



APPENDIX 1:

Extract from Pittwater LEP 2014

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Zone IN4 Working Waterfront

Objectives of zone

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.
- To provide for water-based business and service facilities that serve Pittwater and the wider region.

2 Permitted without consent

Nil

3 Permitted with consent

Boat building and repair facilities; Boat launching ramps; Charter and tourism boating facilities; Environmental protection works; Industrial retail outlets; Jetties; Kiosks; Light industries; Marinas; Roads; Signage; Water recreation structures; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation

Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To ensure the continued viability of ecological communities and threatened species.
- To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, groundwater resources, biodiversity corridors, areas of remnant native vegetation and dependent ecosystems.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities; Recreation areas; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W1 Natural Waterways

Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.

- To ensure development does not adversely impact on the natural environment or obstruct the navigation of the waterway.
- To provide opportunities for private access to the waterway where these do not cause unnecessary impact on public access to the foreshore.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities; Mooring pens

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Zone W2 Recreational Waterways

Objectives of zone

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.
- To provide for amateur and professional recreational yachting or boating clubs and the like that serve Pittwater and the wider region.
- To ensure development does not adversely impact on the enjoyment and use of the waterway or adjoining land.
- To provide for a variety of passive and active recreational pursuits and water-based transport while preserving the environmental setting of the waterway.
- To ensure that public access to the waterway and foreshore areas suitable for public recreational and transport purposes is maintained.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Boat building and repair facilities; Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Emergency services facilities; Environmental facilities; Jetties; Kiosks; Marinas; Mooring pens; Signage; Water recreation structures

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 7 Additional local provisions – 7.5 – Coastal risk planning

The objectives of this clause are as follows:

- (a) to avoid significant adverse impacts from coastal hazards,
- (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,
- (c) to enable the evacuation of land identified as coastal risk in an emergency,
- (d) to avoid development that increases the severity of coastal hazards.

(2) This clause applies to land identified on the Coastal Risk Planning Map as:

- (a) Wave Inundation, or
- (b) Coastal Erosion/Wave Inundation, or
- (c) Bluff/Cliff Instability.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is not likely to cause detrimental increases in coastal risks to other development or properties, and
- (b) is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and
- (c) incorporates appropriate measures to manage risk to life from coastal risks, and

(d) is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the immediate hazard line, and

(e) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and

(f) has regard to the impacts of sea level rise, and

(g) will have an acceptable level of risk to both property and life, in relation to all identifiable coastline hazards.

(4) A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.

(5) In this clause:

coastal hazard has the same meaning as in the Coastal Protection Act 1979.

Part 7 Additional local provisions – 7.8 – Limited development on foreshore area

The objectives of this clause are as follows:

(a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,

(b) to ensure continuous public access along the foreshore area and to the waterway.

(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,

(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that:

(a) the development will contribute to achieving the objectives for the zone in which the land is located, and

(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and

(c) the development will not cause environmental harm such as:

(i) pollution or siltation of the waterway, or

(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or

(iii) an adverse effect on drainage patterns, or

(iv) the removal or disturbance of remnant riparian vegetation, and

(d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and

(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and

(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and

(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and

(h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.

(4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following:

(a) continuous public access to and along the foreshore through or adjacent to the proposed development,

(b) public access to link with existing or proposed open space,

(c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,

(d) public access to be located above mean high water mark,

(e) the reinforcing of the foreshore character and respect for existing environmental conditions.

(5) In this clause:

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.

foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.

Schedule 1 – Additional permitted uses – Clause 18 - Use of certain land at 1151 Barrenjoey Road, Palm Beach

(1) This clause applies to land:

(a) at 1151 Barrenjoey Road, Palm Beach, being Lot 10A, DP 13374 and identified as “Area 18” on the Additional Permitted Uses Map, and

(b) that is subject to PO 1957/170.

(2) Development for the purpose of boat building and repair facilities is permitted with development consent.

Schedule 1 – Additional permitted uses – Clause 19 Use of certain land at 1191 Barrenjoey Road, Palm Beach

(1) This clause applies to land:

(a) at 1191 Barrenjoey Road, Palm Beach, being Lot 298, DP 721572 and identified as “Area 19” on the Additional Permitted Uses Map, and

(b) that is subject to Special Lease 1963/86.

(2) Development for the purposes of business premises (but only those associated with use of the waterway), charter and tourism boating facilities, kiosks or restaurants or cafes is permitted with development consent.

Schedule 1 Additional permitted uses - Clause 23 - Use of certain land in Zone W1 Natural Waterways

(1) This clause applies to land identified as “Area 23” on the [Additional Permitted Uses Map](#).

(2) Development for the purposes of boat sheds, jetties or water recreation structures is permitted with development consent.