, the Local Government (Council Amalgamations) Proclamation 2016 was notified. The Proclamation resulted in the creation of the new Northern Beaches local government area (LGA); an amalgamation of the former Manly, Pittwater and Warringah LGAs.

The Proclamation required that the land use plans that applied to different parts of the LGA at the time of the boundary changes continue to apply to those areas until such time as they are replaced by new land use plans.

As a result, 4 different local environmental plans (LEPs) and 4 development control plans (DCPs) have applied to different parts of the LGA for the past 8 years or so (see Figure 1). This has created a complex policy framework with different rules applying to different areas despite broad similarities in character and environment.



The proposed new Northern Beaches LEP will replace the following existing LEPs and apply to the entire LGA:

- Manly LEP 2013 (MLEP 2013)
- Pittwater LEP 2014 (PLEP 2014)
- Warringah LEP 2011 (WLEP 2014)
- Warringah LEP 2000 (Deferred Lands) (WLEP 2000)

The Planning Proposal seeks to create one new, consolidated set of planning rules for the whole LGA. It explains the intended effect of, and justification for, provisions within the new Northern Beaches LEP.

The LEP will harmonise existing provisions to create a consistent, transparent, and fair approach to land-use planning that is mindful of local character and place requirements. Where required, it will also introduce new provisions to address identified strategic priorities and community aspirations as per the 'Planning Our Sustainable Future' program (see below).

Figure 1 - existing LEPs that apply to the Northern Beaches LGA

The new consolidated LEP will be complemented by a consolidated DCP for the area (to be considered by Council in late 2024 / early 2025).

The Planning Proposal is the culmination of several years of strategic planning, research and technical studies, and extensive community and stakeholder consultation. This process has provided a strong evidence-base for land use planning across the LGA. As detailed below, Council has consulted closely with the NSW Department of Planning, Housing and Infrastructure (the Department) throughout this process.

Council is mindful of the Department's recently announced intentions for low to midrise housing reform across NSW. These reforms, which are yet to be confirmed, are the subject of discussions between the Department and with councils starting in May 2024. In the absence of clear direction

and detail regarding these Government-led reforms, the Planning Proposal is to proceed in its current form.

THE PLANNING PROPOSAL

LEPs provide the statutory framework that guides development and land use decisions throughout NSW. They do this through land zoning, standards for development, and matters that must be assessed when assessing development applications.

A planning proposal is the document that sets out the justification and supporting information to allow an LEP to be made under section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act further prescribes the standard structure, headings, and process for the Planning Proposal. The *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, August 2023) supplements the statutory specifications to outline the practical steps to amend or create a new LEP.

The Planning Proposal (Attachment 1 and Attachment 2) is structured as per the standard template and meets all statutory and regulatory requirements.

Purpose

The purpose of this Planning Proposal is to create a single, consolidated LEP that will replace the 4 existing LEPs that apply to land in the Northern Beaches LGA. In consolidating current LEPs, Council intends to achieve the objectives outlined in Figure 2 below:



Figure 2: Northern Beaches LEP objectives

Intended outcomes

The Planning Proposal seeks to progress the community's long-term vision as outlined in its Community Strategic Plan (CSP):

Northern Beaches – a safe, diverse, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment (CSP 2022: p19).

Guided by this vision, the Planning Proposal's intended outcomes are:

1. Protection of environmental, scenic and cultural values of our bushland, coast, waterways.
2. Avoidance of intensification, inappropriate development and incompatible land uses in hazardous areas and rural areas.

3. Provision of housing in the right locations and support for a housing mix to meet diverse community needs.
4. Urban design outcomes that support amenity and complement local character.
5. Environmentally sustainable design and transition to net zero developments through high energy, water and waste efficiency.
6. Safeguarding of employment lands from non-compatible uses, enabling holistic and integrated growth of centres.
7. Provision of public benefits (open space, affordable housing, amenity) and community facilities and services that meet changing community needs.
8. Support for creation of liveable communities (e.g. increasing tree canopy, reducing urban heat, delivering amenity, supporting sustainable transport).

DISCUSSION

The Northern Beaches LEP will be Council's principal land use planning document to guide and regulate the development and conservation of land in the LGA.

The Planning Proposal provides a plain English explanation and justification for the provisions proposed to be included in the LEP, including its proposed aims, land use zones, development standards and other planning controls – and comparison with existing LEPs.

Merging 4 existing LEPs into a new consolidated LEP for the LGA is complex. While there are many similarities in these documents, there are also many differences. Many controls must be reconciled to create a single, clear, fair and locally relevant LEP, that is consistent with State and local policy direction, and with legislation governing the preparation of an LEP in NSW.

LEP Proposed Key Changes

Land use zones

- **The Planning Proposal includes 24 land use zones to apply across the LGA** – consolidated from 15 zones in MLEP2013, 21 zones in PLEP2014, 18 zones in WLEP2011, and two locality statements in WLEP2000. The application of zones i.e. the land to which current zones apply, and the permissible land uses in each zone, will generally remain the same, however the permissibility of certain land uses in some zones has changed to achieve consistency across the LGA.
- **A number of rural and residential properties will be re-zoned to a (environment) Conservation zone** as a result of Council's Conservation Zones Review, including in Oxford Falls Valley, Belrose North, Ingleside, and Bayview, as well as in some urban locations where high environmental values have been identified (see Consultation section below and Appendix H to the Planning Proposal – "*Conservation Zones Review – Outcomes and Implications*").
- **Zones under the Standard Instrument LEP planning framework will be applied to the 'deferred lands' (Belrose North and Oxford Falls Valley)** currently regulated by WLEP2000, based on the Conservation Zones Review, analysis of land use and character, and consideration of the directions of the Northern Beaches Local Strategic Planning Statement – *Towards 2040*. This is discussed in further detail below.
- **Rezoning of certain publicly owned land to reflect the primary use of the land**, including rezoning of some Council parks and waterways to C2 Environmental Management and W1 Natural Waterways to ensure better protection of land with high environmental values.
- **Retain permissibility of certain housing types currently permitted in the Manly LEP 2013 R2 zone** e.g. multi-dwelling housing, to facilitate opportunities for more diverse and

affordable housing, consistent with Council's Local Housing Strategy (maintained through 'additional permitted use' provisions to be identified in Schedule 1 of the LEP).

- **Registered clubs will be permitted in the RE1 Public Recreation zone and RE2 Private Recreation zone** subject to them being 'incidental or ancillary' to a recreation facility on the land consistent with several existing sites across the LGA.
- **A range of infrastructure related land uses will be permitted** in zones throughout the LGA to align with permissibility under State Environmental Planning Policy (Transport and Infrastructure) 2021, for example, schools and emergency services facilities.
- **Road reserves have been rezoned either RE1 Public Recreation or C2 Environmental Conservation to reflect Council managed reserve boundaries.** The zoning of other road reserves will be completed following confirmation from the Department of the proposed approach and prior placing on public exhibition.

Housing

Consistent with the Northern Beaches Local Housing Strategy, the proposed changes to housing provisions seek to enable greater housing diversity while protecting local character and amenity in residential areas by controlling for bulk, scale and sizes of lots that can be used for additional housing.

- **Attached dual occupancy development will be permitted in the R2 Low Density Residential zone** throughout the LGA with a minimum allotment size of 800sqm and 18m site frontage, with detached dual occupancy development being permitted on sites with a dual street frontage (WLEP2011 does not currently permit dual occupancy in the R2 zone).
- **Housing Diversity Areas will apply within 400 metres walking distance of land zoned E1 Local Centre in the R2 zone** at Avalon, Newport, North Narrabeen, Freshwater and Belrose, within which boarding houses and hostels will be permitted on sites of 1,000sqm or more.
- **Secondary dwellings (e.g. 'granny flats') provisions will be harmonised** to apply a maximum floor area of 60sqm, or 25% of the total floor area of the principal dwelling (whichever is greater), and 75sqm if attached to the principal dwelling. The height of detached (e.g. 'stand-alone') secondary dwellings will be limited to 5.5m in C4 and RU2 zones.
- **A maximum floor space ratio (FSR) standard will be introduced in low density residential zones**, based on locality and lot size, to better regulate the bulk and scale of development. This will replace existing FSRs applying under MLEP2013 and is a new requirement in other parts of the LGA.
- **New minimum allotment size and street frontage requirements will apply to certain types of medium density housing** (multi dwelling housing, residential flat buildings and the like), replacing current density controls in MLEP2013 and PLEP2014, apart from the Warriewood Valley Release Area, which retains density controls which are linked to environmental capacity.
- **A new provision for housing mix will be introduced to apply to residential flat buildings comprising 10 or more dwellings**, requiring a minimum 20% 1-bedroom and 20% 3-bedroom dwellings to be included in the design. The intent is to ensure greater diversity in dwelling types and promote housing choices for various sectors of the community, living needs, and budgets.

Centres

Consistent with the Greater Sydney Region Plan, North District Plan, and Council's Local Strategic Planning Statement (LSPS), the following changes are proposed to protect the viability of centres, encourage business opportunities, facilitate good design outcomes, and promote vitality and amenity:

- **The maximum building height will be changed in some centres:** In local centres (excluding Mona Vale), increase from 8.5m to 9.3m, and from 11m to 12.4m, to facilitate greater floor to ceiling heights. In Brookvale Industrial area, increase from 11m to 18m. At Warringah Mall, establish a height limit of 30m consistent with existing development. In Frenchs Forest Business Park, apply a height limit of 11m generally and 21m for 'employment generating development'.
- **The existing Active Street Frontages clause applying in MLEP2013 (to Balgowlah, Manly and Seaforth Centres) will be extended** to apply to additional larger local centres including Avalon Beach, Newport, North Narrabeen, Narrabeen, Collaroy, the Strand at Dee Why, Freshwater, Forestville and Manly Vale, to promote pedestrian-friendly environments and retail activity.
- **A new clause, Development in Local Centres, will be introduced to consider the scale and function of development proposed in smaller neighbourhood centres** across the LGA. This is proposed in response to the NSW Government's recent Employment Zone Reforms which saw the merge of the former B1 Neighbourhood Centre and B2 Local Centre Zones into one E1 Local Centre Zone, and as a result, a loss of centres hierarchy.
- **Design Excellence considerations will be applied more broadly to all Strategic Centres** in Manly, Dee Why, Frenchs Forest and Mona Vale, to Warringah Mall, and to larger local centres in Avalon, Balgowlah, Belrose, Collaroy, Dee Why-The Strand, Elanora Heights, Forestville, Frenchs Forest, Freshwater, Manly Vale, Mona Vale, Narrabeen, North Narrabeen, Newport, Palm Beach, Seaforth and Warriewood. The clause aims to ensure a high standard of architectural and urban design for new buildings or external alterations of existing buildings.

Environment and Natural Hazards

The engagement for this project confirmed that the protection of the unique environmental values of the Northern Beaches remains of critical importance to the community.

Guided by the broad range of environmental technical studies and strategies developed by Council and directly informed by the Northern Beaches Environment Study as well as technical studies which provides specific planning recommendations, the Planning Proposal takes an evidence-based approach to protecting the environment:

- **New or updated LEP clauses are proposed to apply more broadly** across the LGA based on technical studies exhibited in 2022 as part of the Conservation Zones Review. The clauses require more detailed consideration of certain environmental matters in identified areas:
 - Bushland and Biodiversity clause – based on new mapping from the Biodiversity Planning Review and Deferred Lands Biodiversity Assessment, the clause aims to protect and conserve native fauna and flora.
 - Waterways Wetlands and Riparian Land clause – based on updated mapping from the Watercourse, Wetlands and Riparian lands study, the clause aims to protect and maintain water quality, bank and bed stability, ecological process, and aquatic and riparian habitats map.
 - Geotechnical planning – based on the Geotechnical Review and Planning Controls study, the clause designates land with a planning class (G1 to G7) based on its

geology, topography, position and slope, and includes updated mapping of landslip areas identified as 'G5 Narrabeen Slopes >15 degrees' and 'G7 Coastal Cliff Zone'.

- Coastline hazard management – based on existing adopted maps, the adopted Manly Coastal Risk Planning maps and new mapping identified through the Estuarine Planning Level studies for Cowan Creek and North and Middle Harbour, the clause aims to avoid significant adverse impacts from coastal hazards.
- **A new Scenic Protection clause will be introduced** to apply across the LGA to protect the scenic and environmental qualities of ridgelines and escarpments and natural landforms including rock outcrops. It is based on existing provisions in WLEP2011 and WLEP2000.
- **Retention of foreshore building lines identified in MLEP2013 and PLEP2014 and updating of related LEP clause** to establish additional matters for consideration e.g. retention of landscaping in foreshore areas. It is not intended to apply the clause more broadly across the LGA currently, as additional research is required which is beyond the scope of LEP work.
- **A Stormwater Management and Water Sensitive Urban Design clause will be applied** to all development with consent across the LGA to reflect the recommendations of Council's Stormwater Study, implementing the risk-based framework for waterway health, which includes different priorities and outcomes for different catchments.
- **Minimum requirements for landscaped area in low density residential zones will be included in the LEP** and updated (currently in DCPs) based on a detailed analysis of recent dwelling-house approvals and current requirements.
- **On flood prone land and steeply sloping land (>30%), existing special considerations clauses in PLEP2014 facilitating an increase in the height of buildings will be extended** to apply to such land throughout the LGA provided there are no additional environmental impacts. This provision will enable resilience measures such as raising the height of a house above flood levels.

Sustainable development

The Community Strategic Plan (CSP) identifies environmental sustainability as a core community aspiration: "Our community aspires to be leaders in managing our resources sustainably and for the long term to ensure that development is balanced with our lifestyle and environment" (CSP 2022: page 28).

This aspiration was re-iterated in the engagement for the LEP/DCP Discussion Paper, with community members expressing a strong interest in environmental sustainability and urging Council to become a leader in this field and reduce the environmental footprint of buildings.

While the community expectations are clear, from a planning perspective sustainability is complex. This area is largely governed by State policies (the Sustainable Buildings SEPP) and national standards (National Construction Code – NCC).

Currently, councils are not permitted to set higher standards than those included in the Sustainable Buildings SEPP and the NCC. However, councils can make policy and plans in areas that do not conflict with these standards.

The following change is proposed to address the identified community aspiration (and noting that Council is taking other action outside of the LEP to promote sustainable development throughout the LGA – see the Environment and Climate Change Strategy):

- **A new clause for Environmental Sustainability will be introduced to apply to large-scale development (greater than 1,500sqm floor area) in Employment and Residential Zones requiring consideration of a range of design principles** including water and energy demand reduction, indoor environmental quality, heat absorption reduction, urban greening, passive design, and transport initiatives promoting reduced car dependence. A scored checklist will support application of the clause.

In addition, many of the controls contained in “Environment and Hazards” section above will positively impact the sustainability of all future development.

Deferred Lands

Land within Oxford Falls Valley and Belrose North (known as the ‘deferred lands’) is currently subject to WLEP2000, which is a ‘place based’ LEP no longer supported by the NSW Government. Changes will occur in moving WLEP2000 into the required LEP format set by the Standard Instrument (Local Environmental Plans) Order 2006, as standardised land use zones, clauses and definitions must now be applied.

Land within this area will be zoned a mix of RU4 Rural, C3 Environmental Management, R5 Large Lot Residential, R2 Low Density Residential, RE1 Public Recreation or SP2 Infrastructure Zone under the new LEP, based on the Conservation Zones Review, analysis of land use and character, and consideration of the directions of the Northern Beaches Local Strategic Planning Statement – *Towards 2040*.

Other key proposals for the Deferred lands include:

- **Sunset clause:** The current permitted uses of all land in the deferred lands will be retained for a period of two years under a “sunset” clause in the new LEP to allow landowners to make applications for those uses during a transitional period. Development consents granted during this transitional period must be commenced within five years of the consent being granted.
- **APUs:** Selected sites will be subject to “additional permitted uses” (APUs) – land uses permitted in addition to those normally permitted under the relevant zone, based on the current nature of land uses in the area.
- **Retention of minimum lot size controls** for the subdivision of land and for the erection of dwelling houses in areas zoned RU4 and C3 to maintain existing character. Land proposed to be zoned in other zones e.g., R2 and R5 will be subject to changed controls reflecting controls in similar areas in the Council area.
- **Application of Split Zones** (usually part C3/ part RU4) on large lots where some of the land may have been cleared and no longer presents environmental values that would trigger a conservation zone.
- **Application of zones other than conservation zones** based on site-by-site assessment of existing values and uses.

PLANNING PROPOSAL PROCESS

An overview of the process Council used to develop the Planning Proposal is shown in Figure 3 below and further described in the following. (The steps below align with the Pre-lodgement and the Planning Proposal stages of the Department’s *LEP Plan Making Guidelines*). Community engagement was a core element of this process and hence described in more detail in the following section.

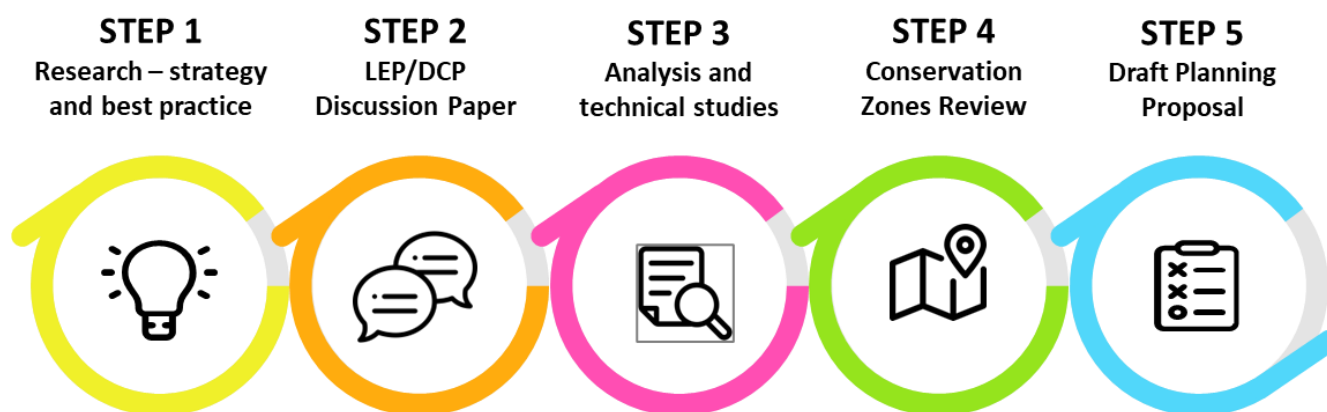


Figure 3 Preparation of the Planning Proposal



Step 1: Research – strategy and best practice (March – May 2021)

- Analysis of strategic context (regionally and locally) was undertaken to ensure alignment with guiding regional and local directions as well as good planning practice
- An analysis of the four existing LEPs was undertaken to identify what works well, as well as identify areas for improvement and further research. This was used as a starting point for best practice analysis to identify specific development controls that work well elsewhere.
- Identified strengths were used as basis for identifying possible harmonisation and extension of controls across the whole LGA.



Step 2: LEP/DCP Discussion Paper (June – December 2021)

Informed by the initial research and analysis, a comprehensive LEP/DCP Discussion Paper was prepared. The purpose was to inform discussions with the community about the need for simplified and consolidated planning rules for the whole LGA.

- The LEP/DCP Discussion Paper was presented to Council at its meeting held on 15 June 2021, where Councillors resolved to place the document on public exhibition.
- The LEP/DCP Discussion Paper and supporting materials were placed on extended public exhibition (from Friday 25 June to Sunday 5 September 2021). Consultation feedback has been being considered in the Planning Proposal. (See further detail below in the Consultation section of this report)
- The results from the engagement were made public via Council's website in the report titled *"Community and Stakeholder Engagement Report: Local Environment Plan / Development Control Plan Discussion Paper"*



Step 3: Analysis and technical studies (Jan – June 2022)

- This step focussed on providing in-depth spatial and technical analysis on items and areas of identified priority.
- The following technical studies have provided the basis for identification of areas with environmental value and significant environmental hazards. These studies have also assisted with the preparation of specific clauses for the Planning Proposal. (See the Appendix J to the Planning Proposal for an overview of technical studies and how they have been applied).
 - Deferred Lands Strategic Bushfire Assessment

- Deferred Lands Biodiversity Assessment
- Biodiversity Planning Review
- Watercourse, Wetlands and Riparian Study
- Cowan Creek Estuarine Planning Levels Study
- North and Middle Harbour Estuarine Planning Level Study
- Stormwater Management Study
- Geotechnical Review – Geotechnical Planning Controls.



Step 4: Conservation Zones Review (C Zones Review) (July 2022 – Sept 2023)

- The purpose of the Conservation Zones Review was to identify areas with high environmental value and to develop a consistent zoning approach to this land. It is described in detail in Appendix H to the Planning Proposal – “*Conservation Zones Review – Outcomes and Implications*” (Meridian Urban 2024).
- The Conservation Zones Review consisted of a comprehensive report, outlining the proposed draft methodology for land use zoning across the LGA. It was accompanied by the detailed technical studies (see above), supporting materials, and interactive mapping. The interactive mapping allowed users to zoom in to property scale. It also provided the rationale for proposed rezonings - both as written summaries, as well as in spatial form (e.g. through mapping overlays of key criteria that may have triggered a re-zoning).
- Conservation Zones draft methodology – key aspects
 - Consistent application of zoning criteria and methodology across the LGA
 - For areas subject to identified natural hazards (e.g. flooding, bushfires), a conservation zone was proposed to apply to avoid intensification of development in these high-risk areas, hereby reducing exposure of people and property to hazards.
 - Application of buffer zones for areas bordering onto areas of high conservation value and/or subject to natural hazards
 - Weighted criteria, including definitions and thresholds for identification of High Environmental Value (HEV) and Medium Environmental Value (HEV)
- Council meeting and public exhibition
 - The Conservation Review was presented to Council at its meeting held on 23 August 2022, seeking endorsement for public exhibition.
 - At this meeting, Council resolved to publicly exhibit the Conservation Zones Review and associated technical studies and interactive mapping.
 - Council also resolved that any disputes relating to proposed land-use zonings would be considered by an independent review, including site inspection, prior to any lands being re-zoned.
 - The Conservation Zones Review was placed on public exhibition for an extended 3-month period, from 2 September to 2 December 2022. The results from the engagement were published by Council’s independent consultant, Meridian Urban and made public via Council’s website in the report titled “Conservation Zones Review Consultation Report – March 2023”. The results are summarised at Appendix H to the Planning Proposal.

- Revised criteria and methodology for land use zonings
 - A pilot study to test key aspects of the methodology was undertaken in collaboration with the Department from June 2023 to July 2023. This was in addition to earlier engagement with the Department which took place progressively during the drafting of the Conservation Zones methodology.
 - In late November 2023, Council received final advice from the Department, giving direction to permit finalisation of the methodology. Amongst other things, the advice directed Council to:
 1. Retain existing conservation zoning throughout the LGA; and
 2. Remove natural hazard criteria (e.g. bushfire prone or flood prone land) and “Medium Environmental Value” criteria from the zoning methodology.
 - Following the Department’s final advice, Council amended its Conservation Zones criteria and methodology and prepared new mapping in accordance with those criteria.
 - The revised methodology has resulted in changes to the number of properties proposed to be rezoned to Conservation Zone as part of the Conservation Zones Review.
 - This has resolved many of the disputed rezonings. Independent reviews, potentially including site visits, will continue to be undertaken as required for any remaining disputed rezonings, or for any new disputed rezonings arising from the public exhibition of the LEP Planning Proposal.



Step 5: Draft Planning Proposal (Oct. 2023 – April 2024)

- The Planning Proposal has been drafted and structured in accordance with the required Standard LEP Template.
- Council undertook early and targeted engagement on these and other key aspects of the Planning Proposal during this time. The objectives were to provide an understanding of the LEP overall; explain key proposed provisions and changes; and gain feedback on the identified key clauses that were considered of particular interest and importance to Councillors, the community and for purposes of protecting local character and the natural environment.
- Reporting this matter to the Northern Beaches Local Planning Panel (NBLPP) is a statutory requirement and the Panel’s advice is provided in the minutes from its formal meeting (see Attachment 2 as well as extract in the section below).

COMMUNITY CONSULTATION

The Planning Proposal is informed by extensive community and stakeholder consultation under the *Planning our Sustainable Future* program of land use planning works, starting with the statutory exhibition of the Local Strategic Planning Statement (LSPS) in 2020 and followed by the Local Housing Strategy in 2021. The results from these statutory public exhibitions have been reviewed and included in the development of the Planning Proposal.

The project-specific engagement that directly has informed the Planning Proposal included the LEP/DCP Discussion Paper and the Conservation Zones Review (highlighted in Figure 4 and briefly summarised below). In total more than 2,300 people have contributed to the project.



Figure 4 - overview of community consultation

Engagement to Inform Planning Proposal

LEP/DCP Discussion Paper – public exhibition

The overall purpose of the engagement was to seek early input from the community on identified issues and opportunities as well as potential approaches for addressing key priorities under the LSPS and Local Housing Strategy.

Component	Description
Key objectives	<ul style="list-style-type: none"> • Provide accessible information so community and stakeholders can participate in the LEP/DCP making process in a meaningful way. • Communicate to community and stakeholders how their input will continue to be incorporated into the planning and decision-making process. • Identify community concerns, local knowledge, and values.
Materials and resources	<ul style="list-style-type: none"> • LEP/DCP Discussion Paper – a comprehensive report that outlines key issues and opportunities relating to the four LSPS themes: Sustainability; Infrastructure and collaboration; Livability and Productivity. • Webinar to explain the discussion paper purpose and proposals. • FAQs - an overview of what's proposed. • Property search map - for property specific zoning and planning information.
Method	<ul style="list-style-type: none"> • Online survey via Council's "Have Your Say" page • Social media posts • Electronic direct mail: <ul style="list-style-type: none"> - 5 updates in community newsletter (20,000 subscribers) - 6 Council news (150,000 subscribers) - 5 stakeholder updates (distribution 1,955)

Component	Description
Key findings	<ul style="list-style-type: none"> • <u>Shared desire to protect the unique environment</u> of Northern Beaches - our highly valued natural waterways, landscapes, and biodiversity. • <u>Strong support for planning provisions to support tree canopy retention and protection.</u> • <u>Keen interest in the development of Local Character Statements</u> that will be reflective of community values and the inherent and unique qualities of the LGA¹. • <u>Community overall support for a centre-based approach to housing provision</u> – “housing in the right locations” – though many residents expressed a general concern about housing growth, noting this would create pressures on infrastructure, the environment and community services. • <u>Strong interest in environmental sustainability</u>, with comments urging Council to become a leader in this field and reduce the environmental footprint of buildings. • <u>There were strong – but mixed – views regarding Deferred Lands</u> (Belrose North and Oxford Falls Valley) zoning. Many residents expressed deep concern with future zoning and permissible uses for their properties. Broader community views emphasised the significant environmental values and important ecological and vegetation communities located in the area and called for stronger environmental protection and conservation zoning throughout Deferred Lands.

Conservation Zones Review

The overall purpose of the engagement was to seek early input on the initial draft conservation zone methodology and related zonings (Conservation, Residential, Recreation, and Rural).²

Component	Description
Key objectives	<ul style="list-style-type: none"> • Gain feedback on the draft methodology and criteria for C zones. • Understand community sentiments toward proposed land uses. • Identify any mapping accuracy issues relating to technical studies and understand ground-truthing/site visit requirements. • Identify community values and aspirations for future land use and strategic planning.
Materials and resources	<ul style="list-style-type: none"> • Conservation Zones Review Report – a comprehensive report outlining the core definitions, assessment criteria, methodology, permitted land uses, mapping and community insights from previous engagement. • Seven supporting technical studies, including bushfire and biodiversity assessments for Deferred Lands; biodiversity planning review for the LGA; two estuary planning studies for Cowan Creek and

¹ These have since been developed and have informed the Planning Proposal. They will be particularly important for the development of the consolidated DCP.

² See Appendix H of the Planning proposal for detail on how the outcomes from the community and stakeholder consultation has informed the drafting of the Planning Proposal. Refer to Conservation Zones Review webpage for further information and resources, including the detailed Consultation Report: <https://yoursay.northernbeaches.nsw.gov.au/planning-ezones>

Component	Description
	<p>North and Middle Harbour respectively; watercourse, wetlands, and riparian lands study; stormwater study; and a geotechnical review.</p> <ul style="list-style-type: none"> • Interactive spatial mapping tool – providing detailed information on existing and proposed land use zoning, hazards, and environmental values across the LGA. The tool provided a landscape view of proposed zoning and mapping across the whole LGA, allowing users to drill down to gain information at individual property scale about proposed methodology and land use changes for any property in the LGA. • Supporting materials – including explanatory project information, project updates and emails, overview video, Easy Read document summary, and project fact sheets and FAQs.
Method	<ul style="list-style-type: none"> • Letters to over 17,000 properties that were either currently in a conservation zone, proposed to be within a conservation zone, or proposed for removal from a conservation zone. The mailout also included all properties in the Deferred Lands LEP area. • Review and consolidate previous community feedback received during public exhibition on local strategic documents (namely LSPS and Local Housing Strategy). • Five online community focus group sessions held in early October 2020 to understand local issues and experiences and identify the important environmental values; and • A community survey which sought feedback on potential future land uses and environmental values.

Table 2 – Summary of engagement for the LEP/DCP Discussion Paper

Key findings – community submissions on Conservation Zones Review



Community members

935 total unique responses and including from major landholders such as Metropolitan Aboriginal Land Council, schools, retirement villages were received. The top 10 themes are listed below, with % indicating how often the issue was raised out of all submissions:

- Environment/ecology (32%)
- Limiting existing uses concerns (24%)
- Accuracy of mapping (23%)
- Character of place (17%)
- Tree canopy/biodiversity corridor support (16%)
- Consistency in application of zoning concerns (13%)
- Adequacy of mapping methodology – e.g. biodiversity (12%)
- Secondary dwellings support (11%)
- Bushfire concerns (11%)³

³ Conservation Zones Report, Meridian Urban 2023: page 2 – 3



Community petitions

- *Pittwater Conservation Zones need to Stay* (709 signatories) – objections to residential zoning of existing C4 land; support for conservation zoning on land with high environmental values or natural hazards present; call for scenic foreshore protection areas from shorelines to ridgelines; retain all heritage conservation areas and investigate further heritage protections.
- *Ebor Street residents - Palm Beach* (11 signatories) – objecting to proposed zoning to residential (from C4) on grounds of high bushfire risk.
- *Rignold Street, Seaforth* (18 signatories) – call for protection of biodiversity and environmental values, including application of C2 zoning and riparian zones protection.



