

PLANNING PROPOSAL

Amendments to
Manly Local Environmental Plan 2013
and
Pittwater Local Environmental Plan 2014

June 2018
(submission for
Gateway
Determination)

Contents

Part 1 – Intended Outcomes	3
Part 2 – Explanation of Provisions	4
Part 3 – Justification	7
Part 4 – Maps	19
Part 5 – Community Consultation.....	20
Part 6 – Project Timeline.....	21

Part 1 – Intended Outcomes

The intended outcome of the Planning Proposal is that the Low Rise Medium Density Code would not apply for certain development types in all the R2 Low Density Residential zones in the Northern Beaches LEPs and the R3 Medium Density Residential zone for Warriewood Valley in the Pittwater LEP. These amendments are to retain the zones' strategic intent in response to the Low Rise Medium Density Code which will otherwise permit manor houses, multi-dwelling units and dual occupancy as Complying Development.

The proposed amendments will:

- prohibit multi-dwelling housing (including terraces) and manor houses (inserted under Code SEPP Amendment - Low Rise Medium Density 2017) in zone R2 Low Density Residential zone under the Manly LEP 2011; and
- prohibit dual occupancy in zone R2 Low Density Residential zone under the Manly LEP 2011 and Pittwater LEP 2014.
- prohibit dual occupancy and multi-dwelling housing in relation to certain land within zone R3 Medium Density Residential zone Pittwater LEP 2014 located in Warriewood Valley as contained within the LEP's Urban Release Area Map.

In relation to dual occupancy, consideration may be given to retaining permissibility (where permissibility currently exists in Manly and Pittwater LEPs) when carried out on land with sites' area of greater than 800sqm consistent with existing provisions in the Pittwater LEP. Studies to be prepared as outlined in this Planning Proposal will determine its appropriateness in this regard.

It is intended that the submission of this Planning Proposal by 5.00 pm 27 June 2018 with the Department of Planning and Environment and addressing, or identifying that it will address a range of matters raised by the Department will provide the basis for the deferral of the new Low Rise Medium Density Code in its entirety for Northern Beaches Council.

Part 2 – Explanation of Provisions

The proposal seeks to amend the Land Use Tables for the R2 Zone Low Density Residential Zone of the Manly and Pittwater LEPs and the Land Use Tables for part of the R3 Zone Medium Density Residential Zone (Warriewood Valley only) in response to the impacts of the Low Rise Medium Density Code.

Manly LEP 2013 Amendments

The land use table for the R2 Zone Low Density Residential Zone in the Manly LEP currently reads as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Manor Houses; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Signage; Water recreation structures; Water recycling facilities; Water supply systems*

4 Prohibited

Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3

* Note: Manor Houses inserted under State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density) 2017 as published 6 April 2018 and to commence on 6 July 2018.

It is proposed that the terms ‘Dual occupancies’, ‘Manor Houses’ and ‘Multi dwelling housing’ are omitted from section 3 Permitted with consent’ in the Zone R2 Low Density Residential land use table above. The consequence is that these uses would not be able to be carried out as Complying Development under the Low Rise Medium Density Code. In this regard clause 1.18(1)(b) State Environmental Planning Policy (Exempt and Complying Development Codes) 2017 relevantly states:

1.18 General requirements for complying development under this Policy

(1) To be complying development for the purposes of this Policy, the development must:...

(b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out...

Pittwater LEP 2014 Amendments

The land use table for the R2 Zone Low Density Residential Zone in the Pittwater LEP currently reads as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

It is proposed that the term 'Dual occupancies' is omitted from section 3 'Permitted with consent' in Zone R2 Low Density Residential.

The land use table for the R3 Zone Medium Density Residential Zone in the Pittwater LEP currently reads as follows:

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

It is proposed that the terms 'Dual occupancies' and 'Multi dwelling housing' are omitted from section 3 'Permitted with consent' in the Zone R3 Medium Density Residential.

