



New South Wales

# **Pittwater Local Environmental Plan 1993 (Amendment No 58)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/01062/PC)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## 2008 No 545

Clause 1 Pittwater Local Environmental Plan 1993 (Amendment No 58)

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## Pittwater Local Environmental Plan 1993 (Amendment No 58)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Pittwater Local Environmental Plan 1993 (Amendment No 58)*.

### 2 Aims of plan

This plan aims:

- (a) to encourage a greater diversity of housing and wider housing choice with minimal environmental impact, and
- (b) to provide additional opportunities for more compact and affordable housing in appropriate locations with adequate infrastructure, and
- (c) to improve utilisation of building stock and services, and
- (d) to provide additional opportunities for housing in appropriate locations for older people and people with a disability, and
- (e) to contribute towards Stage Two of Pittwater Council's *Residential Development Strategy* (1998).

### 3 Land to which plan applies

This plan applies to so much of the land within Zones Nos 2 (a), 2 (b), 2 (e) and 2 (f) in the local government area of Pittwater as is shown coloured red on the map marked "Pittwater Local Environmental Plan 1993 (Amendment No 58)—Secondary Dwellings Map" deposited in the office of Pittwater Council.

### 4 Amendment of Pittwater Local Environmental Plan 1993

*Pittwater Local Environmental Plan 1993* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

Insert “(excluding a secondary dwelling within the meaning of Division 3C of Part 3)” after “means development” in the definition of *dual occupancy development* in clause 5 (1).

### [2] Part 3 Special provisions

Insert after Division 3B:

## Division 3C Secondary dwellings

### 21P Aims

The aims of this Division are:

- (a) to encourage a greater diversity of housing types and wider housing choice in appropriate locations with adequate physical and social infrastructure, and
- (b) to provide additional opportunities for more compact and affordable forms of housing with minimal environmental impact, and
- (c) to improve utilisation of building stock and infrastructure.

### 21Q Definitions

In this Division:

*secondary dwelling* means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the *principal dwelling*), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

*secondary dwellings map* means the map marked “Pittwater Local Environmental Plan 1993 (Amendment No 58)—Secondary Dwellings Map”, as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

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Pittwater Local Environmental Plan 1993 (Amendment No 58)

Schedule 1 Amendments

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### **21R Secondary dwellings in Zone No 2 (a), 2 (b), 2 (e) or 2 (f)**

- (1) Except as provided by this clause, the erection of secondary dwellings on land within Zone No 2 (a), 2 (b), 2 (e) or 2 (f) is prohibited.
- (2) A secondary dwelling may be erected with the consent of the council on land within Zone No 2 (a), 2 (b), 2 (e) or 2 (f) only in an area shown coloured red on the secondary dwellings map.
- (3) The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is greater:
  - (a) 60 square metres,
  - (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.
- (4) The council must not grant its consent for the carrying out of development for the purpose of a secondary dwelling unless it is satisfied that the development will not have an adverse effect of any significance on:
  - (a) the protection of rare and endangered flora and fauna species and the protection of habitats for native flora and fauna, or
  - (b) the protection of wildlife corridors and vegetation links with nearby bushland, or
  - (c) the protection of bushland as a natural stabiliser of the soil surface and the protection of existing landforms such as natural drainage lines and watercourses, or
  - (d) the protection of bushland for scenic values and the retention of the unique visual identity of the landscape, or
  - (e) the retention of tree canopy and the protection of the visual amenity of the area, including its visual amenity when viewed from other residences, from the water, and from any public place, or
  - (f) Aboriginal sites.

BY AUTHORITY

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