Community stakeholder groups

25 resident and 'friends of' place-based group submissions:

- 15 submissions from place-based community groups in Pittwater (11 of which expressing specific concerns with proposed changes from C Zones to Residential; and 4 commenting on methodology).
- 4 submissions from place-based community groups in Warringah (mainly expressing views on zoning of natural recreation areas, wanting to see C2 zoning while allowing sustainable recreational use namely for Manly Dam, Stony Range Regional Botanic Garden, Narrabeen Lagoon State Park, and Oxford Falls Regional Crown Reserve).
- 3 submissions from place-based community groups in Manly (calling for C2 zoning while allowing sustainable recreational use in North Balgowlah, Manly Lagoon, and Curl Curl Lagoon).
- 3 submissions from place-based community groups in Deferred Lands (one from Belrose Rural Community Association calling for tighter conservation zoning (e.g. C2 instead of C3) to conserve ecological values; and two from Warringah Urban Fringe Association and Bayview Ingleside Residents Association, both objecting to conservation zones in Deferred Lands and Metropolitan Rural Areas).
- 5 Community interest groups (theme based) – key interests included tree canopy, environmental values, heritage (Aboriginal and non-Aboriginal) and concerns with development.

STAKEHOLDER CONSULTATION

Government agencies and key internal and external stakeholders were kept informed of the project progress throughout the process.

Specific stakeholder engagement activities on the Planning Proposal included (and were not limited to)⁴:

- Ongoing meetings with the Department and key stakeholders such as the Rural Fire Service throughout the project.
- 4 workshops/briefings for Councillors specifically on the LEP Planning Proposal development (in addition to briefings and Councillor meetings on the LEP/DCP Discussion Paper and the Conservation Zones Review).

⁴ Stakeholder engagement activities and outcomes relating to Conservation Zones Review are detailed in the "Conservation Zones Review Consultation Report – Meridian, March 2023"

- 2 workshops and one formal meeting of the Northern Beaches Planning Panel.
- 2 internal workshops for all planning staff to test key aspects of the Planning Proposal.

The stakeholder engagement on the Planning Proposal showed general appreciation and support for the need to consolidate the existing four LEPs into one. The stakeholder engagement also showed overall support for identified key clauses (see Discussion section above), with some input and suggestions provided (and subsequently incorporated) regarding key clauses of the Planning Proposal (including FSR, Landscaping, Dual Occupancy and Secondary Dwellings, and Housing Diversity clauses).

ADVICE FROM THE NORTHERN BEACHES LOCAL PLANNING PANEL

Proceedings in brief

The Planning Proposal was referred to the NBLPP meeting held on 23 May 2024 for advice in accordance with the Ministerial Direction for Local Planning Panels.

Prior to the meeting, the Panel received 4 submissions. The Panel also received written comments from the community representative Panel member who was unable to attend the meeting. The Panel considered all the above material in forming its view.

The full minutes of the NBLPP meeting are at Attachment 3.

Summary of NBLPP advice and Council response

“The Panel is of the view that the Planning Proposal is appropriate for submission to the Minister for Planning and Public Spaces for issue of a Gateway Determination, in accordance with the Ministerial Direction on referral criteria for Local Planning Panels: Local Planning Panels Direction – Planning Panels (August 2018).”

Amongst other matters, the Panel noted the complexity of the task of consolidating four LEPs and the thoroughness of Council’s approach, and that further dialogue will take place with the Department of Planning, Housing and Infrastructure prior to public exhibition. The Panel also noted the community consultation process that is planned to be undertaken following a Gateway determination.

Discussions with the Panel also identified some minor typographical and drafting errors to be corrected. These have been corrected in the Planning Proposal and Appendices that are attached to this report.

The Panel did not recommend any changes to the Planning Proposal but identified several matters it suggested should be further considered when drafting the LEP by the Department and Parliamentary Counsel (with reference to the indicative LEP at Appendix F to the Planning Proposal). The suggestions and Council’s responses are provided below.

- a) *Ensuring approaches to minimum lot size provisions for community title as well as strata subdivisions are consistent*

Response: Noted. Existing clauses in Pittwater LEP 2014 and Warringah LEP 2011 relating to community and strata subdivision have been carried over into the new consolidated LEP. This matter will be further considered as part of the Gateway determination process by the Department of Planning.

- b) *Appropriate framing of objectives to retain clarity but which also provide an appropriate degree of flexibility*

Response: Noted. Final drafting of LEP clauses takes place following exhibition of the Planning Proposal. A further review of the objectives of individual clauses will be undertaken at that time.

- c) *Grouping similar clauses, such as those related to attached and detached dual occupancies*

Response: Noted. Final drafting of LEP clauses takes place following exhibition of the Planning Proposal. Grouping of clauses will be considered further at that time in consultation with the Department of Planning.

- d) *Defining the term “front building line”, and providing definitions of all new terms used where not in the Dictionary*

Response: “Building Line” is a defined term in the Standard Instrument LEP. Consideration of whether further definition is required will take place at final drafting of the LEP following exhibition of the Planning Proposal.

- e) *Consideration of corner sites and lot width controls in relation to dual occupancies*

Response: Noted. The proposed lot width control for dual occupancies (18 metres) is based on recommendations of the Urban Design Study commissioned by Council for the new LEP and DCP. It is proposed to permit detached dual occupancies on lots with dual street frontages (includes corner lots). The DCP will provide guidance in support of the LEP clause. Final drafting of LEP clauses takes place following exhibition of the Planning Proposal. This matter will be reviewed at that time having regard to submissions and advice from the Department of Planning.

- f) *Review of proposed content of the LEP and DCP to avoid conflict with equivalent provisions in the State Environmental Planning Policies (SEPPs)*

Response: Noted. This will occur as part of the gateway determination process (LEP) in conjunction with the Department, and when developing Council's DCP (to be separately reported to Council).

- g) *Review of LEP and DCP provisions to ensure that provisions are located within the most appropriate regulatory instrument, and to maximise complementarity*

Response: Noted. This can be undertaken as part of the preparation of Council's new DCP (to be separately reported to Council). The final determination regarding whether controls are in the new LEP or DCP will be determined by the Minister for Planning as part of the Gateway determination process and prior to making the new LEP.

- h) *Review of the wording of LEP development standards with an objective to reduce the number of Clause 4.6 variation requests where an alternative wording or approach will achieve the desired outcome*

Response: Noted. Final drafting of LEP clauses takes place following exhibition of the Planning Proposal. This matter will be reviewed at that time having regard to submissions and advice from the Department of Planning.

- i) *Reconsideration of the necessity of the clause regarding noise impacts from licensed venues, including if any Special Entertainment Precincts are being considered*

Response: Noted. This draft clause currently exists in MLEP 2013 and has been included in the Planning Proposal for a consolidated LEP for the purposes of public exhibition. Further consideration will be given to this clause together with any submissions that may be received as part of the exhibition process.

- j) *The Panel notes the potential amendments to Appendix I as outlined in the Supplementary Memo - 2024/374329*

Response: Noted. The Supplementary Memo to the NBLPP suggested changes to Appendix I – Deferred Lands Background and Proposed Approach of the Planning Proposal in response to an LPP submission from the Warringah Urban Fringe Association. Minor amendments have been made to Appendix I to incorporate changes discussed with the Panel.

TIMING

The next steps in terms of finalising the LEP are outlined below, as per the Department's *LEP Plan Making Guidelines* (August 2023). See Part 6 of the Planning Proposal for further detail.

- Submit to Department of Planning for Gateway Determination, subject to Council endorsement (mid 2024).
- Gateway Determination issued by the Minister, including any conditions that must be met before public exhibition can take place (anticipated for end 2024).
- Finalise draft DCP and report to Council (end 2024/early 2025).
- Exhibit LEP Planning Proposal with draft DCP (early 2025, subject to timing of Gateway Determination and extent of any further work required to respond to conditions).
- Report back to Council for adoption (anticipated for mid 2025).
- Minister makes LEP (anticipated for second half 2025).

FINANCIAL CONSIDERATIONS

The recommendations in this report do not result in any change to the existing Council budget.

GOVERNANCE AND RISK CONSIDERATIONS

The Planning Proposal proposes changes to how land is zoned, used, and managed across the LGA. It is therefore critical that all Council interests in land is kept separate from the development of the LEP and that any potential conflicts of interest (whether on an individual or organisational level) is handled transparently and proactively.

To this end Council engaged an independent Probity Advisor who has assisted Council in developing a probity plan for the project. The plan sets out roles and responsibilities of all involved (including Councillors, CEO, Directors, Project Working Group, staff, and consultants). It also identifies probity risks and mitigation measures and establishes transparent procedures for managing risks.

These procedures and action include:

- Management of communication between Council's Strategic and Place Planning unit (which is leading the development of the LEP) and the Property unit (which manages Council owned and managed land across the LGA).
- Confidentiality processes and actions to avoid improper access to confidential information within Council (e.g. such as restricting access to confidential files, appropriately maintaining records).
- Conflict of interest management to ensure that any actual, perceived, or potential interests are managed proactively and documented in a transparent manner throughout the project process.

Council has worked closely with the Probity Advisor to ensure compliance with the Probity Plan and a final audit of the LEP and DCP processes will be completed by the Probity Advisor prior to a Council resolution to adopt the final LEP and DCP.

ENVIRONMENTAL CONSIDERATIONS

The proposed actions in this report will result in a beneficial environmental outcome by identifying environmental values throughout the LGA and establishing statutory protection of these values through application of Conservation zones. The Planning Proposal also proposes key provisions and clauses that will deliver positive environmental outcomes in both urban and bushland settings.

These include (and are not limited to) key provisions such as for environmental sustainability of buildings; scenic protection; design excellence, landscaping and tree canopy clauses.

SOCIAL CONSIDERATIONS


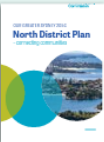



The Planning Proposal will deliver significant positive social benefit by providing:

1. **Greater clarity and certainty for land-use planning** throughout the LGA, and especially for Deferred Lands.
2. **A consistent and simpler set of planning rules that allows for greater transparency** in the development application process, making it easier for homeowners to understand planning rules and make use of development potential of their properties.
3. **Opportunities for greater housing diversity throughout the LGA and in a manner that is sensitive to local character** (e.g. by controlling for bulk and scale through for example, FSR, building height controls). This especially relates to the proposed housing provisions such as a new clause for greater housing diversity, secondary dwellings to apply throughout the LGA, and permitting dual occupancy in all R2 zones subject to controls (e.g. minimum allotment size). This will particularly affect Warringah LEP area, as the WLEP2011 to date has not permitted dual occupancies in R2 zones.
4. **Improved amenity and liveability outcomes for our centres**, e.g. through protecting employment lands and controlling for building height in strategic centres.

LINK TO STRATEGY

The Planning Proposal gives effect to a broad range of NSW Government objectives and actions. These include the overarching Greater Sydney Region Plan (GSPRP) *A Metropolis of Three Cities – connecting people* (2018) and the related North District Plan (2018). The Planning Proposal is also informed by a broad range of Council strategies namely the Community Strategic Plan – Shape 2028 (CSP); Local Strategic Planning Statement – Toward 2040 (LSPS), the Local Housing Strategy, and Northern Beaches Environment Study.

A brief outline of the key strategies that have shaped the Planning Proposal is provided below:

	<p>Greater Sydney Region Plan</p> <p>Released by the NSW Government in 2018</p> <p>The Greater Sydney Region Plan sets a 40-year vision and a 20-year plan to manage growth and change for Greater Sydney.</p> <p>Our new planning framework must be consistent with the Region Plan.</p>
	<p>North District Plan</p> <p>Published by the Greater Sydney Commission in 2018</p> <p>The North District Plan is a 20-year plan to manage growth which covers economic, social and environmental matters of the North District. It includes actions and priorities around liveability, productivity, infrastructure and sustainability.</p> <p>Our new planning framework must align with this plan.</p>
	<p>Community Strategic Plan - Shape 2028</p> <p>Adopted by Council in April 2018</p> <p>The Community Strategic Plan is a 10-year shared vision of what the Council and the community values and aspires to.</p>
	<p>Towards 2040</p> <p>Endorsed by the Greater Sydney Commission and Council in March 2020</p> <p>The Northern Beaches Local Strategic Planning Statement - Towards 2040 sets our land use vision, and planning principles, priorities and actions for the next 20 years.</p>
	<p>Local Housing Strategy</p> <p>Adopted by Council April 2021</p> <p>The Local Housing Strategy outlines how and where housing will be planned to meet community need.</p>

In addition to these guiding strategic documents, the Planning Proposal has been informed by a significant body of work and technical studies. Existing plans and studies of particular importance include (and are not limited to):

- Economic Development Strategy - Business on the Beaches
- Better Together Social Sustainability Strategy 2040
- Protect. Create. Live. Environment and Climate Change Strategy
- Climate Change Action Plan
- Bushland and Biodiversity Action Plan
- Environmental Education and Sustainable Living Action Plan
- Coast Action Plan
- Waterways and Catchments Action Plan
- Employment Study
- Draft Local Character Study

Reporting team	Strategic & Place Planning
TRIM file ref	2024/327146
Attachments	1 Northern Beaches LEP Planning Proposal 2 Appendices Index and Links - Northern Beaches Planning Proposal 3 Minutes - Northern Beaches Local Planning Panel - Extraordinary Meeting 23 May 2024



Planning Proposal

Northern Beaches Local Environmental Plan

Version 1.1 - May 2024

Planning Proposal Versions

No.	Date	Description
1	May 2024	Pre-Gateway report to Local Planning Panel – 15/05/2024
1.1	May 2024	Pre-Gateway report (with minor editorial amendments) to Council – 28/05/2024

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Introduction

Overview

This Planning Proposal (PP) outlines the proposed content and intended effect of the new Northern Beaches Local Environmental Plan (LEP) and sets out the justification for making the LEP.

The PP has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the (former) NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline*, August 2023, and consolidates four current LEPs: Manly LEP 2013, Pittwater LEP 2014, Warringah LEP 2011 and Warringah LEP 2000.

The LEP will guide planning decisions for the development and conservation of land on the Northern Beaches, comprising aims, land use zoning, development controls and other provisions. It reflects the priorities and principles of the Northern Beaches Local Strategic Planning Statement, *Towards 2040*.

Background and context

On 12 May 2016, the *Local Government (Council Amalgamation) Proclamation 2016* was notified. The Proclamation resulted in the creation of the new Northern Beaches LGA; an amalgamation of the former Manly, Pittwater and Warringah LGAs.

The Proclamation required that the land use plans that applied to different parts of the LGA at the time of the boundary changes continue to apply to those areas until such time as they are replaced by new plans.

As a result, four different local environmental plans (LEPs) and development control plans (DCPs) apply to different parts of the Northern Beaches LGA, creating an inconsistent and complex policy framework with different rules applying to different areas despite similarities in character and environment.

Three of these LEPs are based on the Standard Instrument LEP (a State-wide template for LEPs introduced by the NSW Government in 2006), however Oxford Falls Valley and Belrose North (known as the Deferred Lands) are subject to a non-standard "place based" LEP which is no longer supported by the NSW Department of Planning, Housing and Infrastructure.

The following LEPs currently apply to land in the Northern Beaches LGA:

- Manly Local Environmental Plan 2013 (MLEP2013)
- Pittwater Local Environmental Plan 2014 (PLEP2014)

- Warringah Local Environmental Plan 2011 (WLEP2011)
- Warringah Local Environmental Plan 2000 (WLEP2000) (Deferred Lands)

The Government's *'Guidance for merged councils on planning functions'* (May 2016) identified the harmonisation of local planning controls, integrated with updated community strategic plans and community engagement, as an important longer-term action for new councils like the Northern Beaches.

The creation of the new Northern Beaches LEP will provide a clear and more consistent set of planning controls for the whole LGA.

This PP is part of Council's Local Strategic Planning Framework 'Sustainable Futures Program' and a result of comprehensive work undertaken to date, including:

- Council's Local Strategic Planning Statement *'Towards 2040'*, setting out our vision for the future of the Northern Beaches, in effect from 26 March 2020
- LEP/DCP Discussion Paper, exhibited June - September 2021
- Council's Local Housing Strategy, approved 16 December 2021
- Conservation Zones Review and technical studies, exhibited September – December 2022

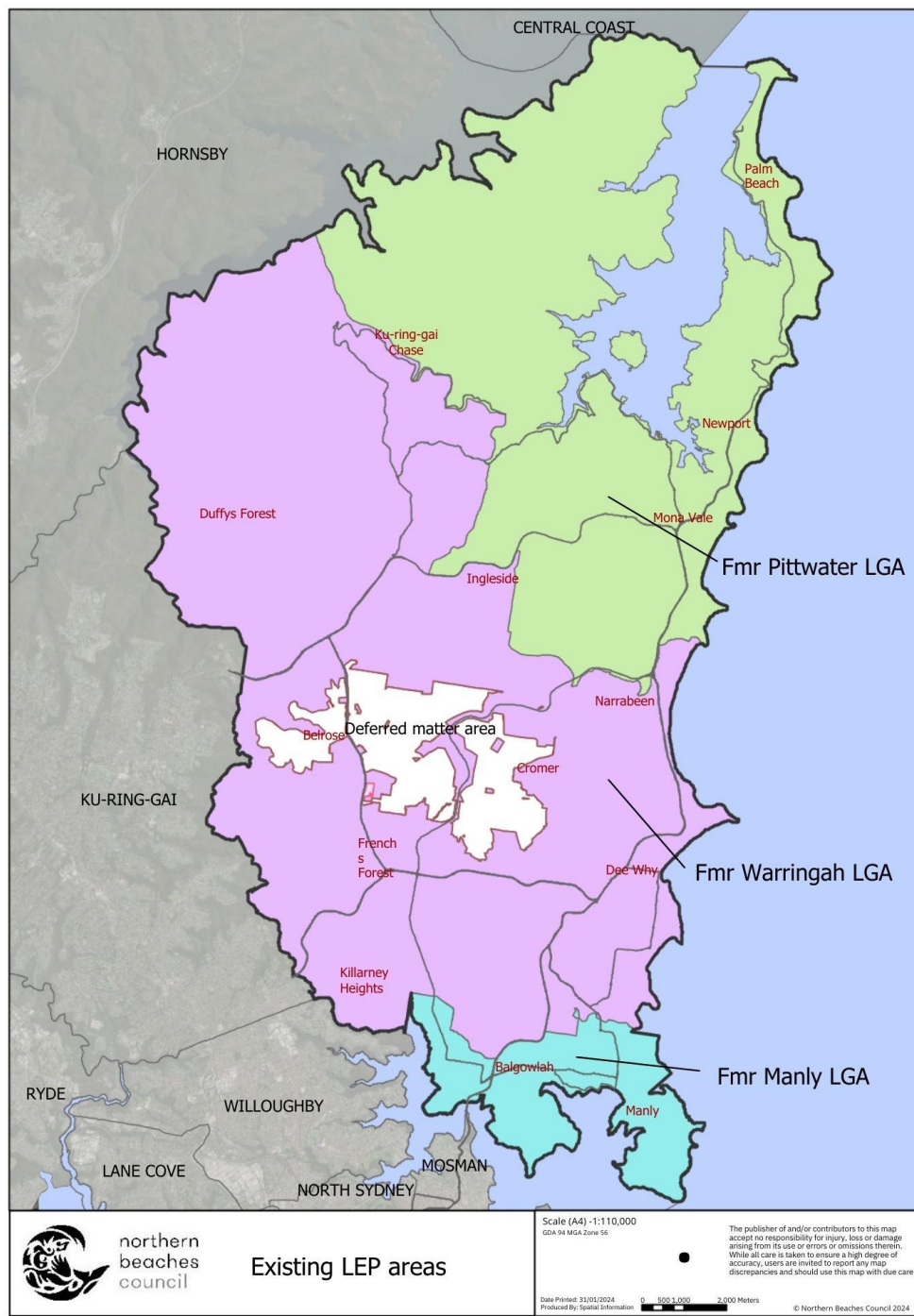


Figure 1 - Existing LEP areas in Northern Beaches LGA

Key changes summary

This Planning Proposal will result in changes to land use planning in the LGA, including:

- Amended zoning tables to consolidate current zones in existing LEPs
- Applying “standard instrument” zones to the deferred lands (WLEP2000) area
- New provisions based on research from Technical Studies, best practice and other LEP precedents
- Applying existing provisions to more areas within the LGA
- Removal of certain provisions which are no longer considered necessary.

More specifically, the key changes include:

- **Part 2 Permitted or prohibited development:**
 - Changes to land uses permitted in certain areas, because of the creation of a common set of land use tables, including:
 - Permitting **dual occupancy development** in all R2 low density residential zones subject to minimum allotment size and frontage requirements.
 - Permitting a range of **infrastructure related land uses** to align with permissibility under various State Environmental Planning Policies (SEPPs), such as SEPP (Transport and Infrastructure) 2021.
 - Changes to the zoning of certain land, including:
 - Rezoning certain land to a **Conservation (environmental) zone** because of the **Conservation Zones Review**, including land in existing low density residential zones (Zone R2 and R5), Conservation Zones (Zones C2, C3 and C4), rural zones (Zone RU2 and RU4), Zone RE1 Public Recreation, Zone W1 Natural Waterways and land within the Deferred Lands (WLEP2000).
 - Rezoning land within the ‘**Deferred Lands**’ (Belrose North and Oxford Falls Valley) in WLEP2000 to an RU4 Rural, C3 Environmental Management, R5 Large Lot Residential, R2 Low Density Residential, RE1 Public Recreation or SP2 Infrastructure Zone under the new LEP based on the Conservation Zones Review and analysis of land use and character and consideration of the directions of the Northern Beaches Local Strategic Planning Statement – *Towards 2040*.

- **Part 4 Principal development standards:** Vary or introduce new development standards regulating the bulk and scale of buildings:
 - **Density controls** in MLEP2013 and PLEP2014 replaced with minimum allotment size and frontage controls for dual occupancies, manor houses, attached dwellings, multi dwellings, residential flat buildings, seniors housing and the like across the LGA (except for Warriewood Valley).
 - **Height of buildings** controls varied as follows:
 - In centres:
 - Local centres excluding Mona Vale: Increase for floor to ceiling heights from 8.5m to 9.3m, & 11m to 12.4m;
 - Brookvale Industrial Area: Increase from 11m to 18m;
 - Warringah Mall: Include height control in LEP (currently in DCP) and increase to 30m;
 - Frenchs Forest Business Park: Include height control in LEP of 11m generally & 21m for 'employment generating development'.
 - On flood prone land and steeply sloping land (>30%), existing special considerations clauses in PLEP2014 extended to apply to such land throughout the LGA.
 - Restrict the height of detached secondary dwellings (i.e. granny flats) to 5.5m in C4 and RU2 zones throughout the LGA (as per PLEP2014).
 - **Floor space ratio (FSR)** control introduced for all low-density residential areas, with the maximum permitted FSR varied by lot size and location based on a detailed analysis of new dwelling-house developments on over 2,100 properties across the LGA, replacing existing FSR controls in MLEP2013.
- **Part 5 Miscellaneous Provisions:**
 - Adopt **optional standard clauses** not currently applied in the Northern Beaches, including:
 - 5.16 Subdivisions of, or dwellings on, land in certain rural, residential or conservation areas
 - 5.24 Farm Stay Accommodation
 - 5.25 Farm Gate Premises
 - Apply **special flood considerations** to certain development on flood prone land within the 'deferred lands' area (Belrose North and Oxford Falls Valley).
- **Part 6 Local Provisions for Centres:**
 - **Active Street Frontages** clause in MLEP2013 extended to apply to additional centres, including Avalon Beach, Newport, North Narrabeen, Narrabeen, Collaroy, the Strand at Dee Why, Freshwater, Forestville and Manly Vale, based on mapping from the Urban Design Study.

- **Local Centres** clause introduced to apply to smaller neighbourhood centres (zoned B1 Neighbourhood Centres prior to State Government Employment Zones Reforms) to enable consideration of desired character, centre hierarchy and nearby residential areas.
- **Part 6 Local Provisions for Character:**
 - Clause for **Registered clubs in the RE1 Public Recreation zone and RE2 Private Recreation zone** applied to ensure that clubs are 'incidental or ancillary' to a recreation facility on land zoned RE1/RE2 Private Recreation.
 - Existing **Design Excellence** considerations applied more broadly to most Strategic Centres being: Manly, Dee Why, Frenchs Forest, Brookvale and Mona Vale; to Warringah Mall; and to larger local centres including in Avalon, Balgowlah, Belrose, Collaroy, Dee Why-The Strand, Elanora Heights, Forestville, Frenchs Forest, Freshwater, Manly Vale, Mona Vale, Narrabeen, North Narrabeen, Newport, Palm Beach, Seaforth and Warriewood.
 - **Scenic Protection** clause requiring consideration of **views** to key natural landforms to protect the scenic and environmental qualities of ridgelines and escarpments and natural landforms including rock outcrops.
- **Part 6 Local Provisions for the Deferred Lands** to translate and incorporate relevant parts of WLEP2000 relating to Oxford Falls Valley and Belrose North into new LEP.
- **Part 6 Local Provisions for Environment:**
 - **Bushland and Biodiversity** clause updated to apply to the entire LGA based on new mapping from the Biodiversity Planning Review and Deferred Lands Biodiversity Assessment.
 - **Limited development below the foreshore building line** clause amended to retain foreshore building line mapping and establish additional objectives and landscaped area requirements in foreshore building line area.
 - **Stormwater management and Water Sensitive Urban Design** clause updated based on work completed in the Stormwater Study and implementing the risk-based framework for waterway health, which includes different priorities and outcomes for different catchments.
 - New **Landscaped area** clause introduced with a map outlining the required minimum percentage of landscaped areas for all residential land, with existing controls carried over from DCPs with some revision based on a detailed analysis of recent dwelling-house approvals.
 - **Waterways Wetlands and Riparian Land** clause updated to apply to the entire LGA based on updated mapping from the Watercourse, wetlands and riparian lands study.

- **Part 6 Local Provisions for Hazards:**
 - **Coastal management** clause updated to include existing adopted maps from LEP and DCP, the adopted Manly Coastal Risk Planning maps and new mapping identified through the Estuarine Planning Level studies for Cowan Creek and North and Middle Harbour.
 - **Geotechnical hazard** updated as per the Geotechnical Review and Planning Controls study, to apply to all land within the LGA with land designated a planning class (G1 to G7) based on its geology, topography, position and slope, and with updated mapping of landslip areas identified as 'G5 Narrabeen Slopes >15 degrees' and 'G7 Coastal Cliff Zone'.
- **Part 6 Local Provisions for Housing:**
 - New **Dual Occupancies** clause to control the location of dual occupancies (by prohibiting such development on an existing battle-axe lot, and permitting detached dual occupancies only on properties with two street frontages or corner lots) and providing flexibility for properties containing a heritage item.
 - New **Housing Mix** clause to ensure diversity in dwelling types and promote housing choices for various demographics, living needs, and budgets, requiring minimum 20% 3 bedroom and 20% 1-bedroom apartments for developments over 10 dwellings.
 - **Secondary dwellings** applying current MLEP2013 and WLEP2011 clause with some revision to allow additional floorspace for secondary dwellings (from 60sqm to 75sqm) if attached to the principal dwelling and extending clause to apply throughout the LGA. Detached secondary dwellings will be permitted in the C4 zone (previously prohibited under MLEP 2013)
- **Part 6 Local Provisions for Sustainable Development**, to include a new clause for: **Sustainable Buildings** requiring developments greater than 1,500sqm in gross floor area in Strategic Centres and Employment Zones to adhere to environmentally sustainable design principles.
- **Schedule 1 Additional permitted uses** including:
 - To permit **boarding houses and hostels** in low density residential zones within 400 metres of local centres at of Avalon, Newport, North Narrabeen, Freshwater and Belrose ('Housing Diversity Areas') subject to minimum allotment size (consistent with Local Housing Strategy).
 - To permit a number of additional uses for land proposed to be zoned **RU4 zoned land** within the **Deferred Lands** of Oxford Falls Valley and Belrose North in proximity to Wakehurst Parkway and Forest Way, to support development similar to that which currently exists and is permissible with consent under WLEP2000.
 - To retain a range of land uses for certain strategic purposes for land currently under **MLEP2013** including **tourist related development** in the R3 Medium

Density Residential zone; more **diverse housing choice** in R2 Low Density Residential and C4 Environmental Living zones and **shops** in the E3 Productivity Support zone.

- **Schedule 2 Exempt development** new item to allow certain advertising structures on public infrastructure e.g. bus shelters subject to controls including limitation on size.
- **Schedule 5 Environmental Heritage** consolidate list of current heritage items, omit redundant items, and identify in consistent manner in new schedule and on Heritage Map.

Reading this document

For ease of reference, this Planning Proposal (PP) references LEP clauses by index number and groups clauses based on broad topic areas that have been colour coded in relevant tables. Symbols have been used to depict whether the clause is subject to existing or new mapping (see Table 1).

Table 1 - Colour coding and symbology for Planning Proposal

COLOUR CODING		MAPS	
Administration	Housing	Existing mapping	
Centres / Precincts	Infrastructure	New mapping	
Character	Rural		
Environment	Sustainable Design		
Hazards	Tourism		

Index of clauses proposed in NB LEP:

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4	1.2 Aims of Plan
5	1.3 Land to which Plan applies
6	1.4 Definitions
7	1.5 Notes
8	1.6 Consent authority
9	1.7 Maps
10	1.8 Repeal of planning instruments applying to land
11	1.8A Savings provision relating to development applications
12	1.9 Application of SEPPs

#	Part and clause
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14	Part 2 Permitted or prohibited development
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17	2.3 Zone objectives and Land Use Table
18	2.4 Unzoned land
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20	2.6 Subdivision—consent requirements
21	2.7 Demolition requires development consent
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23	2.9 Canal estate development prohibited
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	Residential zones
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34	Zone E3 Productivity Support
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40	Zone RE1 Public Recreation
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49	Home-based business activities
50	Boarding Houses and Hostels
51	Seniors Housing
52	Infrastructure land uses and SEPP
53	Water related structures
54	Signage
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56	Part 3 Exempt and complying development
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62	4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]
63	4.1# Minimum lot size and frontage for certain residential accommodation
64	4.1# Minimum subdivision lot size for strata subdivision (certain uses in certain zones)
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66	4.3 Height of buildings
67	4.3A Special Height Considerations
68	4.4 Floor space ratio
69	4.5 Calculation of floor space ratio and site area
70	4.6 Exceptions to development standards
71	Part 5 Miscellaneous provisions
72	5.1 Relevant acquisition authority
73	5.1A Development on land intended to be acquired for a public purpose
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75	5.3 Development near zone boundaries
76	5.4 Controls relating to miscellaneous permissible uses
77	5.5 Controls relating to secondary dwellings on land in a rural zone
78	5.6 Architectural roof features
79	5.7 Development below mean high water mark
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#	Part and clause
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88	5.16 Subdivisions of, or dwellings on, land in certain rural, residential or conservation areas
89	5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations
90	5.18 Intensive livestock agriculture
91	5.19 Pond-based, tank based and oyster aquaculture
92	5.20 Standards that cannot be used to refuse consent – playing and performing music
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#	Part and clause
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121	6.x Geotechnical planning
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123	6.# Dual Occupancies
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129	Part 7A Frenchs Forest Precinct
130	Clauses 7A.1 to 7A.10
131	Part 7B Dee Why Town Centre
132	Clauses 7B.1 to 7B.14
133	Part 7C Warriewood Valley Release Area
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138	Schedule 1 Additional permitted uses
139	New Additional Permitted Uses – more diverse residential accommodation for certain R2 zoned land (housing diversity areas)
140	New Additional Permitted Uses – more diverse residential accommodation for certain R2 zoned land
141	New Additional Permitted Uses – more diverse residential accommodation for certain C4 zoned land
142	New Additional Permitted Uses – non-residential uses in certain R2 zoned land
143	New Additional Permitted Use – business, residential and tourist related land uses for certain R3 zoned land
144	New Additional Permitted Use – shops in certain E3 zoned land
145	Schedule 2 Exempt development
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149	Schedule 3 Complying development
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151	Schedule 4 Classification and reclassification of public land
152	Schedule 5 Environmental heritage

#	Part and clause
153	Schedule 5 Environmental heritage
154	Schedule 6 Pond-based and tank-based aquaculture
155	Schedule 6 Pond-based and tank-based aquaculture
156	Dictionary
157	Dictionary

PART 1 – Objectives and intended outcomes

Purpose and objectives

The purpose of this Planning Proposal is to create a single, consolidated local environmental plan (LEP) that will replace the four existing LEPs that currently apply to land in the Northern Beaches LGA – being, MLEP2013, PLEP2014, WLEP2011 and WLEP2000.