The consequence of omitting a range of land uses from the LEP Land Use Tables as above is that the uses specified would not be able to be carried out as Complying Development under the Low Rise Medium Density Code. In this regard clause 1.18(1)(b) State Environmental Planning Policy (Exempt and Complying Development Codes) 2017 relevantly states:

1.18 General requirements for complying development under this Policy

(1) To be complying development for the purposes of this Policy, the development must:...

(b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out...

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal was initiated in response to correspondence received from the Department of Planning and Environment dated 22 May 2018 requiring that the proposal be submitted prior to 27 June 2018. It is understood the Department's stated deadline is required to enable the Minister for Planning to consider deferring the application of the Low Rise Medium Density Code. Due to the time constraints placed on the submission of this Planning Proposal it is understood that that further strategic studies may be required in accordance with a Gateway Determination. It is therefore anticipated that the submission of this Planning Proposal will be the starting point for a discussion with the Department of Planning about how best to implement the changes during the period of deferral from the Code (the next 12 months).

Northern Beaches Council has previously undertaken some relevant research and prepared various Report Submissions which consider the impacts of low rise medium density housing as Complying Development. This study was initiated in response to the Department of Planning and Environment exhibition of a Discussion Paper *Options for Low Rise Medium Density Housing as Complying Development*, in late 2015.

The former Councils of Manly, Warringah and Pittwater provided submissions to the Department of Planning and Environment in relation to the Discussion Paper at the time, specifically objecting to proposals allowing dual occupancies, multi-dwelling houses, manor homes and subdivision within all low density residential neighbourhoods.

Northern Beaches Council considered a report at its meeting of the 13 December 2016 on the draft Low Rise Medium Density Code as exhibited by the Department of Planning and Environment. Council considered the exhibited draft Code and resolved to make submissions highlighting major concerns with the Code, including excessive densities and the potential for speculative development in low density areas, particularly in areas under the Manly and Pittwater LEPs. This report is attached (Attachment 2) and the key aspects of the submission may be summarised as follows:

Proposed Development Controls: The principal controls in the draft Code are significantly less stringent than the local planning provisions of Council's LEPs and DCPs with respect to parking, landscape areas, setbacks, and private open space. Greater floor space ratios would be permitted compared with the Pittwater and Manly LEPs, and increased building heights compared with the Manly LEP. Thus implementation of the draft Code would result in increased pressure on street parking, stormwater infrastructure, and an increase in building bulk and scale when compared with two storey developments requiring a development application under the local planning provisions. Council is therefore not satisfied the draft Code establishes a sufficiently strict set of controls to offset significant additional development scale/potential and likely resulting adverse impacts. It is therefore recommended that Council be allowed to set its own principal standards for complying development to cater to local conditions. This would ensure future medium density developments are in keeping with the character of established neighbourhoods.

Residential Densities: The implementation of the draft Code will result in ad-hoc, unplanned development that may affect Council's ability to meet current and future housing targets and its ability to deliver the required level of infrastructure. Of particular concern is the likely increase in density that would result in residential areas under the Manly and Pittwater LEPs, which permit dual occupancies within low density residential zones, subject to strict local density

requirements. This increased density will result in significant adverse outcomes for our communities, particularly in terms of residential amenity and streetscape/ neighbourhood character. An increase in dwelling yields may also result in some medium density areas (e.g. under the Warringah LEP 2011 and in Warriewood Valley). It is therefore vital that Section 94 plans are reviewed prior to the implementation of the Code, and that Warriewood Valley and the Ingleside Land Release area are excluded. Further clarification is also sought from the Department as to how local density provisions will be taken into account.

Private Certification: The proposed expansion of complying development is not supported until issues with the transparency and accountability of the existing private building certification system are addressed. It is also not clear whether issues such as traffic impacts and stormwater design are proposed for private certification. An appropriate system of monitoring is essential to support the certification system, especially if the proposed design verification process is to proceed.

Other Issues: Council's abovementioned submission raises a number of other issues including: potential impacts on European and Aboriginal Heritage, absence of requirements for accessible housing, and technical matters such as stormwater and water management, subdivision, excavation, bushland and waste management.

Strategic Study intended to be undertaken with the Planning Proposal

Given the short amount of time given to prepare the Planning Proposal it is anticipated that further strategic analysis may be required to support the Planning Proposal submission.