The specific objectives of the Planning Proposal are to:

1. Create a simpler and more consistent set of planning rules for the Northern Beaches.
2. Align with the Greater Sydney Region Plan and North District Plan.
3. Implement Council's Local Strategic Planning Statement, *Towards 2040*.
4. Implement recommendations of Council's Local Housing Strategy and a range of Northern Beaches Land Use Studies and Strategies (identified in the LEP Review and LSPS Actions).
5. Implement best practice development controls.
6. Address feedback from exhibition of Council's LEP/DCP Discussion Paper and Conservation Zones Review.

Intended outcomes

The intended outcomes of this Planning Proposal are:

1. Protection of environmental, scenic and cultural values of our bushland, coast, waterways.
2. Avoidance of intensification, inappropriate development and incompatible land uses in hazardous areas and rural areas.
3. Provision of housing in the right locations and support for a housing mix to meet diverse community needs.
4. Urban design outcomes that support amenity and complement local character.
5. Environmentally sustainable design and transition to net zero developments through high energy, water and waste efficiency.
6. Safeguarding of employment lands from non-compatible uses, enabling holistic and integrated growth of centres.
7. Provision of public benefits (open space, affordable housing, amenity) and community facilities and services that meet changing community needs.
8. Support for creation of liveable communities (e.g. increasing tree canopy, reducing urban heat, delivering amenity, supporting sustainable transport).

PART 2 – Explanation of provisions

This part explains proposed provisions for the new Northern Beaches LEP.

The LEP must be consistent with the *Standard Instrument (Local Environmental Plan) Order 2006* (the Standard Instrument) which applies in NSW and sets out compulsory (mandated) and optional (local) content.

The tables below outline the proposed provisions and address:

- **Zoning and Land use tables** – the zones proposed to apply to the Northern Beaches including local objectives and land uses in addition to those mandated (compulsory) by the Standard Instrument.
- **Compulsory standard clauses** - to be included without change as required under the Standard Instrument.
- **Compulsory tailored clauses** - to be included without change as required under the Standard Instrument, with proposed local content based on a review of existing LEPs.
- **Optional clauses** – proposed to be included and tailored to the Northern Beaches based on a review of existing LEPs and more comprehensive LGA wide studies.
- **Local clauses** – proposed to be included based on a review of existing LEPs, other precedents and requirements identified through key strategies, technical studies, and community feedback.

The Appendices to this Planning Proposal provide additional information including a summary comparison of existing and proposed LEP provisions (Appendix A), Land Use Tables (Appendix B), and a draft written LEP instrument (Appendix F).

Note – Final drafting of LEP provisions will be undertaken by the NSW Parliamentary Counsel's Office and may be subject to change.

Aims of Plan

The proposed Aims for the new LEP outlined below are based on strategic priorities identified in Council's LSPS *Towards 2040* and other strategies, taking into consideration the aims contained in existing LEPs applying in the Northern Beaches LGA.

Sustainability

- to promote development that is economically, ecologically, and socially sustainable
- to identify and protect the natural, scenic, cultural, heritage and built values of the Northern Beaches
- to protect, maintain and restore the ecological condition of coastal areas, catchments (including groundwater aquifers), waterways (wetlands, watercourses, lagoons, and estuaries) and riparian areas
- to protect, conserve and restore areas of high environmental value, including threatened species habitat, native vegetation, core habitat, and biodiversity corridors
- to consider and control for the cumulative impact of development on the health of the bushland, coasts, catchments, and waterways
- to promote waste avoidance, resource recovery, efficient waste management and circular economy principles
- to build resilience and minimise risks to the community in areas subject to environmental hazards including climate change

Infrastructure and collaboration

- to ensure development is enabled and supported by appropriate social and physical infrastructure and services to meet increases in demand

Liveability

- to create vibrant and liveable town centres by focusing employment and residential development near existing centres
- to support healthy living and enhance the quality of life and social well-being of the community
- to ensure development is compatible with the desired future character of the Northern Beaches
- to provide diverse housing, recreational opportunities, and community facilities to meet the needs of a growing and changing population
- to promote urban design standards and design excellence requirements for developments in the private and public domain

Productivity

- to provide a range of business, industrial, and tourism opportunities to encourage local employment and economic growth
- to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts
- to enable and support walking, cycling, and use of public transport through appropriate intensification of development near transport nodes

Preliminary LEP Clauses

#	Part and clause	Explanation of provisions
1	Part 1 Preliminary	
2	1.1 Name of Plan	Names the Northern Beaches LEP including the year published. This is a compulsory standard clause.
3	1.1AA Commencement	Specifies the Plan commences 28 days after it is published on the NSW legislation website. This a compulsory tailored clause.
4	1.2 Aims of Plan	<p>Sets out the aims of the Plan in relation to Sustainability, Infrastructure & Collaboration, Liveability, and Productivity, based on a review of existing LEPs, Council's Local Strategic Planning Statement <i>Towards 2040</i>, and other key strategies and policies. This a compulsory tailored clause.</p> <p>The aims of the plan as outlined above are grouped into the themes based on Council's LSPS to ensure alignment between that document and the new LEP.</p>
5	1.3 Land to which Plan applies	Specifies that the Plan applies to all land in the Northern Beaches Council LGA as identified on the Land Application Map. This comprises all land under the current MLEP2013, PLEP2014, WLEP2011 and WLEP2000 (Deferred Lands). This is a compulsory standard clause.
6	1.4 Definitions	<p>Refers to the Dictionary contained at the end of the Plan, which sets out the definition of land use terms and explanatory terms used in the LEP. This is a compulsory standard clause.</p> <p>The Dictionary is consistent with MLEP2013, PLEP2014 and WLEP2011, with inclusion of the names of applicable Northern Beaches LEP maps. There is some difference in definitions</p>

#	Part and clause	Explanation of provisions
		compared with WLEP2000 because of the need to apply current State-wide definition of terms.
7	1.5 Notes	Specifies that notes in the Plan are for guidance only. This is a compulsory standard clause.
8	1.6 Consent authority	Specifies that Council is the consent authority for the Plan. This is a compulsory standard clause.
9	1.7 Maps	Refers to the maps that support the Plan. The new LEP will use digital mapping and include updated maps from a range of technical studies. This is a compulsory standard clause.
10	1.8 Repeal of planning instruments applying to land	Specifies the LEPs that are repealed by this Plan. The Northern Beaches LEP will repeal the existing four LEPs applying in the LGA, being MLEP2013, PLEP2014, WLEP2011 and WLEP2000. This is a compulsory standard clause.
11	1.8A Savings provision relating to development applications	<p>Specifies that development applications (DAs) lodged prior to the commencement of this Plan, and not finally determined, must be determined as if this Plan had not commenced. That is, the provisions of existing MLEP2013, PLEP2014, WLEP2011 or WLEP2000 would apply in that circumstance. It is intended to retain all provisions of this clause that are not otherwise redundant or superseded by various operative legislation.</p> <p>Current permitted uses of all land under WLEP 2000 will be retained for a period of two years under a “sunset” clause in the new LEP to allow landowners to make applications for those uses during that transitional period.</p>
12	1.9 Application of SEPPs	Outlines that the Plan is subject to any provisions of State Environmental Planning Policy (SEPP) that prevails over this Plan. The clause must list any SEPP (or provisions) that will not apply to the land to which the LEP will apply, to be determined at the time of final drafting of the written instrument. Existing LEPs do not list any SEPP or provisions that do not apply at the time of drafting the PP. This is a compulsory standard clause.
13	1.9A Suspension of covenants, agreements and instruments	Allows for the suspension of agreements, covenants, or similar restrictions that limit development on land. It is intended to retain all provisions of this clause that are not otherwise redundant or superseded by various operative legislation.

Land Use Zones

#	Part and clause	Explanation of provisions
14	Part 2 Permitted or prohibited development	
15	2.1 Land use zones	<p>Lists the zones that apply to the Plan. This is a compulsory standard clause. The following zones are proposed to be adopted in the Northern Beaches LEP:</p> <p>Rural Zones</p> <ul style="list-style-type: none"> • Zone RU2 Rural Landscape • Zone RU4 Primary Production Small Lots <p>Residential Zones</p> <ul style="list-style-type: none"> • Zone R1 General Residential • Zone R2 Low Density Residential • Zone R3 Medium Density Residential • Zone R5 Large Lot Residential <p>Employment Zones</p> <ul style="list-style-type: none"> • Zone E1 Local Centre • Zone MU1 Mixed Use • Zone E2 Commercial Centre • Zone E3 Productivity Support • Zone E4 General Industrial • Zone SP4 Enterprise <p>Special Purpose Zones</p> <ul style="list-style-type: none"> • Zone SP1 Special Activities • Zone SP2 Infrastructure • Zone SP3 Tourist <p>Recreation Zones</p> <ul style="list-style-type: none"> • Zone RE1 Public Recreation • Zone RE2 Private Recreation <p>Conservation Zones</p> <ul style="list-style-type: none"> • Zone C1 National Parks and Nature Reserves • Zone C2 Environmental Conservation • Zone C3 Environmental Management • Zone C4 Environmental Living <p>Waterway Zones</p> <ul style="list-style-type: none"> • Zone W1 Natural Waterways • Zone W2 Natural Waterways • Zone W4 Working Foreshore

#	Part and clause	Explanation of provisions
16	2.2 Zoning of land to which Plan applies	Refers to land being within the zones shown on the Land Zoning Map. This is a compulsory standard clause.
17	2.3 Zone objectives and Land Use Table	Specifies the structure of a Land Use Table for each zone, including objectives, development that may be carried out with and without consent, and prohibited development. This is a compulsory standard clause.
18	2.4 Unzoned land	Specifies that development on unzoned land is only permitted with development consent. This is a compulsory standard clause.
19	2.5 Additional permitted uses for particular land	Provides for additional permitted uses (over and above what is normally permitted within the relevant zone) on certain land identified in Schedule 1 Additional Permitted Uses of the LEP. This is a compulsory standard clause. There are some changes proposed to land currently identified in Schedule 1 in existing LEPs – refer to summary outlined for this Schedule below, and to Appendices for more detail.
20	2.6 Subdivision—consent requirements	Specifies that land to which this plan applies may be subdivided, but only with development consent, with some exceptions. This is a compulsory standard clause.
21	2.7 Demolition requires development consent	Specifies that demolition of a building or work may be carried out only with development consent, unless identified as exempt development. This is a compulsory standard clause.
22	2.8 Temporary use of land	Allows for the temporary use of land in any zone for a maximum 52-day period. This is an optional clause and its inclusion in the LEP is consistent with existing LEPs (except WLEP2000 which does not include such a clause). Change is proposed to apply a consistent 52-day period across the LGA in support of <i>Towards 2040</i> directions for people, great places, connectivity, and productivity.
23	2.9 Canal estate development prohibited	Specifies that canal estate development is prohibited on land covered by this Plan. This is a compulsory standard clause.

Land Use Tables

Refer to Appendix B for a comparison of existing and proposed Land Use Tables i.e. for land uses that are currently, and are proposed to be, permitted without consent, permitted with consent, and prohibited in each zone.

Rural zones

#	Zone	Explanation of provisions
24	Land Use Zones	
25	Zone RU2 Rural Landscape	<p>This zone is 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).</p> <p>The zone is used only in PLEP2014 in Ingleside. It is proposed to retain the zone in this area except for lots identified for rezoning to a Conservation zone under the Conservation Zones Review.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs.</p>
26	Zone RU4 Primary Production Small Lots	<p>This zone identifies land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings.</p> <p>The zone is used only in WLEP2011 in Terrey Hills and Duffys Forest. It is proposed to retain the zone in these areas except for lots identified for rezoning to a Conservation zone under the Conservation Zones Review.</p> <p>It is also proposed to apply the zone to the deferred lands (land in Oxford Falls Valley and Belrose North currently subject to WLEP2000) to align with the adjoining areas in Duffys Forest and Terrey Hills where land is not proposed as Conservation Zone.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to permit 'environmental facilities' with consent in the zone to allow recreational use or scientific studies of natural systems and facilities (consistent with permissibility for the RU2 zone).</p> <p>For the deferred lands, some changes to land use permissibility will occur in translating the current WLEP2000 to the RU4 standard zone. This is explained in further detail in this PP.</p>

Residential zones

#	Zone	Explanation of provisions
27	Zone R1 General Residential	<p>This zone is to provide for a broad variety of residential densities and housing types, and additional uses that provide facilities or services to residents.</p> <p>The zone is used only in MLEP2013 in areas around Balgowlah, Fairlight and Manly. It is proposed to retain the zone in these areas.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to omit water-related land uses (i.e. boatsheds, jetties etc) which are redundant in the zone.</p>
28	Zone R2 Low Density Residential	<p>This zone is for land where primarily low-density housing is to be established or maintained.</p> <p>The zone is used in MLEP 2013, PLEP2014 and WLEP2011. It is proposed to retain the zone in areas where it currently applies except for lots identified for rezoning to a Conservation zone under the Conservation Zones Review.</p> <p>Currently, the permitted land uses in the zone in each LEP are different, and as such, some changes are proposed to land use permissibility to harmonise the zone across the LGA. The key changes proposed are:</p> <ul style="list-style-type: none"> • Attached dual occupancies will be consistently permitted in the R2 zone across the LGA, subject to minimum lot size and frontage requirements and detached dual occupancies will be permitted only on lots with dual street frontage. • Medium density type uses currently permitted in MLEP2013 R2 zone will be retained via “Additional Permitted Uses” mapping for the Manly area, including attached dwellings, semi-detached dwellings, and multi-dwelling housing. • Harmonisation to consistently permit or prohibit a range of non-residential uses within the R2 zone across the LGA, including prohibition of neighbourhood shops in the R2 zone (currently only permitted in MLEP2013). • To omit water-related land uses (i.e. boatsheds, jetties etc) which are redundant in the zone. • Alignment with applicable SEPPs.

#	Zone	Explanation of provisions
29	Zone R3 Medium Density Residential	<p>This zone is for land where a variety of medium density residential accommodation is to be established or maintained.</p> <p>The zone is used in MLEP2013, PLEP2024 and WLEP2011 and generally permits a similar range of development, including residential flat buildings. It is proposed to retain the zone in areas where it currently applies.</p> <p>Currently, the permitted land uses in the zone in each LEP are different, and as such, some changes are proposed to land use permissibility to harmonise the zone across the LGA. The key changes proposed are:</p> <ul style="list-style-type: none"> • Harmonisation to consistently prohibit or permit a range of uses within the R3 zone across the LGA, including to prohibit service stations as incompatible in the zone, and to permit hostels and semi-detached dwellings. • Tourism and medium density type uses currently permitted in MLEP2013 R3 zone will be retained via “Additional Permitted Uses” mapping for the Manly area, including tourist and visitor accommodation, restaurants or cafes, take-away food or drink premises, and shop-top housing. • Alignment with applicable SEPPs.
30	Zone R5 Large Lot Residential	<p>This zone is to cater for development that provides for residential housing in a rural setting.</p> <p>The zone is currently used in PLEP2014 in the Bayview/ Church Point and Elanora Heights/ Ingleside areas. It is proposed to retain the zone in this area except for lots identified for rezoning to a Conservation zone under the Conservation Zones Review.</p> <p>It is also proposed to use the zone in some locations in the deferred lands where similar land uses and lot sizes exist.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs.</p> <p>For the deferred lands, some changes to land use permissibility will occur in translating the current WLEP2000 to the R5 standard zone. This is explained in further detail in this PP.</p>

Employment zones

#	Zone	Explanation of provisions
31	Zone E1 Local Centre	<p>This zone is for centres that offer a diversity of retail, business, office, community, accommodation and entertainment uses to the community.</p> <p>The zone is used in MLEP2013, PLEP2014 and WLEP2011 and applies to many small and mid-range commercial centres, with generally consistent land uses being permitted. It is proposed to retain the zone in areas where it currently applies.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA.</p>
32	Zone MU1 Mixed Use	<p>This zone is for land identified as suitable to support a mix of compatible land uses including residential, commercial, and light industrial, and to transition between uses (e.g., a centre and another land use such as residential).</p> <p>The zone is used in PLEP2014 and WLEP2011 for existing strategic centres at Dee Why, Mona Vale and Frenchs Forest. It is proposed to retain the zone in these areas.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA.</p>
33	Zone E2 Commercial Centre	<p>This zone is for land with a commercial focus for a district and/or regional catchment, that offers a diversity of retail, business and office uses, and with entertainment, community and other suitable land uses for the wider community.</p> <p>The zone is used in WLEP2011 for Warringah Mall and land within the Frenchs Forest Strategic Centre. It is proposed to retain the zone in these areas. There are no changes proposed to land use permissibility within this zone.</p>
34	Zone E3 Productivity Support	<p>This zone is for land that provides services that cater to and support the local population and businesses, but which may not be suited to a centre location, such as specialised, niche, trade focussed, fine grain and/or large format businesses or activities.</p> <p>The zone is used in PLEP2014 for land in North Narrabeen and Warriewood; in WLEP2011 for land at the Belrose Super Centre and in Brookvale; and in MLEP2013 for land in Balgowlah. It is proposed to retain the zone in these areas.</p>

#	Zone	Explanation of provisions
		There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA. Neighbourhood supermarkets currently permitted in MLEP2013 E3 zone will be retained via "Additional Permitted Uses" mapping for the Manly area.
35	Zone E4 General Industrial	<p>This zone is for land that provides industrial activities, warehousing and supporting businesses.</p> <p>The zone is used in PLEP2014 for land in Mona Vale, Warriewood and North Narrabeen; and in WLEP2011 for land in Cromer, Brookvale, North Manly, Manly Vale, Forestville and Terry Hills. It is proposed to retain the zone in these areas.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA.</p>
36	Zone SP4 Enterprise	<p>This zone is for unique areas with an enterprise focus that require tailored land use planning.</p> <p>The zone is used in PLEP2014 for land in Warriewood (Vuko Place, and Mona Vale Road); and in WLEP2011 for land in Frenchs Forest (Warringah Road) and Belrose (Narabang Way). It is proposed to retain the zone in these areas.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA.</p>

Special Purpose zones

#	Zone	Explanation of provisions
37	Zone SP1 Special Activities	<p>This zone is for land with special characteristics that cannot be accommodated in other zones. It permits a limited range of uses identified on the Land Zoning Map.</p> <p>The zone is used in MLEP2013 for certain lands at North Head; in PLEP2014 for certain land at Currawong on the Western Foreshores of Pittwater; and in WLEP2011 for various sites including defence land, health services facilities, community facilities, research station.</p>

#	Zone	Explanation of provisions
		<p>It is proposed to retain the zone in areas where it currently applies, except for Belrose cemetery which will be rezoned to SP2 to reflect the zoning of other cemeteries in the LGA. The use to be identified on the Land Zoning Map for SP1 zoned land will be consistent with current LEP map labelling.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to consistently permit certain uses within the zone across the LGA, such as roads, building/business identification signs and environmental protection works.</p>
38	Zone SP2 Infrastructure	<p>This zone is for infrastructure land that is highly unlikely to be used for a different purpose in the future. This includes for example, many schools, hospitals, health facilities, sewerage facilities and arterial roads, as identified on the Land Zoning Map.</p> <p>The zone is used in MLEP2013, PLEP2014 and WLEP2011. It is proposed to retain the zone in areas where it currently applies. The use to be identified on the Land Zoning Map for SP2 zoned land will be consistent with current LEP map labelling. For the deferred lands, the zone will be applied to land with an infrastructure use. Some additional land parcels (approximately 8) were identified for an SP2 zone where they were owned by a utility provider (e.g. Sydney Water and/or Ausgrid) within reserves zoned either RE1 Public Recreation or C2 Environmental Management.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to consistently permit certain uses within the zone across the LGA, such as building/business identification signs and environmental protection works.</p>
39	Zone SP3 Tourist	<p>This zone is for land where tourism is considered the focus of the particular location.</p> <p>The zone is used in PLEP2014 for the Narrabeen (Lakeside) Caravan Park and Coastal Environment Centre; and in MLEP2013 for certain tourist and visitor accommodation sites in the Manly town centre. It is proposed to retain the zone in areas where it currently applies.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to consistently permit certain uses within the zone across the LGA, such as camping grounds, caravan parks, eco-tourist facilities, function centres, and information and education facilities,</p>

#	Zone	Explanation of provisions
		reflective of the broad range of tourist offerings on the Northern Beaches.

Recreation zones

#	Zone	Explanation of provisions
40	Zone RE1 Public Recreation	<p>This zone is for a wide range of public recreational areas and activities including local and regional parks and open space.</p> <p>The zone is used in MLEP2013, PLEP2014 and WLEP2011. It is proposed to retain the zone in areas where it currently applies except for lots identified for rezoning under the Conservation Zones Review.</p> <p>As part of this review, Council undertook an assessment of publicly owned land, land managed by Council, and land zoned C2, RE1 and W1 to ensure the zoning of these lands accurately reflected the primary use.</p> <p>An RE1 zone was either retained or allocated on Council managed reserves predominantly comprised of:</p> <ul style="list-style-type: none"> • Mown areas, hard infrastructure & playgrounds, including Plan of Management (POM and draft POM) categories 'Parks' or 'General Use'. • Beaches, sand or rockpool areas, including POM and draft POM categories 'Natural Area – Foreshore'. <p>This included some road reserves, access handles to reserves and smaller areas of bushland and/or native vegetation.</p> <p>Some existing RE1 zones were rezoned as follows:</p> <ul style="list-style-type: none"> • RE1 to C2 for: <ul style="list-style-type: none"> ○ Council managed reserves predominantly comprising natural areas and / or native vegetation including 'Natural Area' POM and draft POM subcategories escarpment, watercourse, wetland and bushland. ○ Privately owned land where they predominantly comprised native vegetation and/or riparian values. ○ Protected waterbodies including Dee Why Lagoon and Manly Dam. • RE1 to C3 for one parcel of land (Dee Why West Reserve) that had been reclaimed by the Metropolitan Local

#	Zone	Explanation of provisions
		<p>Aboriginal Land Council so was no longer reserved for a public purpose and met the criteria and thresholds for a conservation zone.</p> <p>Currently, the permitted land uses in the zone in each LEP are different, and as such, some changes are proposed to land use permissibility to harmonise the zone across the LGA. The key changes proposed are:</p> <ul style="list-style-type: none"> • Alignment with applicable SEPPs. • To consistently permit certain uses within the zone across the LGA, such as take away food and drink premises, horticulture, markets, car parks, public administration buildings, recreation facilities (major), and water-related structures (boat sheds, marinas etc). • It is also proposed to permit registered clubs in the RE1 zone subject to a requirement that they be incidental or ancillary to a recreation facility (see proposed local provision detailed later in this PP). • To consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA.
41	Zone RE2 Private Recreation	<p>This zone is for land used for a wide range of recreation areas and facilities that are privately owned or managed.</p> <p>The zone is used in MLEP2013, PLEP2014 and WLEP2011. It is proposed to retain the zone in areas where it currently applies. Some existing RE2 zoned land within Manly Lagoon was rezoned to W1 to reflect the primary use of the land.</p> <p>Currently, the permitted land uses in the zone in each LEP are different, and as such, some changes are proposed to land use permissibility to harmonise the zone across the LGA. The key changes proposed are:</p> <ul style="list-style-type: none"> • Alignment with applicable SEPPs. • To consistently permit certain uses within the zone across the LGA, such as centre based childcare facilities, respite day care centres, recreation facilities (major), and water-related structures (boat sheds, marinas etc). • It is also proposed to permit registered clubs in the RE2 zone subject to a requirement that they be incidental or ancillary to a recreation facility (see proposed local provision detailed later in this PP).

#	Zone	Explanation of provisions
		<ul style="list-style-type: none"> To consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA.

Conservation Zones

#	Zone	Explanation of provisions
42	Zone C1 National Parks and Nature Reserves	<p>This zone is for existing national parks and nature reserves, and new conservation areas proposed for reservation that have been identified and agreed by the NSW Government.</p> <p>The zone is currently used in MLEP2013, PLEP2014 and WLEP2011. It is proposed to apply to all land currently zoned C1 with no changes to land use permissibility, subject to consultation with NPWS during agency consultations - with the exception of Lot 2826 DP729336 (currently zoned C2) which was published as part of Garigal National Park on 11 August 2021.</p>
43	Zone C2 Environmental Conservation	<p>This zone is for land that has high conservation values outside the national parks and nature reserve system.</p> <p>The zone is used in MLEP2013, PLEP2014 and WLEP2011. It is proposed to retain the zone in areas where it currently applies except for lots identified for rezoning under the Conservation Zones Review. As part of this review, Council undertook an assessment of publicly owned bushland, land managed by Council, and land zoned C2, RE1 and W1 to ensure the zoning of these lands accurately reflected the primary use.</p> <p>A C2 zone was either retained or allocated in the following circumstances:</p> <ul style="list-style-type: none"> Council managed reserves predominantly comprising natural areas and / or native vegetation including 'Natural Area' POM and draft POM subcategories: escarpment, watercourse, wetland and bushland. This included some road reserves, access handles to reserves and areas with infrastructure including toilet blocks and parking. Privately owned land currently zoned either C2 or RE1 predominantly comprising native vegetation. Conservation mechanisms which in this planning proposal, included only known and finalised Biodiversity Stewardship / Biobank Sites.

#	Zone	Explanation of provisions
		<ul style="list-style-type: none"> Protected waterbodies including those already zoned C2 (e.g. Pittwater foreshores with seagrasses), Dee Why Lagoon Wildlife Refuge (formerly RE1), Manly Warringah War Memorial State Park (Manly Dam - formerly RE1) and Cabbage Tree Bay Aquatic Reserve (formerly W1). <p>The following lands were excluded from consideration of a C2 zone:</p> <ul style="list-style-type: none"> Land proposed for an RE1 zone (see 'Recreation zones') or a W1 zone (see 'Waterway zones'). Crown land and/or NSW Government bushland not managed by Council due to the potential for current or future land claims. Sites where private landowners had requested a C2 zone during the C zones exhibition due to the potential for Council to have to compulsorily acquire these lands. Other privately owned lands subject to conservation mechanisms (e.g. conservation covenants or development consent requirements for vegetation protection) as they were either not finalised or Council's records were incomplete. A further review of these mechanisms will be undertaken for a future planning proposal. <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to harmonise the zone across the LGA by consistently permitting or prohibiting certain uses, such as to permit environmental facilities and to prohibit eco-tourist facilities and recreation areas.</p>
44	Zone C3 Environmental Management	<p>This zone is for land that has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards.</p> <p>The zone is used in MLEP2013, PLEP2014 and WLEP2011. In MLEP2013, the zone applies to low density residential areas adjoining harbour foreshores in Balgowlah Heights, Clontarf and Seaforth. In PLEP2014, the zone applies to Scotland Island and low-density residential development on the western foreshores of Pittwater. In WLEP2011, the zone applies to several larger non-urban properties along and near Mona Vale Road in Terrey Hills and Belrose.</p> <p>It is proposed to change the zoning of land under MLEP2013 from C3 to C4, which, under the new LEP, will be a similar zone permitting similar uses to those currently permitted. Land zoned</p>

#	Zone	Explanation of provisions
		<p>C3 under PLEP2014 and WLEP2011 would retain that zoning, and Cottage Point (currently zoned C4 under WLEP2011) would also be zoned C3, consistent with like areas in the LGA.</p> <p>Much of the land under WLEP2000 (Oxford Falls Valley/ Belrose North) will also be zoned C3 based on the outcomes of the Conservation Zones Review. For more information refer to commentary below on the Deferred Lands.</p> <p>Currently, the permitted land uses in the zone in each LEP are different, and as such, some changes are proposed to land use permissibility to harmonise the zone across the LGA. The key changes proposed are:</p> <ul style="list-style-type: none"> • Alignment with applicable SEPPs. • To consistently permit certain uses within the zone across the LGA, such as community facilities, water-related structures (e.g. boatsheds, jetties etc) and recreation areas. • To consistently prohibit certain uses within the zone across the LGA, such as extensive agriculture, horticulture, and farm buildings.
45	Zone C4 Environmental Living	<p>This zone is for land with special environmental or scenic values and accommodates low impact residential development.</p> <p>The zone is used in MLEP2013, PLEP2014 and WLEP2011. In MLEP2013, the zone applies to higher density residential areas adjoining harbour foreshores in Balgowlah, Fairlight and Manly. In PLEP2014, the zone applies to low density residential areas in many parts of the peninsula. In WLEP2011, the zone applies only to Cottage Point.</p> <p>It is proposed to retain the zone for all land under MLEP2013 and PLEP2014 and to rezone Cottage Point to C3 under the new LEP. The Conservation Zones Review has also identified additional land to be zoned C4 within the LGA. Refer to commentary below on the Conservation Zones Review.</p> <p>Currently, the permitted land uses in the zone in each LEP are different, and as such, some changes are proposed to land use permissibility to harmonise the zone across the LGA. The key changes proposed are:</p> <ul style="list-style-type: none"> • Alignment with applicable SEPPs. • To consistently permit certain uses within the zone across the LGA, such as group homes, secondary dwellings (i.e. granny flats), home industries, centre based childcare

#	Zone	Explanation of provisions
		<p>facilities, community facilities, places of public worship and water-related structures (boat sheds, jetties etc).</p> <ul style="list-style-type: none"> To consistently prohibit certain uses within the zone across the LGA, such as water treatment facilities and water storage facilities. Medium-density residential uses currently permitted in MLEP2013 C4 zone will be retained via “Additional Permitted Uses” mapping for the Manly area, including attached dwellings, attached dual occupancies, multi-dwelling housing, residential flat buildings, semi-detached dwellings.

Waterway zones

#	Zone	Explanation of provisions
46	Zone W1 Natural Waterways	<p>This zone is for natural waterways that are to be protected for their ecological and scenic values.</p> <p>The zone is used in MLEP2013, PLEP2014 and WLEP2011. In MLEP2013, the zone applies to Manly Beach. In PLEP2014, the zone applies to most of the Pittwater waterway. In WLEP2011, the zone applies to Narrabeen Lagoon.</p> <p>As part of the Conservation Zones Review, Council undertook an assessment of publicly owned bushland, land managed by Council, and land zoned C2, RE1 and W1 to ensure the zoning of these lands accurately reflected the primary use.</p> <p>A W1 zone was retained for waterbodies already zoned W1 including Pittwater Waterway and Narrabeen Lagoon. Curl Curl and Manly Lagoons were additionally zoned W1 from RE1.</p> <p>Some existing W1 zones were rezoned as follows:</p> <ul style="list-style-type: none"> W1 to C2 for land containing bushland. W1 to C2 for the Manly Aquatic Reserve. W1 to RE1 for land containing infrastructure (Narrabeen Lagoon car park and Manly Rockpool), mown reserves (Jamieson Park) and the sand portion of Shelly Beach. <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to harmonise the zone across the LGA by consistently prohibiting uses</p>

#	Zone	Explanation of provisions
		such as community facilities, mooring pens, and water recreation structures.
47	Zone W2 Recreational Waterways	<p>This zone is for water-based recreation, boating and water transport, and development associated with fishing industries, such as natural water-based aquaculture and recreational fishing.</p> <p>The zone is used only in PLEP2014 for some parts of Pittwater, mainly used for marinas and yacht clubs. It is proposed to retain this zoning for these areas.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA.</p>
48	Zone W4 Working Foreshore	<p>This zone is for working waterfront areas that are adjacent to waterways.</p> <p>The zone is used only in PLEP2014 for areas adjoining specific sites along the Pittwater foreshore. It is proposed to retain the zoning for these areas.</p> <p>There are few changes proposed to land use permissibility within this zone, other than to align with applicable SEPPs, and to consistently prohibit 'advertising structures' (except where they identify buildings or businesses) in the zone throughout the LGA. It is also proposed to permit boat sheds in the zone consistent with the permissibility of other water-related structures.</p>

Conservation Zones Review

As part of this planning proposal process, Council undertook a review of the use of Conservation (environmental) zones across its current LEs. The overall aim was to ensure a consistent approach to the identification and protection of land with high environmental value. Conservation zones are identified using different criteria across the current LEs. The permitted land uses for each conservation zone category are also different across current LEs.

The Conservation Zones Review sought to establish a consistent approach to the use of conservation zones based on clearly defined criteria and thresholds for each Conservation zone as well as a transparent methodology for identifying land use zones.

The evidence base for the Review consisted of a suite of seven technical studies and an interactive map which allowed landscape level analysis and was publicly exhibited for an extended period of three months, from 2 September 2022 to 2 December 2022. Approximately 935 submissions were received.

The Review resulted in recommendations to change the zoning of land to a Conservation in many parts of the Council area including much of the deferred lands. Advice provided to Council by the NSW Department of Planning, Housing and Infrastructure following exhibition has informed the recommendations of the Conservation Zones Review.

A detailed summary of the outcomes from the Conservation Zones Review is included in Appendix H to this PP.

Zoning of the Deferred Lands (Oxford Falls Valley/ Belrose North)

The 'Deferred Lands' is an area of land in Oxford Falls Valley and Belrose North (OFV/BN) which is subject to planning controls under Warringah LEP 2000. The area was deferred from inclusion in Warringah LEP 2011 in December 2011 by the then Minister for Planning and Infrastructure in response to stakeholder concern regarding the adequacy of consultation during the preparation of Warringah LEP 2011.

Appendix I to this PP outlines the history of proposals to incorporate this area into WLEP2011 and Council's most recent work to identify a revised approach to zoning of the area based on several studies and a Conservation Zones Review (see section above).

The proposed approach to zoning of the deferred lands in the new LEP can be summarised as follows:

- Much of the deferred lands with identified environmental value is proposed to be zoned C3 Environmental Management based on recommendations of the Conservation Zones Review, permitting a limited range of uses including dwelling houses.
- Areas already cleared or which have otherwise limited environmental value are proposed to be zoned RU4 Primary Production Small lots, a rural zone which permits a broader range of uses consistent with parts of Terrey Hills and Duffys Forest.
- Some larger sites, mainly in proximity to Forest Way, are proposed to be zoned R5 Large Lot Residential, consistent with the application of the R5 zone in other parts of the LGA.
- Some smaller sites with low density residential uses or with approved seniors housing are proposed to be zoned R2 Low Density Residential, consistent with the application of the zone in other parts of the LGA.
- Sites with specific uses e.g. public utilities, are proposed to be zoned SP1 Special Activities or SP2 Infrastructure.
- Current minimum allotment sizes would be retained – 20 hectares for C3 and RU4 zoned land, 2 hectares for R5 zoned land, and 600 square metres for R2 zoned land.

- Some sites will be subject to additional permitted uses” (APUs) – land uses permitted in addition to those normally permitted under the relevant zone, based on a review of the current uses on the land.
- The current permitted uses of all land under WLEP 2000 will be retained for a period of two years under a “sunset” clause in the new LEP to allow landowners to make applications for those uses during that transitional period.

Land uses requiring LGA wide consideration

#	Land Use	Land Uses permitted across multiple zones
49	Home-based business activities	<p>Current LEPs have an inconsistent approach to the permissibility of certain home-based business activities.</p> <p>The PP seeks to remove barriers to certain home-based land uses in response to the ‘work from home’ employment trends. In the 2016 Census, 6.1% of the workforce were working at home (home-based businesses) and were owners or managers, compared to 2.5% for Greater Sydney. As detailed in Council’s Economic Development Strategy, the most common home-based business industry groups were professional, scientific and technical services mostly located in Warriewood, Mona Vale, Manly, Fairlight, Frenchs Forest and Brookvale.</p> <p>Appendix B outlines where these uses are currently permitted, and proposed to be permitted, including any reasons for change. In summary, it’s proposed to:</p> <ul style="list-style-type: none"> • Permit Home Businesses, Home Occupations and Home Industries with or without consent where residential accommodation is permitted, noting requirements under Public Health Act to provide notice to Council. • Permit Home-based childcare without consent in zones where currently permitted under existing LEPs. • Continue to prohibit Home Occupations (Sex Services) across all zones as per the current LEPs.
50	Boarding Houses and Hostels	<p>Boarding Houses are currently prohibited in the R2 low density residential zone in MLEP2013, PLEP 2014 and WLEP2011, and hostels are prohibited in the R2 zone in PLEP2014 and WLEP2011.</p> <p>Council proposes to maintain this prohibition throughout the R2 zone, except within “housing diversity areas” - areas within 400 metres of local centres of Avalon, Newport, North Narrabeen, Freshwater and Belrose, on land greater than 1,000 sqm, and</p>

#	Land Use	Land Uses permitted across multiple zones
		where currently permitted in the MLEP2013 R2 zone, in accordance with Council's endorsed Local Housing Strategy.
51	Seniors Housing	<p>The Housing SEPP permits seniors housing on the Northern Beaches in the following zones: Residential zones (R1, R2, R3); employment zones (E1, E2, E3, MU1); special purposes zone (SP1, SP2, SP4) and RE2 private recreation. The SEPP does not permit seniors housing in the deferred lands (WLEP 2000) area but some limited provision to permit the use on land adjoining urban areas is provided under WLEP 2000.</p> <p>It is a mandatory requirement that seniors housing be listed in the Northern Beaches LEP as a permitted use with consent in zones R1 and R3.</p> <p>Notwithstanding SEPP requirements, Council opposes development of seniors housing in the R2 low density residential zone. Further, it does not support seniors housing in employment zones (unless above ground level as shop top housing), special purpose zones, rural and conservation zones or private recreation zones (RE2).</p>
52	Infrastructure land uses and SEPP	<p>Certain infrastructure land uses are permitted on land across NSW under the State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021.</p> <p>To provide consistency within Council's land use tables, some changes to the permissibility of infrastructure land uses is proposed. In many instances, such changes are made administratively to align with the SEPP and are not necessarily subject to any local strategic or site-based merit, including consideration the consistency of uses with the zone objectives.</p> <p>The associated uses are listed below, with Appendix B outlining where these uses are currently permitted or prohibited, proposed to be permitted or prohibited, and any reasons for change.</p> <p>Agriculture</p> <ul style="list-style-type: none"> • Forestry <p>Sewerage System</p> <ul style="list-style-type: none"> • Biosolids Treatment Facilities • Sewage Reticulation Systems • Sewage Treatment Plants • Water Recycling Facilities <p>Waste or Resource Management Facility</p> <ul style="list-style-type: none"> • Resource Recovery Facilities • Waste Disposal Facilities

#	Land Use	Land Uses permitted across multiple zones
		<ul style="list-style-type: none"> Waste Or Resource Transfer Stations <p>Water Supply System</p> <ul style="list-style-type: none"> Water Reticulation Systems Water Storage Facilities Water Treatment Facilities <p>Air Transport Facility</p> <ul style="list-style-type: none"> Airports Heliports <p>Infrastructure - General</p> <ul style="list-style-type: none"> Electricity Generating Works Roads Wharf Or Boating Facilities <p>Educational Establishment</p> <ul style="list-style-type: none"> Schools <p>Health Services Facility</p> <ul style="list-style-type: none"> Hospitals Medical Centres Health Consulting Rooms <p>Infrastructure - Community</p> <ul style="list-style-type: none"> Early Education And Care Facilities Correctional Centres Emergency Services Facilities Public Administration Buildings Research Stations <p>Miscellaneous</p> <ul style="list-style-type: none"> Environmental Protection Works Flood Mitigation Works
53	Water related structures	<p>Current LEPs have an inconsistent approach to the permissibility of certain water related structures. Council proposes to continue to permit a range of water-related structures across a range of zones.</p> <p>The associated uses are as follows, with Appendix B outlining where these uses are currently permitted or prohibited, proposed to be permitted or prohibited, and any reasons for change:</p> <ul style="list-style-type: none"> Boat Launching Ramps - Permit with consent in the RE1, RE2, W4 (mandated) and W2 zones to facilitate commercial / recreational use for structure defined as being primarily for the launching of trailer borne recreational vessels, including associated car parking facilities.

#	Land Use	Land Uses permitted across multiple zones
		<ul style="list-style-type: none"> Boat Sheds - Permit with consent in the C3, C4, W2, W4, RE1, RE2 zones to enable boat storage and routine maintenance associated with private dwellings or non-profit organisations. Charter And Tourism Boating Facilities - Permit with consent in the RE1, RE2, W4 and W2 zones to facilitate commercial / recreational use for facility used only by the operators of that facility with a direct structural connection between the foreshore and the waterways (doesn't include marinas). Jetties - Permit with consent in the C4, C3, W2, W4 (mandated), RE1, RE2 zones to enable access from the shore to the waterway. Marinas - Permit with consent in RE1, RE2, W4 and W2 (mandated) zones to facilitate commercial / recreational boating facilities and associated infrastructure. Water Recreation Structures - Permit with consent in C3, C4, RE1, RE2, W2 and W4 zones to enable structures with direct structural connections between the shore and the waterway (e.g. piers, wharfs, jetties or boat launching ramp).
54	Signage	<p>Current LEPs have an inconsistent approach to the permissibility of Signage which is also managed under State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage.</p> <p>The associated uses are as follows, with Appendix B outlining where these uses are currently permitted or prohibited, proposed to be permitted or prohibited, and any reasons for change:</p> <ul style="list-style-type: none"> 'Advertising Structures' (except where they identify buildings or businesses) – prohibit in all zones except for certain advertisements on Council land e.g. bus shelters as exempt development. 'Building Identification Signs' and 'Business Identification Signs' – permit with consent in all zones except C1, C2 and W1, noting that certain signage is exempt under the SEPP.
55	Recreation	<p>Current LEPs have an inconsistent approach to the permissibility of recreational facilities. The associated uses are as follows, with Appendix B outlining where these uses are currently permitted or prohibited, proposed to be permitted or prohibited, and any reasons for change:</p> <ul style="list-style-type: none"> Recreation Areas - Mandated permitted in E1, E2, E3, MU1, RE1, and RE2 zones. Permit with consent in most other

#	Land Use	Land Uses permitted across multiple zones
		<p>zones to enable parks and playgrounds, noting these are defined as being open to the public.</p> <ul style="list-style-type: none"> • Recreation Facilities (Indoor) - Mandated permitted in E1, E2, E3, MU1, and RE2 zones. Continue to permit in the E4 zone and permit also in SP4 and RE1 to enable facilities such as gyms, squash courts, bowling alleys, indoor swimming pools. • Recreation Facilities (Major) - Mandated permitted in E3 zone. Permit with consent also in recreation zones RE1 and RE2 to enable facilities such as sports stadiums and showgrounds. • Recreation Facilities (Outdoor) – Mandated permitted in E2, E3 and RE2 zones. Permit also in SP4 and RE1 to enable facilities such as golf courses and driving ranges. • Environmental facilities - Permit in RE1, RE2, C2, C3, W1, W2, RU2 and RU4 zones to allow recreational use or scientific studies of natural systems and facilities such as walking tracks, seating, shelters, board walks, observation decks.

Exempt and complying development

#	Part and clause	Explanation of provisions
56	Part 3 Exempt and complying development	Part
57	3.1 Exempt development	<p>Provides that development specified in Schedule 2 of the LEP is exempt development if it meets the standards in that schedule and complies with the requirements of this Part. This is a compulsory standard clause.</p> <p>Some changes are proposed to Schedule 2 outlining the range of locally specific exempt development, recognising that State Environmental Planning Policy (Exempt and Complying Codes) 2008 specifies comprehensive requirements. In addition, it is proposed that certain advertising structures on Council land be made exempt development e.g. bus shelters. Refer to summary discussion for Schedule 2 below.</p>

#	Part and clause	Explanation of provisions
58	3.2 Complying development	<p>Provides that development specified in Schedule 3 of the LEP is complying development if it meets the standards in that schedule and complies with the requirements of this Part. This is a compulsory standard clause.</p> <p>Council proposes that no development is locally specific complying development, recognising the State Environmental Planning Policy (Exempt and Complying Codes) 2008 specifies comprehensive requirements. Refer to summary discussion for Schedule 3 below.</p>
59	3.3 Environmentally sensitive areas excluded	<p>Provides that exempt or complying development (within Schedule 2 and 3 of this Plan) is not permitted on any environmentally sensitive areas as defined in the clause. This a compulsory tailored clause. No additional areas are specified consistent with existing LEPs.</p>

Principal development standards

#	Part and clause	Explanation of provisions
60	Part 4 Principal development standards	
61	4.1 Minimum subdivision lot size	<p>This clause sets the minimum lot size requirements for the subdivision of land across the LGA. It is an optional clause that is proposed to be adopted and enables Council to include local objectives and apply limits on the Lot Size Map.</p> <p>The minimum lot sizes shown on the Lot Size Map reflect current principal development standards in MLEP2013, PLEP2014, WLEP2011 and WLEP2000 without change. A provision excluding access corridors from lot size calculations will be consistently applied across the LGA.</p> <p>Existing objectives will be consolidated to require that newly created lots align with the desired future character of the locality, accommodate safe and environmentally responsible development, and adhere to relevant development controls; include heritage preservation and adequate infrastructure provision; and do not diminish the character of rural areas through land fragmentation.</p> <p>A new subclause will be included to make it clear that the subdivision of dual occupancy development is permissible under the LEP. It is proposed to permit construction of dual occupancy development in the R2 zone throughout the LGA on land with a minimum lot size of the primary lot of 800sqm, and in the R1 and</p>

#	Part and clause	Explanation of provisions
		R3 zones on land with a minimum lot size of the primary lot of 400sqm except in Warriewood Valley Release Area (refer to <i>Clause 4.1# Minimum lot size and frontage for certain residential accommodation</i> below). The proposed subclause will provide for the subdivision of those dual occupancies to minimum lot size of 400sqm in zone R2, and 200sqm in zones R1 and R3, for dual occupancy development where each of the lots resulting from the subdivision will be occupied by only one dwelling.
62	4.1AA Minimum subdivision lot size for community title schemes [optional if clause 4.1 is adopted]	<p>This clause aims to prevent the fragmentation of land in specific zones by ensuring that lots resulting from community title subdivision meet minimum lot size requirements. It is an optional clause that is proposed to be adopted.</p> <p>This clause will apply to zones RU2, RU4, R2, R5, C3 and C4, and will apply the minimum lot size requirements shown on the Lot Size Map (clause 4.1).</p> <p>This clause is consistent with clause 4.1AA in PLEP2014 and WLEP2011 with some change to applicable zones to harmonise the standard. It will be a new clause for applicable zones in the current MLEP2013 and WLEP2000 areas, i.e., WLEP R2, MLEP R2, C3, C4 & PLEP C3).</p>
63	4.1# Minimum lot size and frontage for certain residential accommodation	<p>This is a new clause that sets minimum requirements for lot size and lot frontage for certain forms of low and medium density development.</p> <p>The clause replaces existing controls in PLEP2014 (clauses 4.1B and 4.5A) and MLEP2013 (clause 4.1A), except for the density control for Warriewood Valley Release Area. The clause will also apply to these forms of development for areas currently under WLEP2011 and WLEP2000.</p> <p>The minimum standards proposed for development are as follows:</p> <ul style="list-style-type: none"> • Dual occupancy: <ul style="list-style-type: none"> ○ R1, R3 zone: 400sqm and 15m ○ R2 zone: 800sqm and 18m • Manor houses (R1 and R3 zones): 800sqm and 18m • Multi dwelling housing (including terraces), residential flat buildings, and seniors housing (R1 and R3 zones): 1000sqm and 20m. <p>This clause establishes a consistent approach to assessing certain residential developments based on lot size and front building line width. It considers the scale, streetscape, and character of the</p>

#	Part and clause	Explanation of provisions
		<p>locality while aiming to minimise adverse impacts on the area's amenity, ensuring appropriate setbacks for proposed dwellings.</p> <p>The prescribed minimum lot size and widths were determined through a review of PLEP2014, WLEP2011, MLEP2013 and associated DCPs, a Council-commissioned Urban Design Study by Allen Jack & Cottier Architects and Tract Consultants (May 2022), the Codes SEPP, and a review of other LEPs for consistency and appropriateness.</p> <p>The clause increases dwelling supply by permitting dual occupancy development in the R2 zone, aligning with the use being allowed currently in the zone in PLEP2014 (on sites over 800sqm) and MLEP2013 (on sites over 1,000sqm).</p>
64	4.1# Minimum subdivision lot size for strata subdivision (certain uses in certain zones)	<p>This clause aims to prevent the fragmentation of land in specific zones by ensuring that resulting lots from strata title subdivisions meet the minimum lot size requirements.</p> <p>The clause will apply to residential and tourist and visitor accommodation in zones RU2, RU4, R2, R5, C3 and C4, and will set a minimum lot size for subdivision under a strata plan as the minimum size shown on the Lot Size Map (clause 4.1).</p> <p>This clause reflects clause 4.2A in PLEP2014 and WLEP2011 with some change to applicable zones and land uses to harmonise the standard. It will be a new clause for certain land uses in certain zones the current MLEP2013 and WLEP2000 areas, i.e. Residential and Tourist & Visitor Accommodations in MLEP2013 & PLEP2014 C3 & C4 zones and Dual Occupancy in MLEP2013 & WLEP2011 R2 zone.</p>
65	4.2 Rural subdivision	<p>It is compulsory to include this clause in the LEP if clause 4.1 is adopted and land to which the LEP applies includes a rural zone.</p> <p>The clause allows for the subdivision of land in zones RU2 and RU4 to create a lot less than the minimum size shown on the Lot Size Map, if the subdivision is for the purpose of primary production and does not entail a dwelling (new or existing) being allowed on the subdivided (smaller) lot.</p> <p>This clause reflects clause 4.2 in PLEP2014 and WLEP2011. It will be a new clause for any rural zoned land in the current WLEP2000 area.</p>

#	Part and clause	Explanation of provisions
66	4.3 Height of buildings	<p>This clause sets the maximum building height limits for development across the LGA. It is an optional clause that is proposed to be adopted and enables Council to include local objectives and apply limits on the Height of Buildings Map.</p> <p>The maximum height limits shown on the Height of Buildings Map reflect current principal development standards in MLEP2013, PLEP2014, WLEP2011 and WLEP2000, with the following changes proposed:</p> <ul style="list-style-type: none"> • Height increase for 2 and 3 storey mixed use development in centres currently subject to 8.5m and 11m limits to provide greater amenity and flexibility in the use of buildings over their lifespan – increase being from 8.5m to 9.3m, and from 11m to 12.4m. • Height increase for Brookvale E4 zoned land from 11m to 18m. • New height limit of 30m for Warringah Mall. • New height limit for the Frenchs Forest Business Park of a 11m base limit and 21m for employment generating developments. • Translate the 8.5m height standard (non-standard) that applies in WLEP 2000 onto the new Height of Buildings Map <p>Existing objectives will be consolidated to ensure that buildings are compatible with the height and scale of surrounding and nearby development; and to minimise any adverse impacts from buildings (such as overshadowing, disruption of views, loss of privacy, and visual impact). Refer to technical supporting study in Appendix J of this Planning Proposal for more detailed information regarding the proposed changes.</p> <p>Additionally, the clause sets out height provisions for land that is steeply sloping (>30%) or flood prone. These provisions reflect clauses 4.3(2A) to (2D) of PLEP2014, with some change to harmonise standards and apply more broadly across the LGA. This will be a new clause for certain areas within the LGA.</p> <p>Special height provisions in clauses 4.3(2E) and (2F) of PLEP2014 for certain site-specific mapped areas are carried across into the LEP with no change.</p> <p>The height limit of RL 74.5m for 6 Mitchell Road, Palm Beach, currently applied in clause 7.13 in PLEP2014, will be shown on the LEP Height of Buildings Map. This approach is consistent with the mapping of RLs for other land within the LGA, where applicable.</p>

#	Part and clause	Explanation of provisions
67	4.3A Special Height Considerations	<p>This clause sets out additional provisions for the height of buildings that are applicable for certain land.</p> <p>It reflects existing special height clauses in clause 4.3A of MLEP2013, and clause 4.3(2FA) of PLEP2014, as follows:</p> <ul style="list-style-type: none"> • Land in proximity to Sydney Harbour • Secondary dwellings or rural worker's dwellings (detached) – limit height to 5.5m in zones C4 and RU2, with some change to harmonise standards and apply more broadly across all C4 zones in the LGA. <p>The existing clause 4.3(2FB) of PLEP2014 limiting the maximum height of a detached dual occupancy that is furthest back from the primary street frontage has been omitted, as detached dual occupancy development will be limited to corner sites or land with a dual street frontage in the R2 zone across the LGA.</p>
68	4.4 Floor space ratio	<p>This clause sets limits to regulate the bulk and scale of buildings, to ensure that development is consistent with desired character and to minimise its adverse effects. It is an optional clause that is proposed to be adopted and applied to certain land across the LGA, with limits sets by Council and identified on the Floor Space Ratio Map.</p> <p>Existing floor space ratio (FSR) limits for all land reflected in MLEP2013, PLEP2014 and WLEP2011 are proposed to be retained, except for FSR for low-density residential zoned land in MLEP2013 (that is, zoned R2 or C3 currently).</p> <p>In this regard, a new LGA-wide FSR standard is proposed for all land zoned R2, C4 and certain C3 zones, detailed as follows:</p> <ul style="list-style-type: none"> • 4 different FSR areas are identified reflecting the varied scale of development evident in the LGA. • Within each area, a maximum FSR varied by lot size is applied, reflecting development trends. • This will replace existing FSRs in MLEP2013 for these zones. <p>The proposed FSRs are based on an analysis of new dwelling-house developments on over 2,100 properties across the Northern Beaches over a recent 11-year period. Refer to technical supporting study in Appendix J of this Planning Proposal for more detailed information regarding the proposed changes.</p>

#	Part and clause	Explanation of provisions
		An existing FSR bonus provision applying to key sites in Balgowlah, Manly and Seaforth in MLEP2013 (clause 4.4(2A)) to encourage commercial floorspace will be retained.
69	4.5 Calculation of floor space ratio and site area	<p>This clause sets out rules for the calculation of the site area of development for the purpose of applying permitted FSRs, including rules for excluding certain areas from the calculation, preventing double counting of space, and handling public areas. It is an optional clause that is proposed to be adopted in support of clause 4.4.</p> <p>This clause reflects clause 4.5 in MLEP2013, PLEP2014 and WLEP2011.</p>
70	4.6 Exceptions to development standards	<p>This is a compulsory clause that must be adopted.</p> <p>The clause allows for exceptions to development standards if the consent authority is satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.</p> <p>This clause reflects clause 4.6 in MLEP2013, PLEP2014 and WLEP2011, and is similar to clause 20 in WLEP2000. Existing additional exclusions in MLEP2013 and WLEP2011 will be retained – that is, clause 4.6 could not be applied to enable an exception to development standards relating to:</p> <ul style="list-style-type: none"> • Height of buildings in the Dee Why Town Centre; • FSR in the Frenchs Forest Hospital Precinct; • Length of stay in tourist and visitor accommodation in Manly; • Development on land at St Patricks Estate, Manly; <p>An additional exclusion will be included consistent with the intent of cl 7.13 of PLEP2014:</p> <ul style="list-style-type: none"> • Height of development on land at 6 Mitchell Road, Palm Beach.

Miscellaneous provisions

#	Part and clause	Explanation of provisions												
71	Part 5 Miscellaneous provisions													
72	5.1 Relevant acquisition authority	<p>This clause identifies the State authority responsible for acquiring land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (the owner-initiated acquisition provisions). It is a compulsory clause that must be adopted.</p> <p>The clause will apply to land shown on the Land Reservation Acquisition Map as follows:</p> <table><tr><th>Land (zone and marked as)</th><th>Authority of the State</th></tr><tr><td>RE1 “Local open space”; SP2 “Local road”; C2 “Local open space”; R2 “Local road”</td><td>Council</td></tr><tr><td>RE1 “Regional open space”</td><td>The corporation constituted under section 2.5 of the Act</td></tr><tr><td>SP2 “Classified road”</td><td>Transport for NSW</td></tr><tr><td>C1 “National Park”</td><td>Minister administering the <i>National Parks and Wildlife Act 1974</i></td></tr><tr><td>C2 “Regional open space”</td><td>The corporation instituted under section 2.5 of the Act</td></tr></table> <p>This clause reflects clause 5.1 of MLEP2013, PLEP2014 and WLEP2011, and is similar to clauses 34-37 of WLEP2000.</p>	Land (zone and marked as)	Authority of the State	RE1 “Local open space”; SP2 “Local road”; C2 “Local open space”; R2 “Local road”	Council	RE1 “Regional open space”	The corporation constituted under section 2.5 of the Act	SP2 “Classified road”	Transport for NSW	C1 “National Park”	Minister administering the <i>National Parks and Wildlife Act 1974</i>	C2 “Regional open space”	The corporation instituted under section 2.5 of the Act
Land (zone and marked as)	Authority of the State													
RE1 “Local open space”; SP2 “Local road”; C2 “Local open space”; R2 “Local road”	Council													
RE1 “Regional open space”	The corporation constituted under section 2.5 of the Act													
SP2 “Classified road”	Transport for NSW													
C1 “National Park”	Minister administering the <i>National Parks and Wildlife Act 1974</i>													
C2 “Regional open space”	The corporation instituted under section 2.5 of the Act													
73	5.1A Development on land intended to be acquired for a public purpose	<p>This clause limits development on certain land intended to be acquired for a public purpose by the State authority specified in clause 5.1, as indicated on the Land Reservation Acquisition Map. Development on land identified in Column 1 of the table below is restricted to only the purpose specified in Column 2:</p> <table><tr><th>Column 1 Land (zone and marked as)</th><th>Column 2 Development</th></tr><tr><td>RE1 “Local open space”; RE1 “Regional open space”;</td><td>Earthworks; Recreation areas</td></tr></table>	Column 1 Land (zone and marked as)	Column 2 Development	RE1 “Local open space”; RE1 “Regional open space”;	Earthworks; Recreation areas								
Column 1 Land (zone and marked as)	Column 2 Development													
RE1 “Local open space”; RE1 “Regional open space”;	Earthworks; Recreation areas													

#	Part and clause	Explanation of provisions	
		C2 “Local open space”; C2 “Regional open space”	Recreation areas
		SP2 “Classified road”	Earthworks; Roads
		SP2 “Local roads”	Roads
		This clause reflects clause 5.1A of PLEP2014 and WLEP2011, and is similar to clause 36 of WLEP2000. This clause is not included in MLEP2013 and so will be a new clause that will apply to any affected land in this area on the current MLEP2013 Land Reservation Acquisition Map. The consolidated clause also provides for additional earthworks for land mapped under the PLEP2014 Land Reservation Acquisition Map for RE1 (local and regional open space) and SP2 (classified road).	
74	5.2 Classification and reclassification of public land	This clause enables the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the <i>Local Government Act 1993</i> , based on descriptions provided in Schedule 4 of the LEP. It is a compulsory clause that must be adopted. This clause reflects clause 5.2 of MLEP2013, PLEP2014 and WLEP2011. An equivalent clause is not included in WLEP2000, and so this is a new clause that will apply to any affected land in this area. Council does not propose to classify or reclassify any public land, therefore no land is listed in Schedule 4 of the LEP. Refer to discussion for Schedule 4 below.	
75	5.3 Development near zone boundaries	Not adopted. This is an optional clause that allows flexibility in development near zone boundaries subject to certain criteria. The clause currently only applies in WLEP2011 to certain land (as detailed in Appendix A) but it is proposed to be discontinued. Council’s review found that the flexibility offered by the clause is not required and there are concerns it may compromise the provision of infrastructure and special activities to service the community, inconsistent with the intent of Council’s Local Strategic Planning Statement <i>Towards 2040</i> .	
76	5.4 Controls relating to miscellaneous permissible uses	This clause sets minimum and maximum limits for a range of miscellaneous permissible uses, and for most, allows Council to tailor these limits within the parameters specified to reflect desired character within the LGA. This is a compulsory clause that must be adopted.	