The Department of Planning and Environment letter dated 22 May 2018 states that this Planning Proposal must address, or identify that it will address certain matters. In this regard the following:

- the area of land zoned R2 Low Density Residential, R1 General Residential and R3 Medium Density Residential;
- the number of lots eligible for manor house or multi-dwelling housing development as complying development under the code in the R2, R1 or R3 zone;
- the number of multi-dwelling housing developments approved by the council in the R2, R1 and R3 zone in the past 5 years

The information required to support the proposal is necessary to ensure that a full understanding of the outcomes of changing the planning controls in the R2 and R3 (part) zone has on the future provisions of housing diversity in the local government area.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council's abovementioned submission to the Department of Planning and Environment dated December 2016 identified major concerns that the release of the Low Rise Medium Density Code would not satisfy the objectives and strategic intent of current planning controls by allowing complying development with objectionable impacts on the Northern Beaches community.

Council submits that the best means of achieving desired objectives would be an exemption from the SEPP (Exempt and Complying) in respect of the Low Rise Medium Density Code. However the Code is intended to commence 6 July 2018 with the only option available to Council to seek to address impacts through amendments to its own planning controls which limit the impacts of the Code.

The Planning Proposal will not resolve all issues with the Code and it is anticipated that amendments to the Code itself will still be required.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objective and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Greater Sydney Regional Plan

The Planning Proposal has been reviewed against relevant Outcomes of the Greater Sydney Regional Plan A Metropolis of Three Cities – connecting people published on 18 March 2018. The Plan identifies a number of strategic directions and specific policy settings with regards to transport, housing growth, employment and existing centres.

The Planning Proposal is consistent with a number of general goals of the Regional Plan, in that it would:

- continue deliver new and more diverse housing in strategically determined localities and zones;
- respond to a recognised need (and market demand) for housing in the locality, and
- provide new homes in close proximity to existing infrastructure and services.

North District Plan

The Planning Proposal supports the North District Plan vision for housing that is ‘targeted in the right places, aligned to new and enhanced infrastructure’ (p7). It is anticipated that the Planning Proposal will identify LEP amendments to achieve spacial and/or policy based outcomes which improve the delivery of new medium density Complying Development types in more locally targeted places better aligned with local services and facilities.

The Planning Proposal also supports the District Plan’s function ‘to assist councils to plan and deliver for growth and change, and align their local planning strategies to place-based outcomes’ (p16). In this regard the Planning Proposal acknowledges that the anticipated deferral of the new Low Rise Medium Density Code will assist Council in planning and delivering for growth and change under the NSW Codes SEPP. The proposal will seek to identify appropriate statutory mechanisms to improve the delivery of new medium density Complying Development with regard to local place-based outcomes for the Northern Beaches.

The Planning Proposal is considered consistent with, and justified under a number of general directions/ priorities in the North District Plan published on 18 March 2018 as follows.

Planning Priority N1 ‘Planning for a city supported by infrastructure’ is recognised in this Planning Proposal in relation to potential impacts of Complying Development under the Low Rise Medium Density Code. Council submits that the implementation of the draft Code would result in increased pressure on street parking, storm-water infrastructure, and an increase in building bulk and scale when compared with two storey developments requiring a development application under the local planning provisions. The implementation of the draft Code as it stands will result in ad-hoc, unplanned development that may affect Council’s ability to deliver the required level of infrastructure.

Planning Priority N6 ‘Creating and renewing great places...’ The District Plan recognizes that creating capacity for new housing in the right locations requires clear criteria. This Planning Proposal seeks to ensure that capacity of Medium Density Complying Development is provided in the right locations, excluding locations such as low density zoned environments with limited access to jobs and transport.

Planning Priority N9 'Growing and investing in health and education precincts'. Planning for housing in the French's Forest Hospital Precinct, requires particular consideration regarding the application of the new Low Rise Medium Density Code.

Planning Priority N12 'Delivering integrated land use and transport planning and a 30 minute city'. This Planning Proposal seeks to ensure that Complying Development under the Low Rise Medium Density Code is delivered in locations where land use and transport are most integrated.