#	Part and clause	Explanation of provisions
		<p>The clause reflects clause 5.4 of MLEP2013, PLEP2014 and WLEP2011, with some change to harmonise the control and set consistent limits across the LGA. Currently, each LEP sets different limits for certain development types listed – see Appendix A for a comparison of the clause across the LEPs.</p> <p>It is proposed to adopt the limits as follows:</p> <ul style="list-style-type: none"> • Bed and breakfast accommodation: 3 bedrooms. • Home businesses: 50sqm of floor area. • Home industries: 50sqm of floor area. • Industrial retail outlets: 40% of gross floor area of the associated industry or 400sqm, whichever is the lesser. (A change for PLEP2014 & WLEP2011 at 33%). • Farm stay accommodation: 3 bedrooms. • Kiosks: 55sqm. (A change for PLEP2014 at 20sqm). • Neighbourhood shops: 100sqm retail floor area. (A change for MLEP2013 & WLEP2011 at 80sqm). • Neighbourhood supermarkets: 1,000sqm gross floor area (limit set by clause and cannot be amended). • Roadside stalls: 20sqm gross floor area. (A change for MLEP2013 at 9sqm, & PLEP2014 at 10sqm). • Secondary dwellings (not in a rural zone): 60sqm or 25% of the total floor area of the principal dwelling, whichever is the greater. (A change for WLEP2011 at 11% & MLEP2013 at 30%). • Artisan food and drink industry exclusions (floor area for retail sales excluding any café or restaurant): 40% of gross floor area of the industry or 400sqm, whichever is the lesser. <p>An equivalent clause is not included in WLEP2000. As the clause will apply across the LGA, the above limits will therefore apply to land currently in the WLEP2000 area as applicable.</p>
77	5.5 Controls relating to secondary dwellings on land in a rural zone	<p>This clause sets regulations for secondary dwellings on rural zoned land and allows Council to set limits on the floor area and maximum distance (in metres) between the secondary dwelling and the principal dwelling. It is an optional clause that is proposed to be adopted.</p> <p>The clause is currently only included in PLEP2014 and applies to secondary dwellings on RU2 zoned land. This is proposed to be carried over into the new LEP, retaining the following maximum</p>

#	Part and clause	Explanation of provisions
		limits: 60sqm or 25% of the total floor area of the principal dwelling (whichever is greater), with no controls specifying the maximum distance between the secondary dwelling and the principal dwelling.
78	5.6 Architectural roof features	<p>Not adopted. This is an optional clause that allows building height limits to be exceeded if they are for a decorative roof feature and if specified criteria are met.</p> <p>This clause is not proposed to be adopted because adequate controls for roof design will be incorporated into the Northern Beaches DCP. None of the current LEPs include this clause.</p>
79	5.7 Development below mean high water mark	<p>This clause applies to land which includes tidal waters and aims to ensure that development below the mean high-water mark of tidal bodies of water undergoes appropriate environmental assessment. It is a compulsory clause that must be adopted if land to which the LEP applies contains tidal waters.</p> <p>The clause reflects clause 5.7 of MLEP2013, PLEP2014 and WLEP2011. An equivalent clause is not included in WLEP2000.</p>
80	5.8 Conversion of fire alarms	<p>This clause outlines consent requirements for the conversion of fire alarm systems that can be monitored by Fire and Rescue NSW or a private service provider (entities with agreements in place to monitor fire alarm systems). It is a compulsory clause that must be adopted.</p> <p>This clause reflects clause 5.8 of MLEP2013, PLEP2014 and WLEP2011. An equivalent clause is not included in WLEP2000.</p>
81	5.9 Dwelling house or secondary dwelling affected by natural disaster	<p>This clause allows for the repair or replacement of dwelling houses and secondary dwellings that have been damaged or destroyed by natural disasters with development consent, provided they were lawfully erected and the application is made within 5 years of the natural disaster causing the damage or destruction. It is an optional Standard Instrument clause that is proposed to be adopted, and Council is able to specify the zones to which this clause applies.</p> <p>This clause reflects clause 5.9 of MLEP2013, PLEP2014 and WLEP2011, and clause 33B of WLEP2000, with all zones listed to which it applies.</p>

#	Part and clause	Explanation of provisions
82	5.10 Heritage conservation	<p>This is a compulsory Standard Instrument clause that must be adopted.</p> <p>The objectives of this clause are to conserve the environmental heritage of the Northern Beaches; the heritage significance of heritage items and heritage conservation areas (HCAs) including associated fabric, settings, and views; archaeological sites; and Aboriginal objects and Aboriginal places of heritage significance.</p> <p>The clause requires development consent for various activities related to heritage items, HCAs, archaeological sites, and Aboriginal objects and places of heritage significance that have been identified by Council and are listed in Schedule 5 of the LEP. The clause sets out matters must be considered or actioned before the consent authority may grant consent, and details circumstances when consent is not required under the clause.</p> <p>This clause reflects clause 5.10 of MLEP2013, PLEP2014 and WLEP2011, and is similar to clauses 79-83 of WLEP2000.</p> <p>The list of heritage items, HCAs and archaeological sites proposed to be included in Schedule 5 reflects existing listings in the MLEP2013, WLEP2011, WLEP2000 and PLEP2014, with the removal of 4 items which have been demolished or no longer in existence, the addition of 1 new item, and other changes. Refer to the summary below for Schedule 5 Environmental heritage, and to Appendix E Heritage.</p>
83	5.11 Bush fire hazard reduction	<p>This clause allows bush fire hazard reduction work authorized by the <i>Rural Fires Act 1997</i> to be conducted on any land without development consent. It is a compulsory clause that must be adopted.</p> <p>This clause reflects clause 5.11 of MLEP2013, PLEP2014 and WLEP2011. An equivalent clause is not included in WLEP2000.</p>
84	5.12 Infrastructure development and use of existing buildings of the Crown	<p>This clause ensures that the provisions of the LEP do not restrict or prohibit the development or use of existing Crown buildings by the Crown itself. It also clarifies that developments carried out by or on behalf of a public authority, in accordance with SEPP (Transport and Infrastructure) 2021, Chapter 2 (Infrastructure), are not restricted or prohibited by the LEP. It is a compulsory clause that must be adopted.</p> <p>This clause reflects clause 5.12 of MLEP2013, PLEP2014 and WLEP2011. An equivalent clause is not included in WLEP2000.</p>

#	Part and clause	Explanation of provisions
85	5.13 Eco-tourist facilities	<p>This clause sets out matters for consideration relating to eco-tourist facilities to maintain the environmental and cultural values of land on which development is carried out, and to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site. It is a compulsory clause that must be adopted if eco-tourist facilities are permitted with consent on land to which the LEP applies.</p> <p>An eco-tourist facility is defined in the LEP Dictionary. The clause will continue to apply to any proposed development for an eco-tourist facility across the LGA.</p> <p>This clause reflects clause 5.13 of MLEP2013 and PLEP2014. This clause (or an equivalent) is not included in WLEP2011 or WLEP2000. While the PP no longer seeks to permit eco-tourist facilities for certain land in MLEP 2013, the use will be retained as currently permitted in PLEP 2014 with the proposed clause continuing to apply as mandated.</p>
86	5.14 Siding Spring Observatory—maintaining dark sky	This clause does not apply to the Northern Beaches LGA.
87	5.15 Defence communications facility	This clause does not apply to the Northern Beaches LGA.
88	5.16 Subdivisions of, or dwellings on, land in certain rural, residential or conservation areas	<p>This clause aims to minimise land use conflicts between existing and proposed developments in certain rural, residential, or conservation zones. It is a compulsory clause for LGAs that meet specific criteria, but it is optional for the Northern Beaches LGA.</p> <p>This is a new clause that is proposed to be adopted and apply to zones RU2, RU4, R5, C2, C3 and C4. It requires that, for a development application for the erection of a dwelling or land subdivision relating to a dwelling, the consent authority consider the existing and approved uses of land in the vicinity; the likely impact of the development on the preferred and predominant land uses in the vicinity; whether or not the development is likely to be incompatible with such uses; and measures proposed to avoid or minimise any incompatibility.</p> <p>It is proposed to include the clause in the LEP to align with LSPS <i>Towards 2040</i> priorities to avoid urban intensification and subdivision in the Metropolitan Rural Area and prevent</p>

#	Part and clause	Explanation of provisions
		development intensification and incompatible land uses in hazard-prone areas. The clause (or an equivalent) is not included in MLEP2013, PLEP2014, WLEP2011 or WLEP2000.
89	5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	This clause does not apply to the Northern Beaches LGA.
90	5.18 Intensive livestock agriculture	This clause sets out matters for consideration to ensure appropriate environmental assessment of intensive livestock agriculture, relating to odour impacts, pollution, soil degradation, mitigation measures, site suitability, compliance with industry codes for the health and welfare of animals, and consistency with relevant guidelines. It is a compulsory clause that must be adopted if intensive livestock agriculture is permitted with consent on land to which the LEP applies. Intensive livestock agriculture is defined in the LEP Dictionary. The clause currently applies in PLEP2014 where this use is permitted in the RU2 zone. The clause will continue to apply to such land. This clause reflects existing clause 5.18 of PLEP2014. This clause (or an equivalent) is not included in MLEP2013, WLEP2011 or WLEP2000.
91	5.19 Pond-based, tank based and oyster aquaculture	This clause sets out matters for consideration relating to development for the purpose of pond-based aquaculture or tank-based aquaculture, to ensure that such development uses, conserves, and enhances the community's resources. It is a compulsory clause that must be adopted. This clause reflects clause 5.19 of MLEP2013, PLEP2014 and WLEP2011. An equivalent clause is not included in WLEP2000.
92	5.20 Standards that cannot be used to refuse consent – playing and performing music	This clause prohibits the refusal of development consent for licensed premises (such as pubs, small bars and registered clubs, and some hotel or motel accommodation) based on the genre, originality, or type of music played or performed; whether dancing occurs; dance floor presence; stage direction; and decorations. Noise cannot be a reason for refusal of an

#	Part and clause	Explanation of provisions
		<p>application if it can be managed and minimised to an acceptable level. This is a compulsory clause that must be adopted.</p> <p>This clause reflects clause 5.20 of MLEP2013, PLEP2014 and WLEP2011, and clause 33A of WLEP2000.</p>
93	5.21 Flood Planning	<p>This clause sets out certain matters that a consent authority must consider if land is within a flood planning area as defined in the NSW Flood Risk Management Manual, including the impact of the development, intended design and scale of buildings, risk mitigation measures, and potential to relocate or modify buildings if the surrounding area is affected by flooding or coastal erosion. It is a compulsory clause that must be adopted.</p> <p>This clause reflects clause 5.21 of MLEP2013, PLEP2014 and WLEP2011, and is similar to clause 47 of WLEP2000.</p>
94	5.22 Special flood considerations	<p>The clause applies to sensitive and hazardous development and land that, in the event of a flood, may cause a particular risk to life and require the evacuation of people or other safety considerations. It sets out matters that must be considered prior to granting development consent. It is an optional clause that is proposed to be adopted.</p> <p>This is consistent with clause 5.22 of MLEP2013, PLEP2014 and WLEP 2011. The clause (or an equivalent) is not included in WLEP2000, and as such under the new LEP the clause will be extended to apply special flood considerations to certain development of flood prone land under the current WLEP2000 deferred lands area.</p>
95	5.23 Public bushland	<p>This clause aims to protect and ensure the ecological viability of bushland and mitigate disturbance caused by development. It is an optional clause that is proposed to be adopted.</p> <p>The clause applies to public bushland and sets out matters for consideration if development is proposed on such land or land in the vicinity. Certain activities are permitted without development consent, and certain land is identified as being land that the clause does not apply to (such as rural zones and national parks).</p> <p>This clause reflects clause 5.23 of MLEP2013, PLEP2014 and WLEP2011, and clause 33C of WLEP2000.</p>
96	5.24 Farm Stay Accommodation	<p>This clause sets out controls for farm stay accommodation (including its location, likely impact, suitability of the land, and compatibility) to balance the impact of tourism and related commercial uses with use for primary production, the</p>

#	Part and clause	Explanation of provisions
		<p>environment, scenic values, infrastructure, and adjoining land uses. It is an optional clause that is proposed to be adopted.</p> <p>This is a new clause proposed to be included in the LEP to better regulate any farm stay accommodation (as defined in the LEP Dictionary), which is a permissible use in the RU2 zone.</p>
97	5.25 Farm Gate Premises	<p>This clause sets out controls for farm gate premises (including its location, likely impact, suitability of the land, and compatibility) to balance the impact of tourism and related commercial uses with the use for primary production, the environment, scenic values, infrastructure, and adjoining land uses. It is an optional clause that is proposed to be adopted.</p> <p>This is a new clause proposed to be included in the LEP to better regulate any farm gate premises (as defined in the LEP Dictionary), which is a permissible use in the RU4 zone (within the broader permitted use 'agritourism').</p>

Additional local provisions

Centre local provisions

#	Part and clause	Explanation of provisions
98	Part 6 Additional local provisions	
99	6.x Active street frontages	<p>This clause aims to promote pedestrian-friendly environments and retail activity by ensuring buildings along specific ground floor street frontages are used for business or retail purposes, or a community facility.</p> <p>It will apply to centres identified on the Active Street Frontages Map in Avalon Beach, Balgowlah, Collaroy, Dee Why - The Strand, Forestville, Freshwater, Manly Vale, Manly, Narrabeen, Newport, North Narrabeen, and Seaforth.</p> <p>This clause reflects clause 6.11 of MLEP2013 (which applies to Seaforth, Balgowlah, and Manly Local Centres) with some changes. It is proposed to extend the clause to apply to the additional centres listed above as recommended by the Urban Design Study commissioned for the Northern Beaches LGA prepared by AJ+C and Tract Consultants in 2021. Extending the active street frontages clause and map to these centres is consistent with current objectives for the E1 Local Centre Zones</p>

#	Part and clause	Explanation of provisions
		<p>in PLEP2014 and WLEP2011 for vibrant, diverse and functional streets in centres.</p> <p>It is proposed to add 'community facility' as a use permitted on the ground floor of a building to qualify as an active street frontage (in addition to business and retail premises) and clarify the circumstances, to Council's satisfaction, when an active street frontage is not required (i.e. for entrances, lobbies, vehicular access and services).</p> <p>While the clause will not apply to Dee Why Town Centre, similar provisions are included in site specific controls for this centre in Part 7 of the LEP.</p>
100	6.x Development in local centres	<p>This clause aims to ensure that the scale and function of development in local centres are appropriate to the location, and that development is compatible with the desired future character and amenity of surrounding residential areas.</p> <p>This is a new clause proposed for inclusion in the LEP in response to the NSW Government's recent Employment Zone Reforms which saw the merge of the former B1 Neighbourhood Centre and B2 Local Centre Zones into one E1 Local Centre Zone, and as a result, a loss of centres hierarchy.</p> <p>The clause will apply to smaller neighbourhood centres that were formerly zoned B1 (now E1) across the LGA, such as in Sorlie Road, Belrose; Burnt Street, Seaforth; and Elvina Ave, Avalon. The centres to which the clause will apply will be shown as 'neighbourhood centres' on the LEP Centres Map.</p>
101	6.x Location of sex services premises	<p>This clause aims to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises (i.e., brothel) and sensitive uses such as childcare facilities, community facilities, schools and places of public worship.</p> <p>This clause reflects clause 6.20 in MLEP2013, clause 7.12 in PLEP2014, and clause 6.9 in WLEP2011, with a minor change to harmonise the clause across the LGA. An equivalent clause is not included in WLEP2000.</p>
102	6.x Noise impacts—licensed premises	<p>This clause requires the consideration of noise impacts on nearby residential accommodation when granting development consent for licensed premises under the <i>Liquor Act 2007</i>.</p> <p>This clause reflects clause 6.21 in MLEP2013, and it is proposed to extend this clause to apply to all licensed premises across the LGA, subject to the implementation of state-wide reform in the</p>

#	Part and clause	Explanation of provisions
		management of licences premises which may impact on Councils direct consideration of these matters.
103	6.x Gross Floor Area in Zone E1 Seaforth, Balgowlah and Manly Local Centres	<p>The clause aims to stimulate economic growth and employment opportunities in the Seaforth, Balgowlah and Manly local centres by regulating the gross floor area of commercial premises.</p> <p>The clause reflects existing clause 6.16 of MLEP2013 and will require at least 25% of a building's gross floor area to be used as commercial premises, and restrict retail premises from exceeding 1,000sqm, to protect local character and encourage a diverse mix of uses. The centres to which the clauses applies will continue to be shown on the Key Sites Map.</p>

Character local provisions

#	Part and clause	Explanation of provisions
104	6.x Registered clubs in Recreation zones	<p>This clause aims to ensure that Recreation zoned land is primarily used for its intended purpose of recreational activity and requires that any registered club is incidental or ancillary to a recreational facility permitted in the zone.</p> <p>This is a new clause proposed to be included in the LEP to support the change to permit registered clubs with consent in Zones RE1 and RE2 across the LGA (arising from harmonising the LEPs) and to limit the potential impact of such development. Registered clubs are not currently permitted in Zone RE1 in any LEP, and not in Zone RE2 in WLEP2011 (but are permitted in MLEP2013 and PLEP2014).</p> <p>The restriction on registered clubs proposed in this clause is similar to that applied currently in additional permitted uses provisions under WLEP2011 to certain RE1 Public Recreation zoned land (for example, at Long Reef Golf Club, Manly Vale Bowling Club, Wakehurst Golf Club and North Manly Bowling Club).</p>
105	6.# Requirement for development control plans on certain land	This clause aims to ensure that development on certain land occurs in accordance with a site-specific development control plan (DCP) that has been prepared and adopted for the land, outlining various development controls and principles including building envelopes, subdivision patterns, transportation, preferred use locations, traffic management, and staging of development.

#	Part and clause	Explanation of provisions
		The clause applies to certain land identified on the Key Sites Map. This reflects clause 6.14 in MLEP2013. Similar clauses are included in Part 7 of the LEP applying to the Frenchs Forest Precinct and Warriewood Valley Release Area – refer to relevant tables below – reflecting clause 6.2 in PLEP2014 and clause 8.4 in WLEP2011.
106	6.# Land in Belrose including Perentine Road	<p>This clause outlines specific requirements for the subdivision of land in Perentie Road, Belrose, including restrictions on the number of lots created, and matters relating to bushland, natural landscape features, asset protection zones and infrastructure.</p> <p>The clause applies to certain land in Perentie Road, Belrose, as identified by lot and DP number within the clause. It reflects the current provisions within clause 6.8 in WLEP2011 with updated property descriptions. Several properties to which the clause is no longer relevant (as a result of completed subdivisions) have been omitted.</p>
107	6.x Design excellence	<p>This clause aims to ensure a high standard of architectural and urban design for new buildings or external alterations of existing buildings in urban centres, setting out matters for consideration including design, materials and detailing; form and external appearance; sustainable design principles; design of communal areas and pedestrian interface; green spaces; and so on.</p> <p>The clause reflects clause 6.13 in MLEP2013 (for Manly, Seaforth and Balgowlah Centres, and St Patrick’s Estate in Manly), and clauses 7.5 and 8.5 in WLEP2011 (for Dee Why Town Centre and Frenchs Forest Precinct), with some change to harmonise the controls and to extend application of the control to the following centres, as shown on the Design Excellence Map:</p> <ul style="list-style-type: none"> • Strategic Centres - Manly, Dee Why, Frenchs Forest and Mona Vale, and Brookvale; • Warringah Mall; and • Larger Local Centres – in Avalon, Balgowlah, Belrose, Collaroy, Dee Why-The Strand, Elanora Heights, Forestville, Frenchs Forest, Freshwater, Manly Vale, Mona Vale, Narrabeen, North Narrabeen, Newport, Palm Beach, Seaforth and Warriewood; <p>A threshold will apply the clause only to a building greater than 3 storeys or 12 metres in height within these centres, with review by the Design Review Panel.</p>

#	Part and clause	Explanation of provisions
108	6.x Residual lots (Church Point)	<p>This clause aims to prevent the isolated development of undersized and constrained lots in Church Point, requiring the consolidation of lots to form registered Torrens title lots which meet minimum lot size requirements.</p> <p>The clause reflects clause 7.9 in PLEP2014 without change and applies only to three small lots being residual to previous land subdivisions: 159A McCarrs Creek Road (Lot 17, DP 243387); 171A McCarrs Creek Road (Lot 1, DP 114169) and 183 McCarrs Creek Road (Lot 102, DP 839311).</p> <p>This land includes land owned by public authorities. Feedback will be sought from property owners during agency consultations and public exhibition.</p>
109	6.x Scenic protection	<p>This clause aims to protect the scenic and environmental qualities of ridgelines and escarpments and natural landforms including rock outcrops.</p> <p>It is a new local clause proposed for inclusion in the LEP based on criteria in Localities B2 Oxford Falls Valley and C8 Belrose North of WLEP2000, and clauses 6.6 and 6.8 of WLEP2011.</p> <p>The clause will apply to all land in the LGA setting out matters for consideration relating to development on or in the vicinity of ridgelines or escarpments, including that buildings must integrate with the natural landscape and topography; minimise visual impact; and in Oxford Falls Valley, that there will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.</p>

Rural local provisions

#	Part and clause	Explanation of provisions
110	6.x Erection of dwelling houses within and in proximity to Oxford Falls Valley, Belrose North and off Mona Vale Road.	<p>The objectives of this clause are to restrict development density and promote lot consolidation, protect, and enhance the ecological values of natural watercourses and natural bushland, maintain and enhance the scenic quality, and minimise siltation and pollution of Narrabeen Lagoon and its catchment.</p> <p>The clause applies to certain land within and in proximity to Oxford Falls Valley, Belrose North and off Mona Vale Road being the area identified on the Erection of Dwelling Houses Map.</p> <p>The clause provides that consent must not be granted to the erection of a dwelling house on the identified land if the lot has</p>

#	Part and clause	Explanation of provisions
		<p>an area of less than 20ha – with exception provided for existing lots and certain land identified in the clause.</p> <p>The clause reflects clause 6.6 in WLEP2011, updated to include additional land identified in WLEP 2000.</p>

Environment local provisions

#	Part and clause	Explanation of provisions
111	6.x Foreshore scenic protection area	<p>This clause aims to preserve visual aesthetic amenity and views to and from significant waterways - being Sydney Harbour and the Pacific Ocean - in areas designated on the Foreshore Scenic Protection Area Map.</p> <p>Currently, a Foreshore Scenic Protection Area (FSPA) applies only to certain land in MLEP2013 under clause 6.9. This FSPA will be retained and continue to apply in the Manly area under the new LEP. The clause sets out matters for consideration relating to the visual amenity of the foreshore, scenic qualities of the coastline, and suitability of the development.</p> <p>An equivalent clause is not included in PLEP2014 or WLEP2011. Council had sought to extend the MLEP clause and apply a FSPA to other areas within the LGA based on a Local Character Study analysis, however this has not been supported by the Department in LEP Scoping work. Controls for visual/character assessment will be included in the DCP.</p>
112	6.x Bushland and Biodiversity land	<p>This clause aims to protect and conserve native fauna and flora on certain land identified on the Terrestrial Biodiversity Map. It provides that consent cannot be granted to development unless it is designed, sited and will be managed to avoid, minimise or mitigate any adverse impact.</p> <p>This clause reflects clause 6.5 of MLEP2013 and clause 7.6 of PLEP2014 with some changes to harmonise provisions and apply the clause to the entire LGA based on new mapping from the Biodiversity Planning Review and Deferred Lands Biodiversity Assessment. An equivalent clause is not included in WLEP2011 however clauses exist within the DCP.</p> <p>Similar clauses 58 and 59 of WLEP2000 relate to the protection of flora and koala habitat. However, the PP seeks to omit these</p>

#	Part and clause	Explanation of provisions
		<p>clauses and related schedule and alternatively rely on the provisions within SEPP (Biodiversity and Conservation) 2021 Chapter 4 Koala habitat protection 2021. The clause and schedule in WLEP 2000 regarding Koala Management has had limited utility in practice and its application compared to the SEPP provisions.</p> <p>The SEPP does not define potential koala habitat as set out in WLEP2000, and instead places the onus on Council to determine the level of impact a development may have on koalas or koala habitat. In practical terms the assessment of development applications on sites over 1 hectare would continue to consider potential impacts to koalas and koala habitat by consideration of a koala assessment report prepared by a suitably qualified and experienced person, or information regarding the absence of koala use trees, lack of larger trees or that only includes horticultural or agricultural plantations are present on a subject site.</p> <p>Notwithstanding certain reference to the Lot size and ownership of multiple lots contained in the WLEP2000 provisions, the operation of the provisions are effectively duplicated by the SEPP and in relation to any minor variations, the SEPP would take precedent in any case. The adoption of the SEPP would also provide a consistent approach to Koala Habitat Protection across the entire Northern Beaches LGA.</p>
113	6.x Earthworks	<p>This clause aims to ensure that earthworks from development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, including waterways and sensitive areas.</p> <p>This clause reflects clause 6.2 of MLEP2013 and WLEP2011, clause 7.2 of PLEP2014, and similar clauses 77 and 78 of WLEP2000 relating to landfill, erosion, and sedimentation – with minor changes to harmonise the clause and apply to all land across the LGA.</p>
114	6.x Limited development on foreshore area and foreshore building line	<p>This clause aims to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.</p> <p>The clause applies to land identified on the Foreshore Building Line Map. It includes provisions that limit the types of structures that may be erected within the foreshore area – that is, the land between the foreshore building line and the mean high-water</p>

#	Part and clause	Explanation of provisions
		<p>mark of the nearest natural waterbody – and matters the consent authority must be satisfied of before granting consent.</p> <p>The clause reflects clause 6.10 in MLEP2013 and clause 7.8 in PLEP2014, retaining existing foreshore building line mapping and establishing additional objectives and landscaped area requirements in the foreshore building line area. An equivalent clause is not included in WLEP2011 – only some similar provisions in the DCP for certain land – and it is not intended to extend the clause to apply to this land because additional research is required which is beyond the scope of LEP work.</p>
115	6.x Stormwater Management and Water Sensitive Urban Design	<p>This clause aims to minimise the impacts of urban stormwater on native bushland and receiving waters, setting out matters for consideration relating to the design of development to maximise water permeable surfaces, on-site stormwater retention if practicable, and avoidance of any significant adverse impacts of stormwater runoff.</p> <p>This clause replaces clause 6.4 of MLEP2013 and clause 76 of WLEP2000 and has been updated to apply to all development with consent across the Northern Beaches LGA and to reflect the recommendations of Council's Stormwater Study. Further detail is provided under Part 3 of this Planning Proposal.</p>
116	6.x Landscaped area for certain residential and conservation zones	<p>This clause aims to promote adequate vegetation retention, permeable areas, and appropriate landscaping in various zones to enhance tree canopy, biodiversity, reduce urban runoff, minimise visual impacts, and complement building scale.</p> <p>This clause applies to residential and conservation-residential zoned land as shown on the Landscaped Area Map (i.e. zones R1, R2, R3, R5, C4 and C3 (other than rural)). It sets out a minimum percentage of landscaped area for a site, with requirements varying depending on the location, zone and character of the land, predominantly carried across from current DCPs.</p> <p>This is a new clause proposed for inclusion in the LEP in recognition of the importance of landscaped area as a planning control. Its inclusion in the LEP is based on precedents in other LEPs including in Mosman, Georges River, Inner West and Sutherland.</p> <p>Minimum requirements shown on the Landscaped Area Map predominantly reflect those contained in the existing Manly, Pittwater and Warringah DCPs, with an increase in some areas proposed based on detailed analysis, as follows:</p>

#	Part and clause	Explanation of provisions
		<ul style="list-style-type: none"> Low-density residential areas (R2, C4, C3 zones): minimum 40-60% landscaped area, with 66% or more in the Pittwater offshore communities. This is consistent with existing DCPs, but with an increase to 45% in bushland suburbs in the WLEP2011 area and to 40% in the MLEP2013 area reflecting trends in development. General and medium density residential areas (R1, R3 zones): minimum 40-50% landscaped area in the PLEP2014 and WLEP2011 areas consistent with existing DCPs, with an increase to 20-30% in the MLEP2013 area reflecting trends in development. Specific precincts: existing minimum percentages set out in DCPs are maintained, for example, 30-45% in the Frenchs Forest precinct, and 25-45% in the Warriewood Valley Release Area. Large-lot residential areas (R5 zone): minimum 80% landscaped area consistent with existing Pittwater DCP. <p>A consistent method of calculating landscaped area will be applied across the LGA, using the mandated LEP definition of 'landscaped area' (<i>means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area</i>) and applying no minimum dimension for land to be used in such calculations.</p> <p>Analysis is included in technical supporting study in Appendix J of this Planning Proposal.</p>
117	6.x Waterways Wetlands and Riparian Land	<p>This clause aims to protect and maintain water quality, bank and bed stability, ecological process, and aquatic and riparian habitats.</p> <p>The clause applies to land identified on the Riparian Lands, Watercourses and Wetlands Map, and sets out matters the consent authority must consider before granting consent to development and provides that the consent authority cannot grant consent to development unless satisfied that development is designed, sited and will be managed to avoid, minimise or mitigate any adverse impact.</p> <p>The clause reflects clauses 6.6 and 6.7 of MLEP2013, clause 7.6 of PLEP2014, and clause 60 of WLEP2000 – along with content in WDCP - with some changes to harmonise the provisions. It is proposed to expand application of the clause to the entire LGA</p>

#	Part and clause	Explanation of provisions
		based on updated mapping from the Watercourse, Wetlands and Riparian Lands study.

Hazard local provisions

#	Part and clause	Explanation of provisions
118	6.x Acid sulfate soils	<p>This clause aims to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. It applies to land identified on the Acid Sulfate Soils Map, with works categorized into different classes based on their depth below natural ground level and impact on the water table.</p> <p>Development consent is required for carrying out certain works and an acid sulfate soils management plan is to be prepared in accordance with the NSW Government's Acid Sulfate Soils Manual.</p> <p>This clause reflects clauses 6.1 of MLEP2013 and WLEP2011, and 7.1 of PLEP2014, and is similar to clause 49A of WLEP2000. No change is proposed to affected land.</p>
119	6.x Coastline hazard management	<p>This clause aims to avoid significant adverse impacts from coastal hazards, ensure uses are compatible with coastal risks, enable evacuation in an emergency, and avoid development that increases the severity of coastal hazards.</p> <p>The clause applies to land identified on the Coastline Hazard Map and sets out matters that a consent authority must be satisfied of before granting consent, relating to risk to life and property, and impact of coastal processes and sea level rise.</p> <p>The clause reflects clause 7.5 of PLEP2014 and clause 6.5 of WLEP2011, with additional consideration of the extent to which 'sensitive and hazardous development' will be impacted. These development types are defined within the clause.</p> <p>It is proposed to expand application of the clause to the entire LGA based on existing adopted maps from current LEPs and DCPs, the adopted Manly Coastal Risk Planning maps and new</p>

#	Part and clause	Explanation of provisions
		mapping identified through the Estuarine Planning Level studies for Cowan Creek and North and Middle Harbour.
120	6.x Essential services	<p>This clause aims to ensure essential services are available, or adequate arrangements have been made, for the supply of water and electricity, sewage disposal and management, stormwater drainage or on-site conservation, and suitable vehicular access.</p> <p>This clause reflects clause 6.12 of MLEP2013 and clause 7.10 of PLEP2014, and equivalent clause 54 of WLEP2000. It is proposed to expand application of the clause to the entire LGA.</p>
121	6.x Geotechnical planning	<p>This clause aims to ensure that development is designed, sited, constructed, and managed to match the land's geotechnical conditions, avoid endangering life or property.</p> <p>It sets out matters the consent authority must consider relating to geotechnical risk including site layout, access, design and construction methods, cut and fill, waste water management, stormwater and drainage, geotechnical constraints and any appropriate means to avoid, minimise or mitigate the impacts of development.</p> <p>This clause applies to all land within the LGA. All land is identified on the Geotechnical Map within a planning class (G1 to G7) based on its geology, topographic position, and slope. The clause notes that land shown on the Map as G5 and G7 is identified as land susceptible to landslide risk for the purposes of SEPP (Exempt and Complying Development Codes) 2008 (meaning that complying development cannot be undertaken on such land, and a development application is required for any works).</p> <p>This clause is similar to clause 6.8 of MLEP2013, clause 7.7 of PLEP2014, clause 6.4 of WLEP2011 and clause 57 of WLEP2000, with some harmonisation for consistency across the LGA. It is based on recommendations from the Geotechnical Review and Planning Controls study – publicly exhibited in 2022 - with updated mapping of landslip areas identified as 'C5 Narrabeen Slopes >15 degrees' and 'C7 Coastal Cliff Zone'.</p>

Housing local provisions

#	Part and clause	Explanation of provisions
122	6# Affordable Housing	<p>This clause applies a levy for affordable housing to land identified in Council's Affordable Housing Contribution Scheme adopted by Council on 28 September 2021. This is the primary mechanism for Council to levy for affordable housing (for areas of uplift) in the Northern Beaches.</p> <p>At present, the Scheme applies only to land in the Frenchs Forest Town Centre and Narrabeen (1294-1300 Pittwater Road and 2-4 Albert Street). The clause specifies a minimum proportion of the building's gross floor area that must be used for affordable housing as indicated on the Affordable Housing Contributions Scheme Map (10-15% in Frenchs Forest, and 5.7% in Narrabeen). The contribution must be made to Council by way of a dwelling and/or land dedication and/or a monetary contribution.</p> <p>This clause reflects clause 6.11 of WLEP2011.</p>
123	6.# Dual Occupancies	<p>This clause aims to control dual occupancies in line with the Council's requirements, providing more detail than what can be provided under the 'Minimum lot size and frontage for certain residential accommodation' clause under Part 4.</p> <p>Dual occupancies are being introduced as 'permitted with consent' for properties throughout the LGA in the R2 zone – this is a change in the WLEP2011 R2 zone where such development is not currently permitted. Such development is currently permitted in the R2 zone in the MLEP2013 and PLEP2014, however is subject to varying dwelling density and subdivision restrictions which are proposed to be removed and replaced with the 'Minimum lot size and frontage for certain residential accommodation' clause under Part 4, and this clause in Part 6.</p> <p>This new clause proposes to protect tree canopy, reduce the extent of landforms being disrupted, and mitigate bushfire risk, particularly during emergency evacuation for properties that adjoin National Parks. It also aims to protect the amenity impacts of lots with a number of shared boundaries with private properties by prohibiting dual occupancies on a lot that is an existing battle-axe lot.</p> <p>Dual occupancy (detached) is only permitted on those properties that have two street frontages or are on corner lots. The clause provides flexibility to properties containing a heritage item, acknowledging that flexibility of either attached</p>

#	Part and clause	Explanation of provisions
		or detached forms are considered important due to unique site conditions.
124	6.# Mix of dwelling sizes in residential flat buildings and mixed-use development	<p>This clause aims to provide a mix of dwelling sizes in residential flat buildings and mixed-use developments to ensure housing choices are available for different demographics, living needs and household budgets – in response to the housing needs of the Northern Beaches community.</p> <p>This is a new clause proposed for inclusion in the LEP that will apply to residential flat buildings or mixed-use developments containing at least 10 dwellings. Requirements are for studios and 1-bedroom units to make up at least 20% of the dwellings and 3-bedroom units at least 20%.</p> <p>The clause is proposed in response to the Northern Beaches' growing population and demand for diverse housing options. Demand for 3-bedroom units for growing families is outpacing limited supply, creating substantial affordability challenges. Trends across Greater Sydney indicate a significant increase in families choosing apartment living from 2011 to 2021, along with a rise in single-person households particularly on the Northern Beaches, underscoring the necessity of offering a variety of apartment sizes to accommodate different household compositions.</p> <p>Existing housing mix requirements in Warringah and Pittwater DCPs would be superseded by this proposed LEP clause. Refer to research contained in Appendix J in support of this clause. Precedents exist in LEPs for Canada Bay, Inner West, and The Hills.</p>
125	6.x Secondary dwellings	<p>This clause aims to regulate the bulk and scale of secondary dwellings (i.e., granny flats), supplementing LEP clauses 5.4 and 5.5 (which specifies a max. total floor area of 60sqm or 25% of total floor area of principal dwelling, whichever is the greater).</p> <p>The clause allows additional floorspace for secondary dwellings to maximum 75sqm if the secondary dwelling is attached to the principal dwelling.</p> <p>This clause reflects existing clause 6.22 of MLEP2013, and clause 6.10 of WLEP2011, with some change to harmonise the standards and apply consistently across the LGA.</p> <p>The clause will be applied to any attached secondary dwelling and omit the requirement that the secondary dwelling must be located entirely within an existing principal dwelling to qualify for the additional floorspace.</p>

#	Part and clause	Explanation of provisions
		The clause will also be applied consistently across the LGA, resulting in an increase in the floor area of an attached secondary dwelling (from 60sqm to 75sqm) within the current PLEP2014 area. Provisions which limit secondary dwellings to attached forms only in the MLEP2013 C3 and C4 zones are also to be omitted.
126	6.x Converting serviced apartments to residential flat buildings	<p>This clause aims to prevent substandard residential accommodation occurring through the proposed strata subdivision of a building that is or has been used for serviced apartments into a residential flat building.</p> <p>The clause requires consideration of design quality principles outlined in SEPP No 65—Design Quality of Residential Apartment Development and in the NSW Government Apartment Design Guide, prior to consent being granted.</p> <p>This clause reflects clause 7.11 of PLEP2014. It is proposed to extend the clause to apply across the entire LGA.</p>
127	6.x Tourist and visitor accommodation duration of stay	<p>This clause aims to maintain the supply and availability of tourist and visitor accommodation across the Northern Beaches to as many different tourists and visitors as possible.</p> <p>It provides that consent must not be granted to development for tourist and visitor accommodation (as defined in the LEP dictionary) unless the development will not provide accommodation to the same person for a period of more than three consecutive months.</p> <p>This clause reflects clause 6.15 in MLEP2013. It is proposed to extend this clause to apply throughout the LGA.</p>

Sustainability local provisions

#	Part and clause	Explanation of provisions
128	6.x Environmental sustainability	<p>This clause aims to ensure that certain types of development adhere to sustainable building design principles to supplement rather than duplicate the requirements contained within BASIX and the Sustainable Buildings SEPP.</p> <p>This is a new clause proposed for inclusion in the LEP in recognition of the importance of sustainable building design, with precedent existing in LEPs for Georges River, Ryde, Penrith, Sutherland, and City of Sydney.</p> <p>It is proposed to apply to large-scale development (minimum 1,500sqm floor area) involving the erection of a new building or</p>

#	Part and clause	Explanation of provisions
		<p>significant alterations/additions to an existing building located within in Employment and Residential Zones.</p> <p>The clause requires adequate consideration be given to a range of design principles including energy and water consumption, capability of developments achieving net zero emissions in operation, addressing urban heat, and facilitating electric transport infrastructure and initiatives promoting reduced car dependence. A checklist will support application of the clause.</p>

Part 7A Frenchs Forest Precinct

#	Part and clause	Explanation of provisions
129	Part 7A Frenchs Forest Precinct	
130	Clauses 7A.1 to 7A.10	<p>The Frenchs Forest town centre precinct is currently subject to several locally specific provisions under Part 8 of WLEP2011. All local provisions in this part will be carried over without change subject to renumbering and omission of clause 8.5. Existing clause 8.5 'Design excellence – Sites F, G and I' will be replaced with a broader design excellence clause applying to additional land within the LGA. The clause will be in Part 6 Additional Local Provisions of the LEP. The precinct will be identified on the LEP Precinct Boundaries Map.</p>

Part 7B Dee Why Town Centre

#	Part and clause	Explanation of provisions
131	Part 7B Dee Why Town Centre	
132	Clauses 7B.1 to 7B.14	<p>All local provisions in this Part will be carried over from Part 7 Dee Why Town Centre of WLEP2011 without change other than clause renumbering and omission of existing clause 7.5. Clause 7.5 'Design excellence within Dee Why Town Centre' will be replaced by a broader design excellence clause applying to additional land within the LGA. The clause will be in Part 6 Additional Local Provisions of the LEP.</p>

Part 7C Warriewood Valley Release Area

#	Part and clause	Explanation of provisions
133	Part 7C Warriewood Valley Release Area	
134	Clauses 7C.1 to 7C.6	<p>All local provisions in this Part will be carried over from Part 6 Urban Release Areas of PLEP2014 without change, other than clause renumbering, inclusion of headings and minor changes proposed for clarity to reflect the remaining development potential for specific sites.</p> <p>In clause 7C.4 'Number of dwellings to be erected (was 6.1(3)), changes to the following are proposed:</p> <ul style="list-style-type: none"> Existing Sector 5 - to clearly indicate the requirements for the two sites that comprise this Sector i.e. 8 (Lot 1 DP 5055) and 4 (Lot B DP 370222) Forest Road, Warriewood. The changes involve relabelling each site as Sectors 5A and 5B respectively; and rather than a requirement for no more than 94 dwellings across the two sites, requiring no more than 81 dwellings in Sector 5A and no more than 13 dwellings in Sector 5B (i.e. the same density requirement overall). The Urban Release Area Map has been updated to reflect this amendment to show Sectors 5A and 5B, rather than Sector 5. Existing Sector 801 - to change the number of dwellings from 38 dwellings to 46 dwellings to reflect an approved Development Application. Development has been completed. Existing Sector 901A - to clearly indicate the requirements for the remaining undeveloped sites that comprise this Sector, as follows: <ul style="list-style-type: none"> Sector 901A to change the number of dwellings from 'not more than 190 or less than 154 dwellings' to 'not more than 50 dwellings' (as this sector has been divided into smaller subsectors). Sector 9A to require 'not more than 33 dwellings or less than 27 dwellings'. Sector 9B to require 'not more than 48 dwellings or less than 39 dwellings'. Sector 9C to require 'not more than 2 dwellings'.

#	Part and clause	Explanation of provisions
		<ul style="list-style-type: none"> ○ Sector 9D to require 'not more than 33 dwellings'. ○ Sector 901CG to relabel a portion of 9 Fern Creek Road and to require 'not more than 12 dwellings'. ● Sector 901GC to relabel Sectors 901C and 901G and to require 'not more than 19 dwellings'. <p>A minor amendment is also made to the requirements for a DCP to align with the broader LEP (proposed new clause within Part 6 of LEP noted above).</p>

Part 7D Development in St Patrick's Estate

#	Part and clause	Explanation of provisions
135	Part 7D Development in St Patrick's Estate	
136	Clauses 7D.1 to 7D.5	All local provisions in this Part will be carried over from Clause 6.19 Development in St Patrick's Estate of MLEP2013 without change, other than clause renumbering, inclusion of headings and minor changes. The objectives of development within St Patrick's Estate are amended to include relevant objectives from the MLEP2013 SP1 and SP2 zone.

Schedules and Dictionary

#	Schedule	Explanation of provisions
137	Schedule 1 Additional permitted uses	
138	Schedule 1 Additional permitted uses	<p>This schedule identifies additional permitted uses for certain land, in addition to those permitted in the Land Use Table or any other provision of the LEP, as referenced in clause 2.5 of the LEP. Land affected is detailed in the schedule and (for most) shown on the Additional Permitted Uses Map.</p> <p>Most existing additional permitted uses (APUs) in Schedule 1 of MLEP2013, PLEP2014 and WLEP2011 will be carried over into Schedule 1 of this LEP with no or minimal change. As part of the scoping process for this LEP, Council reviewed all existing APUs to ascertain the need for APUs to be retained, that is, if</p>

#	Schedule	Explanation of provisions
		<p>the land use was to be permitted generally in the zone the need for an APU would be redundant, conversely, if the land use was specific to only certain land, then it would need to be retained.</p> <p>Appendix D to this Planning Proposal details the findings of this review. Several new APUs are proposed to be included in the LEP. These are discussed below.</p>
139	New Additional Permitted Uses – more diverse residential accommodation for certain R2 zoned land (housing diversity areas)	A new Additional Permitted Use is proposed for inclusion in the LEP relating to diverse housing in the R2 Low Density Residential zone. This provides for boarding houses and hostels to be permissible in the R2 zone within Housing Diversity Areas, that is, areas within 400 metres of local centres of Avalon, Newport, North Narrabeen, Freshwater and Belrose, on land greater than 1,000 sqm in accordance with Council's endorsed Local Housing Strategy.
140	New Additional Permitted Uses – more diverse residential accommodation for certain R2 zoned land	It is proposed to support diverse housing and reflect existing permissible uses in the R2 Low Density Residential zone under MLEP2013. The following uses will be retained via "Additional Permitted Uses" mapping for the R2 zone : attached dwellings, multi dwelling housing, semi-detached dwellings, shop-top housing, and hostels. Such uses are not permitted generally across the LGA in the R2 zone.
141	New Additional Permitted Uses – more diverse residential accommodation for certain C4 zoned land	It is proposed to support diverse housing and reflect existing permissible uses in the C4 Environmental Living zone under MLEP2013. The following uses will be retained via "Additional Permitted Uses" mapping for the C4 zone in the current MLEP2013 area: attached dwellings, multi dwelling housing, semi-detached dwellings, attached dual occupancies, and residential flat buildings. Such uses are not permitted generally across the LGA in the C4 zone.
142	New Additional Permitted Uses – non-residential uses in certain R2 zoned land	It is proposed to support employment and businesses and reflect existing permissible uses in the R2 Low Density Residential and C4 Environmental Living zone under MLEP2013. The following uses will be retained via "Additional Permitted Uses" mapping in the current MLEP2013 area: recreational facilities (indoor) for zone R2. The use is not permitted generally across the LGA in the R2 zone.
143	New Additional Permitted Use – business, residential and	Insert new additional permitted uses to support tourism and reflect existing permissible uses in the R3 Medium Density Residential zone under MLEP2013.

#	Schedule	Explanation of provisions
	tourist related land uses for certain R3 zoned land	The following development will continue to be permitted with consent on such land via “Additional Permitted Uses” mapping: backpackers' accommodation, hotel or motel accommodation, serviced apartments, restaurants or cafes, take away food and drink premises, service stations, recreational facilities (indoor) and shop top housing.
144	New Additional Permitted Use – shops in certain E3 zoned land	<p>Insert new additional permitted uses to support shops and reflect existing permissible uses in the E3 Productivity Support zone under MLEP2013.</p> <p>The following development will continue to be permitted with consent on such land via “Additional Permitted Uses” mapping: shops.</p>
145	Schedule 2 Exempt development	
146	Schedule 2 Exempt development	<p>This schedule identifies exempt development nominated by Council as referenced in clause 3.1 of the LEP. It identifies the following types of development as exempt development:</p> <ul style="list-style-type: none"> • Certain advertising signage on Council land (new – see discussion below). • Minor alterations to existing lawful jetties, water recreation structures and wharf or boating facilities (from PLEP2014). • Maintenance of legally approved moorings (from PLEP2014). • Outdoor areas of community land for commercial purposes (from MLEP2013, PLEP2014 and WLEP2011). <p>A review of existing schedule 2 of MLEP2013, PLEP2014 and WLEP2011, and schedule 1 of WLEP2000, found that many types of exempt development listed are now covered by SEPP (Exempt and Complying Development Codes) 2008, Part 2, and can be excluded from the new LEP.</p> <p>Only the above development types are proposed to be retained, with some minor change to consolidate the provisions. ‘Advertising signage on Council land’ is a new addition to the schedule, as discussed below.</p>

#	Schedule	Explanation of provisions
147	New Exempt Development Item – Advertising Signage on Council land	<p>Insert new exempt development type to apply across the LGA as follows:</p> <p><i>‘Advertising Signage on Council Land’</i></p> <p><i>Must be signage that –</i></p> <p><i>(a) is located on a bus shelter, seat, bin, or freestanding display panel less than 4sqm in area, and</i></p> <p><i>(b) does not contain flashing or neon signage, and</i></p> <p><i>(c) is not located on land that comprises a heritage item, and</i></p> <p><i>(d) is erected by, or on behalf of, Council.</i></p> <p>This is proposed to be included in Schedule 2 to facilitate certain advertising structures on Council land for public infrastructure where there is a benefit for the community (e.g., funding of infrastructure).</p> <p>This will be subject to the prohibition of advertising that contains tobacco, nicotine, alcohol, and gambling under supporting Council policy.</p> <p>Note that certain signage is also exempt under SEPP (Exempt and Complying Development Codes) 2008, Part 2, Division 2.</p>
148	Schedule 3 Complying development	
149	Schedule 3 Complying development	<p>It is not proposed to identify any development as complying development under Schedule 3 of the LEP, recognising that SEPP (Exempt and Complying Development Codes) 2008, Parts 3-9, provide comprehensive requirements.</p> <p>Existing complying development listed in schedule 3 of WLEP2011 (construction of outbuildings associated with residential flat buildings) and schedule 12 of WLEP2000 (single storey houses, outbuildings and swimming pools) will be omitted. MLEP2013 and PLEP2014 do not identify any complying development.</p>

#	Schedule	Explanation of provisions
150	Schedule 4 Classification and reclassification of public land	
151	Schedule 4 Classification and reclassification of public land	<p>It is not proposed to identify any land that is classified, or reclassified, as operational or community land for the purposes of the Local Government Act 1993, and as referenced in clause 5.2 of the LEP.</p> <p>Existing schedule 4 in WLEP2011 will not be carried over into the new LEP because it is unnecessary to do so. MLEP2013, PLEP2014 and WLEP2000 do not identify any classified or operational land in an equivalent schedule.</p>
152	Schedule 5 Environmental heritage	
153	Schedule 5 Environmental heritage	<p>This schedule describes the location and nature of Heritage items (Part 1), Heritage conservation areas (Part 2) and Archaeological sites (Part 3), as referenced in clause 5.10 of the LEP.</p> <p>In total across the Northern Beaches LGA there are:</p> <ul style="list-style-type: none"> • Local heritage: 567 items, 18 conservation areas and 28 archaeological sites; • State heritage: 18 items; • Middle Harbour heritage items: 10 items (local and State items) <p>The listings in Schedule 5 reflect an amalgamation of all items contained in MLEP2013, PLEP2014, WLEP2011 and WLEP2000. The amalgamation process incorporated a comprehensive review to ensure consistency and standardisation was achieved, with specific reference to how items are described in the schedule, how they are categorised and how they are mapped.</p> <p>The changes made to achieve standardisation of the heritage schedule fall into two categories, being consequential and inconsequential.</p> <p>Consequential changes are defined as changes which will have a direct impact on the heritage item and property owners.</p>

#	Schedule	Explanation of provisions
		<p>Details outlining specific consequential changes to the heritage listings is included in Appendix E Heritage.</p> <p>Consequential changes undertaken include:</p> <ul style="list-style-type: none"> Expanded item descriptions – Examples include addition of fence, garden, wharf and jetty, pool enclosure, shopfronts. There are approximately 37 properties affected. The majority are private owners, with the exception of Currawong (wharf and jetty); Manly Golf Clubhouse (fence), Sewage Pumping Station, Manly (fence); Stella Maris College, Manly (fence); Manly Village School (monument), St Mary's Church, Manly (boundary fence), Dalwood Home (stone entrance posts) and the Former Manly Hospital (additional buildings, boundary walls and bushland + addition of a new item (Parkhill Cottage and Stables). Examples of private properties include "Finisterre" 2 Cabarita Road (pool enclosure); "The Palms" 3 Bilgola Ave (garden); "Rose Building" 154 Sydney Road (shopfronts); 45 Grace Avenue (front fence); "Logan Brae" 32 Reddall Street (front fence); "Villa d'Este" 3 Northview Road (front fence and gates); "WindyrIDGE" 50 and 50B Sunrise Road (interiors). Deleted items – These include items that have been demolished or no longer in existence. There are 4 such items, being: <ol style="list-style-type: none"> Collaroy Elevated Reservoir; "Victory Tree", Mona Vale; Old street lamps, Palm Beach Sydney Red gums, 117 Pacific Road, Palm Beach. New items – Only 1 new item is proposed, which is Parkhill Cottage and Stables, adjacent to the former Manly Hospital site. As outlined above, there is also a proposed expansion of the number of buildings listed on the former Manly Hospital site. Amalgamated items – A number of items have two separate listings which is unnecessary and confusing. It is proposed to amalgamate these into one listing. There are 3 such items being: <ol style="list-style-type: none"> Manly Wharf - Items I145 (fun pier) has been amalgamated with the Manly Wharf State listing (as

#	Schedule	Explanation of provisions
		<p>the fun pier is already protected by the State listing);</p> <ol style="list-style-type: none"> Ivanhoe Park – Item I161 (tram track route) has been amalgamated with the Ivanhoe Park State listing (as the tram track route is covered by the State listing); Middle Harbour Submarine Syphon – Item I144 (outlet) has been amalgamated with the NSOOS State listing, as the outlet is covered by the State listing. <ul style="list-style-type: none"> Increased item extent – Where an item description has been expanded to cover other elements, in some cases the extent of the land covered by the heritage listing is also increased. An example of this is where a jetty or pool enclosure have been added to the listing. Most expanded item descriptions do not have an increased item extent. Reduced item extent – Where an item has been incorrectly mapped or no longer exists on part of the original listing. These changes are minor but change the amount of land affected, even though there is very little change to the intent/effect of the listing. Examples include: <ol style="list-style-type: none"> Street trees adjacent to 1710 – 1712 Pittwater Road (incorrectly mapped – should be outside 1682 and 1684); “Gunjulla”, 7 Gunjilla and 125 and 127 Avalon Parade (gatepost removed from 127 Avalon Parade); 15,17 and 19 Griffith Street (15 Griffith removed from listing, as original 15 was subdivided and heritage item is now 15A and 15 is a new building); Hollands Orchard, Warringah Road (remnant original trees removed from side of Warringah Road, but grafted trees still on Forest High School); Washintonia Palms, Ocean Street near Malcom Street, Narrabeen (palms no longer exist on one redeveloped property, so listing reduced to reflect this)

#	Schedule	Explanation of provisions
		<p>Inconsequential changes are defined as changes required to achieve consistency and standardisation across the new Schedule. Inconsequential changes are considered housekeeping matters which do not change the actual extent of the heritage item or pose a direct impact on property owners.</p> <p>Inconsequential changes undertaken include:</p> <ul style="list-style-type: none"> • Consistent naming conventions – “Kumale” (house) changed to "House, "Kumale"; • Consistent mapping conventions – All landscape items in Part 1 of the schedule have been mapped as landscape items (not built items). All previous Pittwater landscape items have had their mapping changed to accord with this and ensure consistency with Manly and Warringah listings. • Consistent category location – To ensure consistency in the way we list items, some items have moved from Part 1 – Heritage items to Part 3 – Archaeological sites; Some items have been moved from Part 3 – Archaeological sites to Part 1 – Heritage items and some Conservation Areas have been moved from Part 2 – Heritage conservation areas to Part 1 – Heritage items. <p>‘Aboriginal objects’ or ‘Aboriginal places of heritage significance’ are not listed in the LEP (not in any current LEP) as they are captured by other legislation and the Aboriginal Heritage Information Management System (AHIMS).</p>
154	Schedule 6 Pond-based and tank-based aquaculture	
155	Schedule 6 Pond-based and tank-based aquaculture	This schedule outlines regulations for pond-based and tank-based aquaculture, focusing on site location and operational requirements. It is a compulsory schedule that must be included in the LEP, and its content reflects existing schedule 6 in MLEP2013, PLEP2014 and WLEP2011.

#	Schedule	Explanation of provisions
156	Dictionary	
157	Dictionary	<p>The Dictionary defines land use terms, words and expressions used within the LEP. Definitions are mandated by the Standard Instrument LEP, and it is compulsory to include the Dictionary in the LEP.</p> <p>The Dictionary reflects the same in MLEP2013, PLEP2014 and WLEP2011, although there is some difference to the Dictionary in WLEP2000 (which is not a Standard Instrument LEP). References to Maps in the Dictionary are updated to reference Northern Beaches Local Environmental Plan.</p>

PART 3 – Justification of strategic and site-specific merit

This Part is structured as per the *LEP Plan Making Guidelines*. Firstly, the proposal's strategic merit is summarised through an assessment of the proposal's alignment with regional, state, and local government level land use directions and actions. This Part then provides a summary of the proposal's site-specific merit, outlining the reasons for the proposed outcomes and considering the environmental, social and economic impacts which may result from the Planning Proposal. Finally, it considers potential State and Commonwealth interests.

Each section responds to a series of set questions defined in the *LEP Plan Making Guidelines* (NSW Department of Planning and Environment (DPE), August 2023: pages 74 to 78).

Strategic Merit

Section A: Need for the Planning Proposal

The establishment of a single LEP for the Northern Beaches Council area, consolidating four existing LEPs, requires the preparation of a Planning Proposal under the *Environmental Planning and Assessment Act, 1979*.

The current application of four separate LEPs across the Northern Beaches has created an inconsistent and complex policy framework with different rules applying to similar areas. It has also placed additional administrative burdens on Council and created uncertainties and confusion for the community and industry.

The proposal will provide continuity of planning controls across the LGA and will ensure residents and the development industry have access to an integrated document that transparently guides development across the LGA, having regard to local character, community aspirations and environmental priorities and principles of sustainable development.

The new LEP builds on existing controls in the four current LEPs to implement Council's Local Strategic Planning Statement, parts of its Local Housing Strategy, the Conservation Zones Review, and the outcomes from the Council's LEP Discussion Paper.

An overview of the goals for the LEP is shown in Figure 2 below.

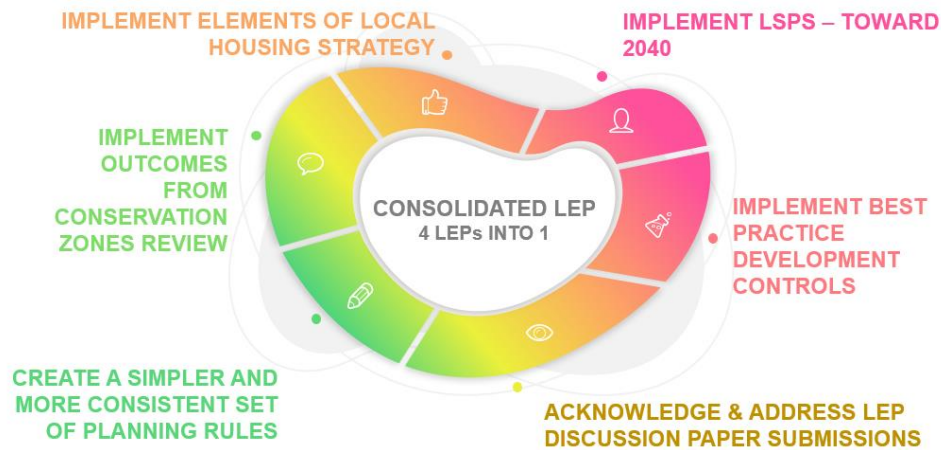


Figure 2 - Northern Beaches LEP goals

Q1: Is the planning proposal a result of an endorsed LSPS, strategic study or report?

As illustrated in the figure above, this planning proposal is driven by a need to create a single and consolidated set of planning rules that can deliver on the identified priorities and aspirations for the region, as defined by regional strategic directions and Council's endorsed LSPS, Local Housing Strategy, Community Strategic Plan and other guiding documents.

The relationship between the Planning Proposal, Council's endorsed LSPS, and other key Council strategies and guiding documents, is shown in Figure 3 below.

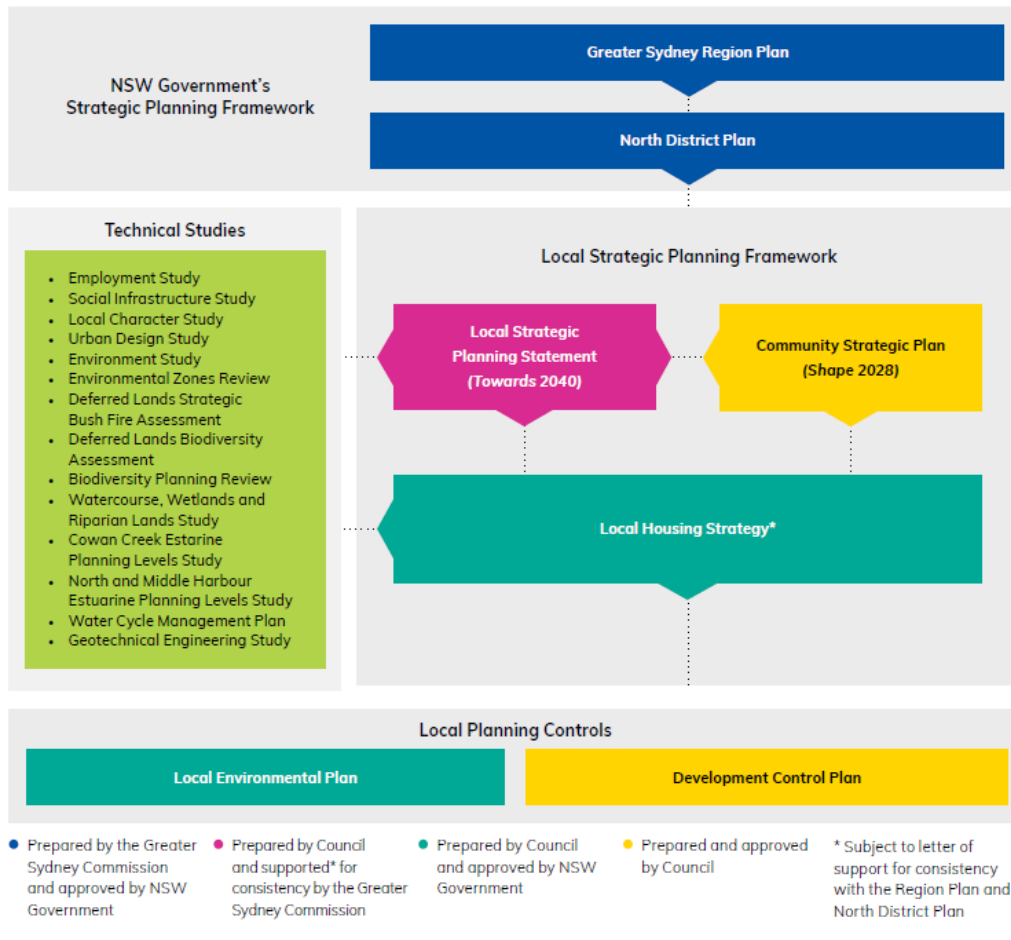


Figure 3 - LEP Strategic alignment

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal is the only means Council has of achieving the consolidation and harmonisation of LEP provisions. The changes to provisions proposed in this planning proposal are necessary to achieve greater consistency in planning controls that apply to different parts of the LGA as well as deliver on identified strategic directions and community aspirations.

While the overall driver for the project is to harmonise controls across the LGA, new provisions are also proposed in response to key trends, challenges and opportunities (e.g. climate change impacts and related greater emphasis – and community expectations – relating to sustainability).

Section B: Relationship to the strategic planning framework

This section assesses the alignment of the Planning Proposal with the directions outlined in key state government and local strategic planning policy documents.

Council's local strategic planning program – *Planning our Sustainable Future* – defines a program of works to address identified regional strategic priorities. As the title implies, this program seeks to deliver plans and strategies that can assist Council in managing future challenges and opportunities in an informed and sustainable way.

The program commenced in 2018 with an LEP Review and 'Heath Check' adopted by Council, reported to the then Greater Sydney Commission with agreement to make a Local Strategic Planning Statement – *Toward 2040* (LSPS) (released in 2020) and subsequent Local Housing Strategy (LHS), LEP/DCP Discussion Paper, and Conservation Zones Review, amongst other key documents.

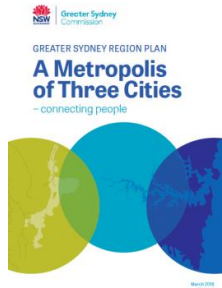
The program is supported by extensive technical studies, mapping, and community and stakeholder input which combine to form a strong evidence base for Council's land use planning, including this Planning Proposal.

Strategic alignment

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

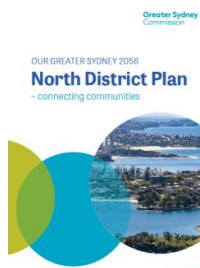
This Planning Proposal gives effect to a broad range of NSW Government objectives and actions. These include the overarching Greater Sydney Region Plan (GSRP) *A Metropolis of Three Cities – connecting people* (2018) and the related North District Plan (2018).

A brief outline of the GSRP and the North District Plan are provided below. An assessment of strategic alignment with these regional strategies as well as key Council strategies is provided in Appendix G, along with an assessment of strategic alignment with State Environmental Planning Policies (SEPPs) and Ministerial Directions (see Q5 below).



Greater Sydney Region Plan (GSRP) – 2018

The Greater Sydney Region Plan (GSRP), *A Metropolis of Three Cities* is an overarching and long term (40 year) plan for responding to key challenges and opportunities related to growth and demographic and environmental changes. The plan establishes a vision for the Greater Sydney region where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The GSRP aims to align infrastructure and growth to restructure economic activity and access across the three cities (Eastern Harbour City, of which Northern Beaches LGA is a part; Central River City; and Western Parkland City). The Plan identifies a total of 40 objectives under 4 key themes – Infrastructure and Collaboration, Liveability, Productivity and Sustainability. These themes provide a frame of reference for strategic planning generally and are used to structure the assessment of strategic alignment as per the table below.



North District Plan – 2018

The North District covers Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde and Willoughby local government areas. This North District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney as per the GSRP. The District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals as well as community strategic plans and policies. Of particular relevance to the Planning Proposal, the plan identifies:

- A five-year housing (2016-2021) of 3,400 new dwellings for Northern Beaches
- A direction for councils to develop 6 – 10 year housing targets as part of their Local Housing Strategies. The housing targets are to respond to an anticipated need for approximately 92,000 new homes by 2036 across the North District region.
- Councils are also required to provide longer term 20-year strategic housing targets which should leverage identified city-shaping transport corridors; growing, emerging and new centres; and other areas with high accessibility.
- Job targets for Northern Beaches' four strategic centres to achieve by 2036: Brookvale-Dee Why (23 - 26,000), Mona Vale (5 - 6,000), Manly (6 – 6,500) and Frenchs Forest (12 - 13,000).

The PP is also consistent with the NSW Government's vision for a growing Sydney region:

'Greater Sydney is Australia's global city; an economic powerhouse of 4.7 million people, endowed with the natural beauty of Sydney Harbour, bushland, beaches and the Blue Mountains. Greater Sydney's people have embraced this place for its opportunities and its potential (GSRP Vision, 2018)

'The vision for the North District Plan is to transform the district over the next 20 to 40 years to provide residents with quicker and easier access to a wider range of jobs, housing types and activities. The vision will improve the District's lifestyle and environmental assets.' (North District Plan Vision, 2018)

Appendix G provides an overview of the Planning Proposal's strategic alignment with the GSRP and the North District Plan.

Q4: Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

This Planning Proposal is consistent with Council's Local Strategic Planning Statement – Towards 2040 which has been endorsed by the then Greater Sydney Commission

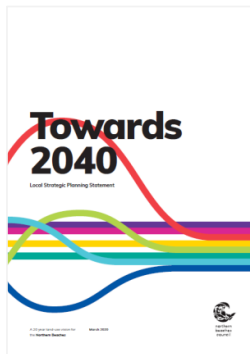
The Planning Proposal is also consistent with the community's vision of *"a safe, diverse, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment"* (CSP, 2018).

The key local strategic planning documents that give direction to the Planning Proposal are briefly summarised below. Appendix G provides an overview of the Planning Proposal's strategic alignment with these documents, as well as the GSRP and the North District Plan.



**Northern Beaches Community Strategic Plan 2040 (CSP) – 2018
(updated in 2022)**

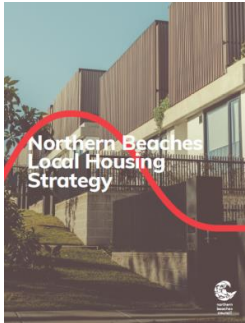
The Community Strategic Plan (CSP) is the 20-year roadmap for the future of the Northern Beaches. It defines the community's vision and sets a direction for achieving eight key outcomes and aspirations. The document is a high-level reference point for all Council planning and provides the bedrock for Council's Integrated Planning and Reporting Framework, informing long term financial planning, the delivery program, and operational plans. Of particular relevance to the Planning Proposal is the community's strong aspirations for protecting the unique and scenic natural environment, while accommodating housing and employment needs in a sustainable way.



**Northern Beaches Local Strategic Planning Statement – Toward
2040 (LSPS) – 2020**

Towards 2040 was prepared in accordance with the requirements of Section 3.9 of the Environmental Planning and Assessment Act 1979 (EP&A Act). It reflects local values and aspirations, building on the CSP. Aligned with the GSRP and North District Plan, the LSPS acts as the bridge between strategic land use planning at the district level and local statutory planning. Towards 2040 identifies the land use planning vision, principles, priorities and actions for Council's strategic land use planning. Of particular importance to the Planning Proposal, the LSPS identifies: Council's five-year housing target as per the North District Plan of 3,400 is likely to be achieved in existing areas, with Warriewood-Mona Vale, Dee Why-North Curl Curl and Narrabeen-Collaroy accommodating most new housing in recent years.

- More than 292,000 people are expected to be living on the Northern Beaches by 2036.
- Based on projected population growth, Council needs to plan for an additional 11,747 dwellings over the next 20 years.
- Council commits to a 10% affordable rental housing target for all planning proposals, urban renewal or greenfield development, with higher rates where financially feasible.



Northern Beaches Local Housing Strategy (LHS)

Aligned with the GSRP, North District Plan and Council's LSPS, the LHS identifies housing requirements for the LGA to 2036. The overall aim of the LHS is to provide a centre-based approach to deliver a diverse mix of homes. The LHS identifies five priorities for housing, with items of particular relevance to the PP including:

- **Priority 1 – Housing target:** The Northern Beaches will be home to a population of 288,431 people in 2036, an increase of 22,963 people from the 2016 Census. The LHS identifies a longer-term requirement for about 12,000 new dwellings by 2036.
- **Priority 2 – Detailed planning for centres (note that this aspect has changed as to be directed by NSW Department of Planning, Housing and Infrastructure):** The LHS identifies Brookvale, Dee Why, Mona Vale, Manly Vale and Narrabeen along the existing B-Line as centre investigation areas in the medium term, and Forestville and Beacon Hill in the longer term, subject to a future B-Line route. However, it is in the short term that certain recommendations may be implemented in this PP for low-rise housing diversity areas in R2 zones within 400m of select centres for hostels and boarding houses. The plan identifies Avalon, Newport, North Narrabeen, Belrose and Freshwater as areas to support housing diversity. Additionally, this PP proposes to expand opportunities for dual occupancy development, identified in the LHS as subject to the centre-centric model, to instead be permitted across the R2 Low Density Residential zone, subject to a range of local controls detailed in the PP.
- **Priority 3: Social and affordable housing:** The LHS identifies a current shortfall of around 8,100 social and affordable housing dwellings; increasing by a further 1,880 dwellings by 2036. Council has adopted a target to plan for 1,880 new social and affordable housing dwellings by 2036 and will continue to advocate for other levels of government to address the significant current shortfall. The plan also identifies a need to address identified demand for an additional 102 single boarding house rooms.
- **Priority 4: Precinct sustainability and housing:** This priority area identifies a need to use development as a means to leverage greater sustainability and liveability outcomes.
- **Priority 5: Planning for seniors housing:** The plan identifies demand for an additional 1,716 self-contained retirement village units ('standard' housing generally targeted to over 55s), 502 assisted living units (with some support facilities) and 765 nursing home beds (offering end of life care) by 2036.

Outline of evidence base

The Planning Proposal has been informed by the following key technical studies and supporting strategies and plans. (See the program website, *Planning our Sustainable Future*, for further information and document links).

LEP/DCP program-specific sources

- *LEP/DCP Discussion Paper (2021)* – The purpose of the Paper was to provide a basis for initial discussions with the community on key issues and future land use planning options relating to the four key themes– Infrastructure and Collaboration, Liveability, Sustainability, and Productivity. Key sentiments include the community’s desire to protect the natural environment, retain the area’s unique local character and ensure that the right type of housing is in the right place. (See further detail in Part 5 below)
- **Conservation Zones Review (2022 – 23)**, consisting of:
 - *Conservation Zones Review Report* – a comprehensive report outlining core land use definitions, assessment criteria, methodology, permitted land uses, mapping and community insights from previous engagement. It identifies criteria for conservation zoning, proposed land uses for each zone and mapping of proposed zones.
 - *Six supporting technical studies (see below)*
 - *Interactive spatial mapping tool* – providing detailed and tailored place-based information on existing and proposed land use zoning, hazards, and environmental values across the LGA. The tool provided a landscape view of proposed zoning and mapping across the whole LGA, allowing users to drill down to gain information at individual property scale about proposed methodology and land use changes for any property in the LGA.

Technical studies and reports to inform land use planning

- *Environment Study*: The Study identifies areas of the natural environment to protect and defines opportunities for improvement of the protection of the natural and built environment.
- *Urban Design Study*: This study analyses current built form planning controls across the LGA and provides recommendations for place-based built form controls to be used to inform the new LEP and DCP

Technical studies and reports used to inform Conservation Zone Review:

- *Deferred Lands Biodiversity Assessment* includes a review and report on existing environmental information and undertakes flora and fauna surveys and associated reporting in the Deferred Lands. This work informs the application of the C3 Environmental Management zone for the land.
- *Biodiversity Planning Review* includes a review of Council's existing biodiversity planning provisions. It makes recommendations for new planning controls to protect biodiversity across the LGA. The review also provides LGA wide biodiversity spatial layers to inform zoning and local provisions in the PP.
- *Watercourse, Wetlands and Riparian Study* includes a review of Council's existing riparian zones and planning controls and makes recommendations to inform the development of a more consistent approach to watercourse and riparian protection through provisions in the new LEP and DCP. This study includes an analysis of the extent of coastal inundation on properties located along the foreshores of Cottage Point at Cowan Creek.
- *North and Middle Harbour/Cowan Creek Estuarine Planning Levels Studies* includes an analysis of the extent of coastal inundation on properties located along the foreshores of North Harbour and Middle Harbour.
- *Stormwater Management Study* makes recommendations for new planning controls to protect water quality from the impact of stormwater. It also makes recommendations for management responses such as water quality treatment.
- *Geotechnical Review and Planning Controls*. Developments of different scale and type pose a variety of geotechnical associated risks (landslip, groundwater etc.) depending on the land on which the development will be located. The study analyses the geotechnical (in ground) condition of land within the Local Government Area for the purpose of determining specific controls and requirements for future development applications.

Q5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?

This Planning Proposal is consistent the NSW Government's Future Transport Strategy 2056 and Infrastructure NSW's State Infrastructure Strategy 2018–2038, many principles and initiatives of which are integrated within the Greater Sydney Region Plan, North District Plan and Council's Local Strategic Planning Statement. See also discussion on infrastructure at Section D below.

Q6: Is the planning proposal consistent with applicable SEPPs?

This Planning Proposal has been considered against the relevant SEPPs and is determined to be generally consistent with the relevant provisions. Table 2 below provides a summary of that assessment. A more detailed assessment is provided in Appendix G.

Table 2 - Consistency with State Environmental Planning Policies (SEPPs)

SEPP	Applicability/ Consistency
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Consistent
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent
State Environmental Planning Policy (Housing) 2021	Consistent
State Environmental Planning Policy (Industry and Employment) 2021	Consistent
State Environmental Planning Policy (Planning Systems) 2021	Consistent
State Environmental Planning Policy (Precincts - Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Consistent
State Environmental Planning Policy (Precincts – Regional) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Consistent
State Environmental Planning Policy (Resilience and Hazards) 2021	Consistent
State Environmental Planning Policy (Resources and Energy) 2021	Consistent
State Environmental Planning Policy (Sustainable Buildings) 2022	Consistent
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent

Q7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This Planning Proposal has been considered against the relevant Ministerial Directions and is determined to be generally consistent with the relevant provisions. Table 3 below provides a summary of that assessment. A more detailed assessment is provided in Appendix G.

Table 3 - Consistency with Ministerial Directions

Focus area	Planning Direction	Applicability/ Consistency
1: Planning Systems	1.1 Implementation of Regional Plans	Consistent
	1.2 Development of Aboriginal Land Council land	Consistent
	1.3 Approval and Referral Requirements	Consistent
	1.4 Site Specific Provisions	Consistent
	1.4A Exclusion of Development Standards for variation	Consistent
	1.5 – 1.22 Place-based Directions	Not applicable
2: Design and Place	nil	Not applicable
3: Biodiversity and Conservation	3.1 Conservation Zones	Consistent
	3.2 Heritage Conservation	Consistent
	3.3 Sydney Drinking Water Catchments	Not applicable
	3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
	3.5 Recreation Vehicle Areas	Consistent
	3.6 Strategic Conservation Planning	Consistent
	3.7 Public Bushland	Consistent
	3.8 Willandra Lakes Region	Not applicable
	3.9 Sydney Harbour Foreshores and Waterways Area	Consistent
	3.10 Water Catchment Protection	Not applicable
4: Resilience and Hazards	4.1 Flooding	Consistent
	4.2 Coastal Management	Consistent
	4.3 Planning for Bushfire Protection	Consistent
	4.4 Remediation of Contaminated Land	Consistent
	4.5 Acid Sulfate Soils	Consistent
	4.6 Mine Subsidence and Unstable Land	Consistent
5: Transport and Infrastructure	5.1 Integrating Land Use and Transport	Consistent
	5.2 Reserving Land for Public Purposes	Consistent
	5.3 Development Near Regulated Airports and Defence Airfields	Not applicable
	5.4 Shooting Ranges	Consistent
6: Housing	6.1 Residential Zones	Justifiably not consistent*
	6.2 Caravan Parks and Manufactured Home Estates	Justifiably not consistent*
7: Industry and Employment	7.1 Employment Zones	Consistent
	7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
	7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
8: Resources and Energy	8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
9: Primary	9.1 Rural Zones	Consistent
	9.2 Rural Lands	Not applicable
	9.3 Oyster Aquaculture	Consistent

Focus area	Planning Direction	Applicability/ Consistency
	9.4 Farmland of State Regional Significance NSW Far North Coast	Not applicable
* Note: while identified as not consistent in this table, the PP justifies the inconsistency in accordance with terms of the Direction		

Site-specific merit

Section C: Environmental, social, and economic impact

Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

This PP is not anticipated to adversely affect critical habitat or threatened species, populations or ecological communities or their habitat.

Existing environmental provisions contained in the four existing LEPs will be incorporated into the consolidated LEP. Additional environmental protection measures are proposed for sites that have been identified as having biodiversity values including the application of conservation zones to urban and non-urban areas, public bushland reserves, and the W1 Natural Waterway zone to additional waterways. It is also proposed to map additional vegetation and waterways/riparian land in the consolidated LEP to be considered in the assessment of development proposals. The intent of these provisions is to enhance the recognition and protection of important environmental assets in the LGA and ensure a consistent approach is taken to managing development impacts.

The consolidated LEP also includes provisions to ensure that development along foreshore areas will not have adverse effect on marine habitat, wetland areas, flora and fauna habitats.

A new and consolidated development control plan (DCP) will be prepared and will include provisions to protect certain types of vegetation and guide development near waterways and biodiversity land identified on the relevant map of the consolidated LEP.

Q9: Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

This PP to create a consolidated LEP largely limits proposed rezonings recommended by the Conservation Zone Review to increase land zoned for environmental protection. There is also limited increases in development density or environmental footprints that would require further investigation.

Proposals for dual occupancy development in the R2 low density residential zone are subject to similar controls to dwelling houses and should not result in increased environmental impacts. Proposals for boarding houses and hostels within 400 metres of certain centres in the R2 zone to address Council's Local Housing Strategy will also not have significant environmental impacts. Increases in proposed height of development in certain existing commercial centres are at a minor scale that would not impact the environment.

It is intended that the consolidated LEP will carry over provisions from existing LEPs that apply a range of environmental considerations in the determination of DAs e.g. the protection of high biodiversity lands, riparian lands. These controls will be complemented by proposed new landscaped area controls and floorspace ratio controls, which are based on existing development trends and not considered to have any adverse environmental impact.

These provisions will be further supported by proposed DCP provisions to control development including building envelope controls, setback controls and stormwater controls.

Q10: Has the planning proposal adequately addressed any social and economic effects?

This PP to create a consolidated LEP is primarily an administrative process and is not proposing increases in development densities. Unifying and aligning the various LEPs currently applying in the LGA into one planning instrument will create a common set of objectives, land use tables and provisions for land in the LGA. This will bring more consistency to planning controls across the LGA and assist in reducing the complexity of the local land use planning framework.

A broad range of social and economic effects are addressed in the PP, noting that results and consequences of proposed zones, land uses, standards and provision largely do not have any detrimental social or economic effects. To the contrary, many positive effects arise both socially and economically in the PP as follows:

- Local provisions for active street frontages and design excellence are more broadly applied to centres across the Northern Beaches to encourage socially vibrant centres and ensure design considers a range of social issues e.g. safety, security etc.
- Opportunities for greater housing diversity throughout the LGA and in a manner that is sensitive to local character (e.g. by controlling for bulk and scale through e.g. FSR, building height controls). This especially relates to the proposed housing provisions such as a new clause for greater housing diversity, secondary dwellings to apply throughout the LGA, and permitting dual occupancy in all R2 zones subject to controls (e.g. min. allotment size). This will particularly affect Warringah LEP area, as the WLEP2011 to date has not permitted dual occupancies in R2 zones.
- Improved amenity and liveability outcomes for our centres, e.g. through protecting employment lands and controlling for building height in strategic centres.
- Greater clarity and certainty for land-use planning throughout the LGA, and especially for Deferred Lands.

- A consistent and simpler set of planning rules that allows for greater transparency in the development application process, making it easier for homeowners to understand planning rules and make use of development potential of their properties.

Section D: Infrastructure (Local, State and Commonwealth)

Q11: Is there adequate public infrastructure for the planning proposal?

The PP recognises the need for planning proposals to be supported by adequate infrastructure in accordance with the Department's Guidelines. The level of public infrastructure has significantly shaped the PP such that development resulting in additional demand for infrastructure - as identified in the PP's rezonings, land use permissibility, standards and provisions - are commensurate and measured with regard the adequacy of public infrastructure necessary to accompany growth.

In particular, the PP recognises shared ambitions with the NSW Government concerning significant issues of addressing housing supply being constrained by inadequate infrastructure or the lack of investment in new infrastructure.

In Council's February 2024 submission to the Department's 'Exhibition of Explanation of Intended Effect: Changes to create low and mid-rise housing' (EIE), Council supported a centres-based approach to housing growth consistent with objectives in the Council's LSPS and LHS but asked that this be done in a collaborative manner that includes the planning and provision of supporting infrastructure.

Council outlined six (6) key recommendations to address infrastructure provision to accommodate significant increases in housing supply envisioned with the EIE within the LGA, including:

- reinstating the Beaches Link Tunnel,
- resuming the Mona Vale Road West Widening project,
- delivering an east-west Bus Rapid Transit system from Chatswood to Dee Why,
- funding grade separation of Warringah and Pittwater Road between Dee Why and Brookvale,
- funding and delivering regional traffic infrastructure in Frenchs Forest,
- as well as funding the completion of technical studies required for implementing the Brookvale Structure Plan.

Council also recommended that changes of the scale exhibited as part of the EIE should be accompanied by amendments to existing Council-made infrastructure contributions, or alternatively, be subject to increased "flat-rate" contributions (e.g., 3% to 5% levy) for infrastructure contributions made under the SEPP.

Council recognised the potential for dual occupancy development within R2 low-density residential zones subject to more stringent development standards (as outlined in this PP) than those outlined in the EIE. The more measured approach to increasing housing supply across the R2 Low Density Residential Zone, for example, responds to changing demographic trends for low-scale infill ("missing middle") housing in existing residential

areas where infrastructure currently exists, while also addressing the trend on the Northern Beaches away from detached dwelling houses.

The NSW State Infrastructure Strategy 2018-2038 (SIS) sets out the government's priorities for the next 20 years and combined with the Future Transport Strategy 2056, the Greater Sydney Region Plan and the Regional Development Framework, brings together infrastructure investment and land-use planning for our cities and regions. The SIS looks beyond the current projects and identifies policies and strategies needed to provide the infrastructure that meets the needs of a growing population and a growing economy.

The Strategy sets out six overarching strategic directions to instil best practice approaches across NSW's infrastructure sectors:

1. Continuously improve the integration of land and infrastructure planning;
2. Plan, prioritise and deliver an infrastructure program that represents the best possible investment and use of public funds;
3. Optimise the management, performance and use of the State's assets;
4. Ensure NSW's existing and future infrastructure is resilient to natural hazards and human related threats;
5. Improve state-wide connectivity and realise the benefits of technology; and
6. Drive high quality consumer-centric services and expand innovative service delivery models in infrastructure sectors.

The PP will ensure that the respective objectives of these LEPs will, where possible, continue to reflect the objectives of the NSW State Infrastructure Strategy by:

- Providing for infrastructure and related uses;
- Preventing development that is not compatible with or that may detract from the provision of infrastructure;
- Providing a range of recreational settings and activities and compatible land uses;
- Enabling the efficient movement and operation of commercial shipping, water-based transport and maritime industries; and
- Integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Section E: State and Commonwealth Interests

Q12: What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Preliminary consultation with relevant public authorities, government was undertaken as part of the public exhibition of the LEP/DCP Discussion Paper as well as the Conservation Zones Review. In addition, early and non-statutory engagement with community members helped inform the development of this Planning Proposal (see Part 5 of this PP below).


PART 4 – Maps

Mapping for the Northern Beaches LEP requires merging of existing LEP map sets.

Additionally, a number of studies have been conducted to update mapping using a consistent methodology, and new maps have been created to support new clauses proposed to be included in the LEP. The PP also seeks to consolidate a range of minor mapping amendments arising in the proposed translation of all LEP maps to the NSW Land Cadastre. At present all LEP Land Use Zoning Maps are already published under the NSW Cadastre while most other maps remaining under PDF format. The proposed approach in relation to the translation is intended to be consistent with the approach already undertaken in translating the zoning maps.



The table below lists all the proposed LEP maps – sorted by LEP map name. The table identifies the clause each relates to and an explanation of how the maps were generated, with symbology included as follows:





 – existing maps


 – new mapping





LGA scale maps are provided in this PP in Appendix C.




An online interactive mapping tool is being developed by Council to support the PP and will be available during public exhibition.





#	Map Name	LEP clause map relates to	Explanation of map creation	Map Status
118	Acid Sulfate Soils Map	Clause 6.x Acid sulfate soils	The Acid Sulfate Soils Map was generated by merging the existing Acid Sulfate Soils Maps from each LEP.	
99	Active Street Frontages Map	Clause 6. x Active Street Frontages	The Active Street Frontages Map was generated by utilising the existing Active Street Frontages Map within the MLEP2013 and the Active Street Frontages identified within the Urban Design Study (2021) for the remainder of local centres across the LGA (Balgowlah, Seaforth, Avalon Beach, Newport, North Narrabeen, Narrabeen, Collaroy, Freshwater, Dee Why Beach, Forestville and Manly Vale), with some minor amendments to the	




#	Map Name	LEP clause map relates to	Explanation of map creation	Map Status
			latter to accurately reflect the extent of active street frontages.	
19 137- 144	Additional Permitted Uses Map	Clause 2.5 Additional permitted uses for particular land Schedule 1 Additional permitted uses	The Additional Permitted Uses Map was generated by merging existing APUs across each of the existing LEPs. All APUs were reviewed to determine appropriateness of retention and removed if no longer required. Additional APUs were created to enable existing permitted uses in the Manly R2 and R3 zones and for Housing Diversity areas. New APUs were also included in the deferred lands based on the application of standard instrument zones and an internal analysis of uses in the area and previous work done for the withdrawn Oxford Falls Valley/ Belrose North Planning Proposal	
122	Affordable Housing Contributions Scheme Map	Clause 6x Affordable Housing	The Affordable Housing Contributions Scheme Map was generated by merging the existing map within the WLEP 2011.	
100 131- 132	Centres Map	Clause 6.x Development in local centres Part 7B Dee Why Town Centre	The Centres Map was generated by merging the Centres Map (Dee Why Town Centre) within the WLEP 2011, and all land zoned B1 Neighborhood Centres prior to the Employment Zones Reforms.	
119	Coastal Hazards Map	Clause 6.x Coastal management	The Coastal Hazards Map was generated by incorporating the recommendations from a range of studies and reports that assess the extent and impact of coastal hazards. This includes: <ul style="list-style-type: none"> The Coastal Zone Management Plan for Collaroy-Narrabeen Beach 	



#	Map Name	LEP clause map relates to	Explanation of map creation	Map Status
			<p>and Fishermans Beach (Royal Haskoning HDV, December 2016)</p> <ul style="list-style-type: none"> • The Coastal Zone Management Plan for Bilgola Beach (Bilgola) and Basin Beach (Mona Vale), (Royal Haskoning HDV, December 2016) • Identification of Coastal Hazard Risk Areas to Projected Sea Level from the Manly LGA (Water Research Laboratory, May 2012) • Pittwater Council Coastline Hazard Definition and Climate Change Vulnerability Study (Worley Parsons, July 2012) • Estuarine Planning Level Mapping Pittwater Estuary (Lawson and Treloar, Sept 2004) • Cowan Creek Estuarine Planning Levels Study (Rhelm, July 2022) • North and Middle Harbour Estuarine Planning Levels Study (Rhelm, July 2022) 	
107	Design Excellence Map	Clause 6.x Design Excellence	The Design Excellence Map was generated by mapping all Strategic Centres, Warringah Mall and Local Centres. Centres were selected for consistency and consolidation.	

#	Map Name	LEP clause map relates to	Explanation of map creation	Map Status
110	Erection of Dwelling Houses	6.x Erection of dwelling houses within and in proximity to Oxford Falls Valley, Belrose North and off Mona Vale Road	The Erection of Dwelling Houses Map was generated by mapping the land identified as locality B2 and C8 within the WLEP2000 and land zoned C3 under WLEP 2011, with the exclusion of land identified for exclusion by clause 6.6(5) of WLEP2011.	
68	Floor Space Ratio Map	Clause 4.4 Floor space ratio	The Floor Space Ratio Map was generated by merging the existing Floor Space Ratio Maps from each LEP. The map retains the existing FSR controls for town centres and introduces a new FSR control for low-density residential zoned land, based on the recommendations from the Floor Space Ratio Analysis (Nov 2023, NBC) (Refer to Appendix J).	
114	Foreshore Building Line Map	Clause 6.x Limited development on foreshore area and foreshore building line	The Foreshore Building Line Map was generated by mapping the foreshore building lines identified in the Foreshore Building Line Maps within the MLEP 2013 and PLEP 2014.	
111	Foreshore Scenic Protection Area Map	Clause 6.x Foreshore scenic protection area	The Foreshore Scenic Protection Area Map was generated by mapping the land identified in the Foreshore Scenic Protection Area Map within MLEP 2013.	
121	Geotechnical Map	Clause 6.x Geotechnical Planning	The Geotechnical Map was generated based on the updated mapping identified in the Geotechnical Review and Planning Controls study (Douglas Partners, May 2022). This study was exhibited as part of the Conservation Zones review in 2022.	

#	Map Name	LEP clause map relates to	Explanation of map creation	Map Status
66	Height of Buildings Map	Clause 4.3 Height of buildings	The Height of Buildings Map was generated by merging the existing Height of Building Maps from each LEP. New height controls have been applied to several employment zones across the LGA, including the Brookvale industrial area in accordance with the Brookvale Structure Plan (2022), Warringah Mall in accordance with the Warringah Mall Urban Design Analysis (Zanadro, 2022), Frenchs Forest Business Park in accordance with the Frenchs Forest Structure Plan, certain local centres in accordance with the Northern Beaches Urban Design Study (Nov 2021) and the requirement to apply standardised height controls for the deferred lands.	
82 152- 153	Heritage Map	Clause 5.10 Heritage conservation Schedule 5 Environmental heritage	The Heritage Map was generated by merging the existing Heritage Maps from each LEP. A consistent approach to categorising heritage items has been applied. Amendments to the existing heritage maps include boundary adjustments, updated item numbering and categorisation, deletion of items and addition of items (in accordance with the Manly Hospital Heritage Assessment Report (Davies, April 2018)).	
66 70 103 105	Key Sites Map	Clause 4.4 Floor Space Ratio – bonus provisions subclause Clause 4.6 Exceptions to development standards	The Key Sites Map was generated by merging the existing maps within the MLEP2013 and WLEP2011.	

#	Map Name	LEP clause map relates to	Explanation of map creation	Map Status
129-130 131-132 135-136		<p>Clause 6.x Gross Floor Area in Zone E1 Seaforth, Balgowlah and Manly Local Centres</p> <p>Clause 6.x Requirement for development control plans</p> <p>Part 7A Frenchs Forest Precinct – Sites F-I</p> <p>Part 7B Dee Why Town Centre – Sites A-E</p> <p>Part 7D Development in St Patricks Estate</p>		
5	Land Application Map	Clause 1.3 Land to which Plan applies	The Land Application Map was generated by merging the existing Land Application Maps from each LEP.	
72	Land Reservation Acquisition Map	Clause 5.1 Relevant acquisition authority	The Land Reservation Acquisition Map was generated by merging the existing Land Reservation Acquisition Maps from each LEP.	
16	Land Zoning Map	Clause 2.2 Zoning of land to which plan applies	The Land Zoning Map was generated by merging the existing Land Zoning Maps from each LEP, with changes in land zoning informed by the Conservation Zones Review and the requirement to apply standardised zoning for the deferred lands.	
116	Landscaped Area Map	Clause 6 x Landscaped areas in certain residential and conservation zones	The Landscaped Area Map was generated by consolidating existing controls from each DCP for zones R1, R2, R3, R5, C4 and C3 (other than rural), with some	

#	Map Name	LEP clause map relates to	Explanation of map creation	Map Status
			variation to reflect development trends, as informed by a Landscaped Area Analysis (Nov 2023, NBC).	
61	Lot Size Map	Clause 4.1 Minimum subdivision lot size	The Lot Size Map was generated by merging the existing Lot Size Maps from each LEP. Minimum lot sizes have been applied to deferred lands based on the existing minimum lot size controls for R2 and R5 zoned land.	
129-130	Precinct Boundary Map	Part 7A Frenchs Forest Precinct	The Precinct Boundary Map was generated by merging the existing map within the WLEP 2011.	
117	Riparian Lands, Watercourses and Wetlands Map	Clause 6.x Waterways Wetlands and Riparian Land	<p>The Riparian Lands, Watercourses and Wetlands Map was generated by incorporating the recommendations from the following studies:</p> <ul style="list-style-type: none"> • Final Literature Review – Riparian Provisions and Conditions for Northern Beaches Council LEP and DCP (BMT Commercial Australia Pty Ltd, March 2020) • Riparian Mapping Methodology for Northern Beaches Council LEP and DCP (BMT Commercial Australia Pty Ltd, March 2021) • Draft Watercourse, Wetland and Riparian Lands Study (NBC, Feb 2022) <p>The Draft Watercourse, Wetland and Riparian Lands Study was exhibited as part of the</p>	

#	Map Name	LEP clause map relates to	Explanation of map creation	Map Status
			Conservation Zones review in 2022.	
112	Terrestrial Biodiversity Map	Clause 6.x Bushland and Biodiversity Land	<p>The Terrestrial Biodiversity Map was generated by incorporating the mapping of Core Habitat and Biodiversity Corridors from the Northern Beaches Council Biodiversity planning review (SMEC, Dec 2021)</p> <p>This study was exhibited as part of the Conservation Zones review in 2022 and has since been subject to map updates amendments to improve map accuracy.</p> <p>The Terrestrial Biodiversity Map also includes Penguin and Bandicoot Endangered Population Areas in Manly as identified in the existing MLEP2013.</p>	
133-134	Urban Release Area Map	Part 7C Warriewood Valley Release Area	The Urban Release Area Map was generated by merging the existing Urban Release Area Map (Warriewood Valley Release Area) within the PLEP 2014, and including additional lots as identified in the Warriewood Valley Strategic Review Report (2013) and Warriewood Valley Strategic Review Addendum Report (2018).	

PART 5 – Community and stakeholder consultation

Engagement overview

It is a statutory requirement to conduct community consultation during the public exhibition stage of the Planning Proposal (PP) development (Stage 5 as per the project timeline – see Part 6 below). Council however considered it important to gain insights and feedback from the community and key stakeholders as early as possible to help shape the PP. An early and extensive engagement program was therefore undertaken to inform the development of the LEP.

An overview of the engagement undertaken so far is shown in Figure 4 below. As indicated in the figure, the main touch points for the engagement on the Planning Proposal were the LEP/DCP Discussion Paper and the Conservation Zones Review, briefly described below. Previous extensive engagement on the LSPS – *Toward 2040* as well as the Local Housing Strategy have also informed the PP.

This approach has ensured that the objectives and intended outcomes of the PP delivers on identified community aspirations and responds to community concerns. It also ensures continuity of ongoing conversations with the community as part of the overarching Planning our Sustainable Future program (see Part 3 above), and namely in relation to the LSPS and the LHS.



Figure 4 - Overview of engagement to date to inform the Northern Beaches LEP

Community consultation

LEP / DCP Discussion Paper engagement

The LEP/DCP Discussion Paper, was exhibited between 25 June 2021 and 5 September 2021. The public engagement sought feedback on identified issues, options and approaches relating to the four key themes of the LSPS - Sustainability, Infrastructure and Collaboration, Liveability, and Productivity.

Community and stakeholder engagement for the LEP/DCP Discussion Paper aimed to:

- provide accessible information so community and stakeholders could participate in a meaningful way,
- communicate to community and stakeholders how their input would continue to be incorporated into the planning and decision-making process,
- facilitate inclusive and ongoing dialogue using context appropriate spaces and platforms, and
- identify community and stakeholder concerns, local knowledge, and values.

During the exhibition Council received 399 unique responses via online forms, emails and letters. A detailed community and stakeholder engagement report was made available to the public via Council's website in June 2022.

A summary of key issues raised is outlined below.

C Zones Review engagement

The C Zones Review project was undertaken to identify a consistent evidence-based methodology for the application of environmental conservation zones to land within the Council area. Council exhibited the Conservation Zones Review report, associated mapping, and related technical studies for public comment between 2 September 2022 and 2 December 2022.

An innovative and interactive mapping application formed the basis of the engagement, allowing complex information to be communicated clearly and in a tailored way to the community. The map application allowed individual landowners to look up proposed zoning for their property, including explanations and reasoning for the proposed zoning, comparisons between current and proposed zoning, and links to any related mapping (e.g. biodiversity or other conservation values as well as natural hazards mapping).

The engagement consisted of the following key activities:

- Letters were sent to over 17,000 properties that were either currently in a conservation zone, proposed to be within a conservation zone, or proposed for removal from a conservation zone, and all properties in the deferred lands.

- High level information on Council’s website included an overview video, an Easy Read document summary, frequently asked questions, and summary information sheets on the online webtool.
- Several webinars were held (5 community webinars and 3 community group presentations) where participants were able to ask questions.
- Telephone hotline for individual property owners to speak to a staff member directly, acknowledging that some residents would have particular concerns about potential social, economic or environmental impacts of zoning of their specific properties.
- Regular project updates via email and Council’s website.

The Consultation Report was made available to the public via Council’s website in March 2023.

The results of the engagement from the Conservation Zones Review, including final advice from the Department, are summarised in Appendix H, *Conservation Zones Review – Outcomes and Implications* (Meridian, 2024). This report also describes how the engagement and input from the NSW Department of Planning, Housing and Infrastructure has informed finalisation of the land use zoning methodology and provides an outline of the implications of zoning changes in terms of number of properties affected.

What we heard

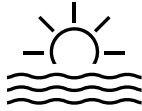
A high-level summary of key insights and community concerns emerging from the 1,300 or so community submissions received on the LEP/DCP Discussion Paper, and the Conservation Zones Review, is provided below.

Natural Environment and Sustainability



Natural Environment and conservation zones

- Strong and shared desire throughout the LGA to protect and enhance the natural environment
- Calls for incorporating LEP provisions for limited development in foreshore areas throughout the LGA
- Widespread support for the application of C Zones in areas of environmentally sensitive areas, though some concerns about economic/social implications of C Zones on individual properties
- Widespread acknowledgement of need to address climate related risks (as a matter of principle), but strong concerns about (economic) impacts and insurance implications of proposed natural hazard zonings on individual properties – especially in Deferred Lands (re bushfire), and flood prone lands in Balgowlah, Manly Vale, Narrabeen, Warriewood, Newport



Scenic Protection

- Strong interest in applying foreshore scenic protection measures throughout the LGA (e.g. similar to Manly LEP)



Tree Canopy / Urban Heat

- Strong desire throughout the LGA to protect and enhance tree canopy and reduce urban heat
- Calls for minimising impacts of any development on tree canopy by e.g. ensuring adequate landscaping requirements
- Strong calls for minimising urban heat
- General concerns about bushfire risk, though this mainly is raised in relation to proximity to nature reserves
- Widespread concerns about illegal tree felling and/or land clearing, especially in non-urban lands



Sustainable Design

- Strong calls for Council to show leadership in sustainability
- Widespread interest and support for improving energy, water and waste efficiencies through sustainable building design measures
- Strong support for circular economy measures and improved waste management

Urban and Built Environment



Housing provision

- Strong concerns about potential impacts of housing growth and diversity amongst some community groups (especially in Pittwater area) on the environment, traffic and local character
- General support for secondary dwellings and dual occupancies on suitable lots across the LGA
- Calls for increase in housing stock, affordable housing, and intergenerational living opportunities (e.g. dual occupancy - especially younger generation and Deferred Lands)
- General support for application of Floor Space Ratio across the LGA in low density areas



Local Character

- Strong sentiments for protection of local character and support for inclusion in planning controls
- Desire for consistent application of zoning on a neighbourhood scale

- Community calls for incorporation of design excellence consideration in urban planning across the LGA



Centres

- Strong interest in ensuring employment lands or adjoining areas are compatible with existing uses and built form
- Some concerns with protection of local character in smaller neighbourhood centres
- Overall support for a centre-based approach to housing provision and urban development, though some concerns with increase building heights and density
- Some uncertainty and questioning around future plans for Ingleside.

Stakeholder input and Department advice

In addition to the community engagement, Council also invited key government agencies and stakeholders including community groups, interest groups and residents' associations to provide comment on the LEP/DCP Discussion paper and the C Zones Review. Project updates were sent to approximately 1,000 registered stakeholders at different stages of the project. See also Part 3 (Section E) above.

Council received 12 submissions from Government agencies. This included one submission from Rural Fire Service (RFS) and one submission (meeting notes) from a meeting with then Planning Minister Rob Stokes.

The remaining 10 submissions were from different departments within Department of Planning, Housing and Infrastructure (DPHI) (formerly Department of Planning and Environment (DPE)) received at various milestones throughout the project, and namely during and following the 'pilot project' whereby Council and the DPHI collaborated through a series of meetings to test the methodology for the Conservation Zones Review.

An overview of the consultation with key agencies is provided below, with the final advice from the DPHI described in the following.

Overview of stakeholder input

Council has considered preliminary views received from key public authorities in the preparation of this planning proposal. It is anticipated that further consultation with public authorities will be undertaken in accordance with the requirements of the Gateway Determination and relevant Ministerial Directions.

Key state and federal agencies to be consulted on key elements of the PP include (and are not limited to) the agencies shown in Table 4 below, in alphabetical order.

Table 4 - Key state and federal agencies to be consulted

Agency	Key matters for consideration (triggers for referrals)	Timing	Preliminary views
Emergency Services – SES/ RFS/SLSNB	Natural hazard controls, management and resilience considerations	Throughout and ongoing	Natural hazards do not need to be included as a consideration or criteria in the zoning methodology for the LEP, but can be considered on merit using overlays.
Environmental Protection Authority NSW (EPA)	Environmental matters	Public exhibition of Planning Proposal	N/A – consultation yet to be undertaken
Heritage Council of NSW	Heritage conservation areas and preservation and management	Public exhibition of Planning Proposal	N/A – consultation yet to be undertaken
NSW Department of Planning, Housing and Infrastructure (formerly DPE) – including Planning; and Environment and Heritage divisions	Guidance on overall LEP methodology and preparation	Throughout and ongoing	See summary below and a more detailed description in Appendix H– “ <i>Conservation Zones Review - Outcomes and Implications</i> (Meridian 2024)”
NSW Maritime	Marine safety, regulation of commercial and recreational boating and oversight of port operations	Post lodgement of PP and prior to DPHI's finalisation of Gateway Determination	N/A - consultation yet to be undertaken
School Infrastructure NSW (SINSW) and private school operators	Confirmation of SP2 zoning and mapping for school sites	Post lodgement of PP and prior to DPHI's finalisation of Gateway Determination	N/A - consultation yet to be undertaken
Transport for NSW (TfNSW)	Potential impacts and changes to infrastructure requirements and provision	LEP/DCP Discussion Paper Conservation Zones Review	N/A - no submissions received. TfNSW notified Council of their intent to provide comment during the formal exhibition of the PP.
Sydney Water	Interest in rezoning of a range of sites of Sydney Water owned land to SP2 Infrastructure Zone (as identified in	Subject to receipt of standalone Planning Proposal to be	The proposed Sydney Water rezonings are not considered to give effect to Council's own program of strategic study for the drafting of Northern

Agency	Key matters for consideration (triggers for referrals)	Timing	Preliminary views
	correspondence to Council 26 September 2019).	prepared by Sydney Water	Beaches LEP including LEP Review and Health

Final Department advice

Following the completion of the pilot project for the Conservation Zones Review, Council received final advice and instruction from the Department of Planning, Housing and Infrastructure (DPHI) (formerly Department of Planning and Environment) on the methodology for the preparation of the LEP (see Appendix H).

In summary, the advice included the following directions which have formed the basis for the revised Conservation Zones methodology applied in this Planning Proposal:

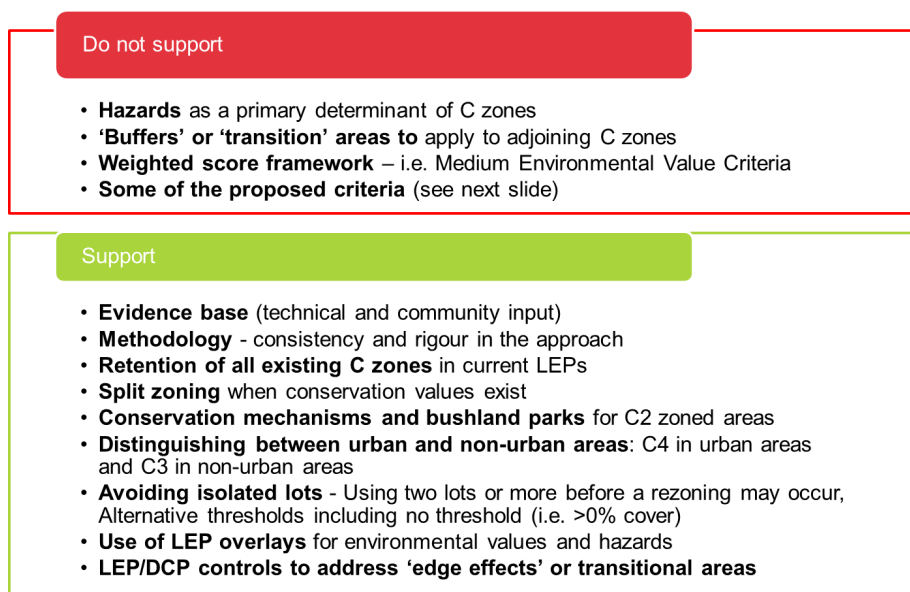


Figure 5 – Department advice informing revised Conservation Zones methodology

Engagement outcomes

The community and stakeholder engagement assisted Council in revising the Conservation Zones methodology and preparing the present Planning Proposal by providing:

- Feedback on the draft methodology and criteria for conservation land use zoning (and by implication residential, rural and recreational zonings)
- Understanding of sentiments toward proposed land uses
- Identification of mapping accuracy issues relating to technical studies
- Understanding of ground-truthing requirements and site visits requests
- Identification of community aspirations for future land use and strategic planning (e.g.as relating to environmental and biodiversity conservation, natural hazards management, and housing provision)

This provides a strong evidence-base for the present Planning Proposal as well as future engagement activities during the public exhibition stage of the project.

Next steps: public exhibition

Similar to the engagement approach for the Conservation Zones Review, the public exhibition of the present Planning Proposal will utilise an updated interactive map as the platform for the engagement.

Consultation will be consistent with the requirements of the Gateway Determination and the consultation guidelines contained in the NSW Government's LEP Plan Making Guide (2023) as well as Northern Beaches Council's Community Participation Plan (2020). In alignment with these directions, the public exhibition of this Planning Proposal will include:

- Exhibition period of 8-12 weeks
- Notification in a newspaper/s / online news that circulate on the Northern Beaches
- Notification and exhibition of planning proposal documents on Council's website
- Exhibition of hard copies of planning proposal documents at Council's customer contact centre and libraries.
- Written notification to all landowners
- Written notification to anyone who previously provided feedback on either the LEP/DCP Discussion Paper or the Conservation Zones review and opted to subscribe to project updates the Land Use Planning

Public exhibition materials

The engagement will be informed by the materials and resources listed below which will be placed on public exhibition via Council's Have Your Say project page –

- Planning Proposal – an updated version of this Planning Proposal (revised to comply with the Gateway Determination, if required), including the core definitions, assessment criteria, methodology, and permitted land uses, along with all Appendices including mapbooks.
- Supporting technical studies - including bushfire and biodiversity assessments for Deferred Lands; biodiversity planning review for the LGA; two estuary planning studies for Cowan Creek and North and Middle Harbour respectively; watercourse, wetlands and riparian lands study; stormwater study; a geotechnical review, and other supporting studies.
- Interactive spatial mapping tool – providing detailed and tailored place-based information on existing and proposed land use zoning across the LGA. The tool will provide a landscape view of proposed zoning and mapping across the whole LGA, allowing users to drill down to gain information at individual property scale about proposed methodology and land use changes for any property in the LGA. To ensure transparency, the publicly available mapping tool will provide all users with access to proposed zoning information for all properties across the LGA.

Specific engagement methods and events will be posted on the webpage, and community members can subscribe to notifications to ensure they are kept up to date and informed.

The publicly exhibited material will be supported by a mix of tools and explanatory project information which will provide contextual and practical guidance on what is often complex and technical aspects of the NSW planning system and studies.

This material may include (and not be limited to) a project webpage, project updates and emails, overview video, Easy Read document summary, and project fact sheets and FAQs.

PART 6 – Project timeline

An overview of the LEP project timeline and key milestones are provided in the table below. Timeframes are indicative only and subject to change. The key milestones are aligned with the benchmark timeframes for a Principal LEP as per DPE's LEP Plan Making Guidelines 2023.¹

Table 5 – Project timeline for the LEP Planning Proposal

Stage (as per LEP Plan Making Guide)	Description	Time frames – indicative only
STAGE 0 Evidence base (not prescribed in the LEP Plan Making Guidelines)	<ul style="list-style-type: none"> - Research, analysis, technical studies, mapping - Engagement planning - Community and stakeholder engagement – e.g. LEP/DCP Discussion Paper (exhibited in 2021) - Analysis and technical studies to inform the C Zones Review (exhibited in 2022) 	March – Sept 2023 <i>Completed</i>
STAGE 1 Pre-lodgement	<ul style="list-style-type: none"> - Early analysis and consultation with authorities and government agencies 	Oct to Nov 2023 <i>Completed</i>
STAGE 2 Planning Proposal	<ul style="list-style-type: none"> - Drafting of Planning Proposal and internal engagement - Report to Northern Beaches Planning Panel - Report to Council - Submission to the NSW Department of Planning, Housing and Infrastructure (DPHI) for Gateway approval to exhibit the Planning Proposal 	Dec 2023 – June 2024
STAGE 3 Gateway	<ul style="list-style-type: none"> - DPHI to assess Planning Proposal - Assessment report and recommendation to the Minister on whether the Planning Proposal should proceed - Gateway Determination issued to Council, including any conditions for the drafting of the LEP 	June – Sept. 2024 (subject to the DPHI review)
STAGE 4 Post Gateway	<ul style="list-style-type: none"> - Council to consider Gateway Determination and any conditions - Completion of any additional studies and update Planning Proposal as required - Pre-exhibition planning 	Oct to Dec 2024
STAGE 5 Public Exhibition and Assessment	<ul style="list-style-type: none"> - Draft DCP reported to Council, anticipated in early 2025, for endorsement to exhibit - Community and stakeholder engagement – in conjunction with exhibition of draft DCP - Submission analysis - Post-exhibition evaluation and modifications of Planning Proposal where required and/or conduct additional research - Report to Council seeking endorsement for submitting the Planning Proposal for finalisation and for adopting the DCP 	Jan to Nov 2025 (TBC)

¹ See Table 2 in the LEP Plan Making Guideline for benchmark timeframes (DPE 2023: page 17)

Stage (as per LEP Plan Making Guide)	Description	Time frames – indicative only
STAGE 6 Finalisation	<ul style="list-style-type: none"> - Submission of final Planning Proposal and request for LEP to be prepared - Parliamentary Counsel drafting of the LEP - Completion of the LEP; LEP published in NSW Government Gazette and commences on date specified. - On this date the Northern Beaches DCP also commences, and all existing LEPs and DCPs are repealed. 	<i>Dec 2025 to Feb 2026 (TBC)</i>

APPENDICES

Appendix A - Comparison of LEP clauses and Proposed Approach

Appendix B - Comparison of LEP Land use Tables and Proposed Approach

Appendix C - Comparison of LEP Maps

Appendix D - Additional Permitted Uses on Certain Land

Appendix E - Heritage

Appendix F - Draft Northern Beaches LEP 202X (written instrument)

Appendix G - Justification of Strategic Merit

Appendix H - Conservation Zones Review

Appendix I - Deferred Lands Background and Proposed Approach

Appendix J - Technical supporting studies and analysis: index

J-1 - Dual Occupancy and Housing Density

J-2 - Environmental Sustainability

J-3 - Floor Space Ratio

J-4 - Height of Buildings Amendments for Certain Employment Zones

J-5 - Housing Mix

J-6 - Landscaped Area

Appendix K - Coastal Zone Checklist



Attachment 2 – Appendices index and hyperlinks

All appendices to the LEP Planning Proposal are listed below as hyperlinks, as the files are too large to upload in the Council Agenda papers. Please click on each link to view the document.

The Appendices are identical to those presented to the Northern Beaches Local Planning Panel at their Extraordinary Meeting 23 May 2024, with the exception of Appendices F and I. These have been amended to address minor editorial errors.

[Appendix A - Comparison of LEP Provisions and Proposed Approach](#)

[Appendix B - Comparison of LEP Land Use Tables and Proposed Approach](#)

[Appendix C - Comparison of LEP Maps - Index Page](#)

[Appendix C-1 - Acid Sulfate Soils Mapbook](#)

[Appendix C-2 - Active Street Frontages Mapbook](#)

[Appendix C-3 - Additional Permitted Uses Mapbook](#)

[Appendix C-4 - Affordable Housing Contributions Scheme Mapbook](#)

[Appendix C-5 - Centres Mapbook](#)

[Appendix C-6 - Coastal Hazards Mapbook](#)

[Appendix C-7 - Design Excellence Mapbook](#)

[Appendix C-8 - Erection of Dwelling Houses Mapbook](#)

[Appendix C-9 - Floor Space Ratio Mapbook](#)

[Appendix C-10 - Foreshore Building Line Mapbook](#)

[Appendix C-11 - Foreshore Scenic Protection Mapbook](#)

[Appendix C-12a - Geotechnical Mapbook Part A](#)

[Appendix C-12b - Geotechnical Mapbook Part B](#)

[Appendix C-13 - Height of Buildings Mapbook](#)

[Appendix C-14 - Heritage Mapbook](#)

[Appendix C-15 - Key Sites Mapbook](#)

[Appendix C-16 - Land Application Mapbook](#)

[Appendix C-17 - Land Reservation Acquisition Mapbook](#)

[Appendix C-18 - Land Zoning Mapbook](#)

[Appendix C-19 - Landscaped Area Mapbook](#)

[Appendix C-20 - Lot Size Mapbook](#)

[Appendix C-21 - Precinct Boundary Mapbook](#)

[Appendix C-22 - Riparian Lands, Watercourses and Wetlands Mapbook](#)

[Appendix C-23 - Terrestrial Biodiversity Mapbook](#)

[Appendix C-24 - Urban Release Area Mapbook](#)

[Appendix D - Additional Permitted Uses on Certain Land](#)

[Appendix E - Heritage](#)

[Appendix F - Draft Northern Beaches LEP 202X \(incl minor amendments\)](#)

[Appendix G - Justification of Strategic Merit](#)

[Appendix H - Conservation Zones Review - Outcomes and Implications](#)

[Appendix I - Deferred Lands Background and Proposed Approach \(incl minor amendments\)](#)

[Appendix J - Technical Supporting Studies and Analysis - Index Page](#)

[Appendix J-1 - Technical Supporting Study - Dual Occupancy and Housing Density Research and Analysis](#)

[Appendix J-2 - Technical Supporting Study - Environmental Sustainability Research and Analysis](#)

[Appendix J-3 - Technical Supporting Study - Floor Space Ratio Analysis](#)

[Appendix J-4 - Technical Supporting Study - Height of Buildings Amendments for Certain Employment Zones](#)

[Appendix J-5 - Technical Supporting Study - Housing Mix Research and Analysis](#)

[Appendix J-6 - Technical Supporting Study - Landscaped Area Analysis](#)

[Appendix K – Coastal Zone Checklist](#)



MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL EXTRAORDINARY MEETING

held via Teleconference on

THURSDAY 23 MAY 2024

MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL EXTRAORDINARY MEETING - 23 MAY 2024

**Minutes of an Extraordinary Meeting of the Northern Beaches Local
Planning Panel**

held on Thursday 23 May 2024

The deliberations and determinations commenced at 11:00am and concluded at 1:30pm.

ATTENDANCE:

Panel Members

David Crofts	Chair
Lisa Bella Esposito	Town Planner
Jason Perica	Town Planner/Architect

The Panel had regard to the assessment report, all accompanying documentation, written representations from the public and any supplementary reports in its deliberations.

MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL EXTRAORDINARY MEETING - 23 MAY 2024

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Frank Bush submitted his apologies for the meeting.

In accordance with Section 4.9 of the NSW Government Code of Conduct for Local Government Planning Panels, all members have signed a declaration of interest in relation to each item on the agenda.

Lisa Bello Esposito identified a reasonably perceived conflict of interest in relation to the written representation received from Aldi. The Chair noted this reasonably perceived conflict of interest and stated that should that matter relating to Aldi be deliberated during the meeting, Ms Esposito would be required to exit the meeting for the duration of that matter.

No other conflicts of interest were raised by other Panel members.

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD ON 15 MAY 2024

The Panel noted that the minutes of the Northern Beaches Local Planning Panel held on 15 May 2024, were adopted by the Chairperson and have been posted on the Council's website.

3.0 CATEGORY 3 APPLICATIONS

NIL

MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL EXTRAORDINARY MEETING - 23 MAY 2024

4.0 NON PUBLIC MEETING ITEMS

4.1 PLANNING PROPOSAL - NORTHERN BEACHES LOCAL ENVIRONMENTAL PLAN (LEP)

PROCEEDINGS IN BRIEF

The purpose of the meeting was to seek the advice of the Panel regarding the Planning Proposal for the new Northern Beaches Local Environmental Plan in accordance with the Ministerial Direction on referral criteria for Local Planning Panels: Local Planning Panels Direction – Planning Panels (August 2018).

The Panel received 4 written representations from the community and two supplementary memos. The Panel received written comments from the community member of the Panel who was unable to attend the meeting. The Panel considered all of the above material.

The Panel commends Council Officers for the comprehensive approach undertaken in the development of the Planning Proposal and on the thoroughness of the supporting material and consideration of community consultation.

DECISION

The Panel is of the view that the Planning Proposal is appropriate for submission to the Minister for Planning and Public Spaces for issue of a Gateway Determination, in accordance with the Ministerial Direction on referral criteria for Local Planning Panels: Local Planning Panels Direction – Planning Panels (August 2018).

The NBLPP notes the contents of the Assessment Report at Attachment 1 of the distributed papers, the Planning Proposal at Attachment 2 and Attachment 3 being the associated Appendices A, B, C1-C24, D, E, F, G, H, I, J, J1-J6, and K with 41 hyperlinks to these Appendices.

The Panel also notes:

1. The complex and difficult task for consolidating four Local Environmental Plans.
2. The diversity of the Northern Beaches LGA and the challenges of meeting its planning needs in a single Local Environmental Plan.
3. That considerable dialogue with the Department of Planning, Housing and Infrastructure is likely to occur prior to public exhibition of the Planning Proposal which may further shape its form and content.
4. The need to balance strategic objectives with the practical constraints of a Local Environmental Plan (LEP), and that the LEP forms one part of the suite of planning tools available to Council. In this context the concurrent exhibition of a draft Development Control Plan (DCP) and the Planning Proposal is supported.
5. The considerable background studies that have been undertaken to provide an evidence base for certain key provisions of the Planning Proposal.
6. The community consultation that has been undertaken during the development of the Planning Proposal.
7. The community consultation process that is planned to be undertaken following a Gateway determination.

The approach and methodology of the Conservation Zones review was comprehensive, innovative and from first-principles. In principle, the Panel supports the Council's initial approach of including areas with high environmental hazards in a Conservation Zone (such as high-hazard flooding, bushfire, land instability and potential sea level rises). The approach by Council staff in the Conservation Zones review appears a good model for other Councils related to this issue.

The Panel is of the view the following matters should be considered:

MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL EXTRAORDINARY MEETING - 23 MAY 2024

- a) Ensuring approaches to minimum lot size provisions for community title as well as strata subdivisions are consistent;
- b) Appropriate framing of objectives to retain clarity but which also provide an appropriate degree of flexibility;
- c) Grouping similar clauses, such as those related to attached and detached dual occupancies;
- d) Defining the term "front building line", and providing definitions of all new terms not in the Dictionary;
- e) Consideration of corner sites and lot width controls in relation to dual occupancies;
- f) Review of proposed content of the LEP and DCP to avoid conflict with equivalent provisions in State Environmental Planning Policies (SEPP).
- g) Review of LEP and DCP provisions to ensure that provisions are located within the most appropriate regulatory instrument, and to maximise complementarity.
- h) Review of the wording of LEP development standards with an objective to reduce the number of Clause 4.6 variation requests where an alternative wording or approach will achieve the desired outcome.
- i) Reconsideration of the necessity of the clause regarding noise impacts from licensed venues, including if any Special Entertainment Precincts are being considered;

The Panel notes with the potential amendments to Appendix I as outlined in the Supplementary Memo - 2024/374329.

The Panel notes the contents of the Supplementary Memo - 2024/374328. The Panel agrees generally with the Assessment Report.

Vote 3/0

This is the final page of the Minutes comprising 5 pages
numbered 1 to 5 of the Extraordinary Northern Beaches Local Planning Panel meeting
held on Thursday 23 May 2024.