Planning Priority N17 'Protecting and enhancing scenic and cultural landscapes'. The Planning Proposal is consistent with this priority in seeking to address potential deficits in the draft Codes in protecting and enhancing landscapes. In relation to the Warriewood Valley precinct, the new Low Rise Medium Density Code permits no landscaped area for some dual occupancies, based on lot size. This will result in additional run-off and impacts on water quality as the water management facilities were not designed to deal with the additional flows.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

A review has been undertaken of the Planning Proposal against certain policies and plans of Northern Beaches Council as follows:

Northern Beaches Draft Community Strategic Plan 2017-2028 'SHAPE 2028'

The Northern Beaches Community Strategic Plan will be adopted by the Northern Beaches Council by June 2018 following 2 stages of engagement and drafting in September/October 2016 (developing community issues, priorities and visions) and in March/April 2017 (developing draft goals and strategies to achieve the vision).

The Plan is built around themes of community, place, environment and leadership. The objectives and intended outcomes of the Planning Proposal are supported by the Community Strategic Plan and have been reported and resolved by Council.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies as shown in the following Table 1.

As this Planning Proposal is made with particular consideration of State Environmental Planning Policies (Exempt and Complying Development Codes) 2008, the aims of this SEPP are addressed as follows:

This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by:

- (a) providing exempt and complying development codes that have State-wide application,*
- and*

This Planning Proposal supports the state-wide application of Low Rise Medium Density in strategically located lands in accordance with appropriate development standards that are determined based on local housing strategies and not as imposed over existing approval systems. Council submits that the 'state-wide application' of the codes, with particular reference to the Low Rise Medium Density Code, should not extend to a blanket application across all

residential zones in which the specified development types are permissible, including the R2 Low Density Residential zone.

(b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and

This Planning Proposal does not consider or respond to any exempt development codes.

(c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and

This Planning Proposal seeks to support the appropriate identification of certain types of Complying Development under the Low Rise Medium Density Code including manor houses, multi dwelling housing and dual occupancy. It is recognised that these development types are new forms of Complying Development to be introduced in local neighbourhoods under approval pathways unlike current development assessment processes. In this regard the Planning Proposal provides initial research dealing with the impacts of certain development types as Complying Development under the new Code compared to existing LEP and DCP planning controls under the Development Consent pathway as follows.

Manor Houses

Manor Houses are being introduced under the Standard Instrument (LEP) Order from 6 July 2018 and will amend Manly LEP 2013 by inserting 'Manor Houses' as a permitted use in Zone R2 Low Density Residential. While certain other low rise medium density housing is already permitted (see discussion on Multi dwelling housing and Dual Occupancies below), the introduction of Manor Houses as complying development under the Code is considered contrary to LEP Zone objectives to provide for the housing needs of the community within a low density residential environment.

The Code will permit Manor Houses as Complying Development on sites over 600sqm in area i.e. 200sqm per dwelling. The Manly LEP and DCP require minimum site area of between 500sqm and 1150sqm per dwelling (MDCP2013, Schedule, Map A) for residential development in the R2 Low Density zone. The likely density yield under the Code will be in the vicinity of 6 times greater than permitted in the Manly LEP and DCP.

In relation to other aspects of built form such as height, floor area and setback there are also disparities between the development outcomes currently achievable in a DA under the LEP and those to be permitted under the Code. Accordingly the Planning Proposal supports omitting Manor Houses as a permissible use with Consent in the R2 zone under the Manly LEP so as to retain the zones' strategic intent.

Multi Dwelling Housing

While multi dwelling housing is currently permitted in the Manly LEP R2 Low Density zone, Council's residential density provisions (MDCP2013, Schedule, Map A) limit the number of dwellings on any site in a similar manner as Manor Houses discussed above (requiring between 500sqm and 1150sqm of site area per dwelling) e.g. A development comprising 8 dwellings requires a site of 4000sqm (500sqm x 8) in the DCP. However, the Code provides examples of multi dwelling housing (terraces) on a standard lot comprising 8 dwellings on a minimum sized lot of 600sqm.

The Code does not recognise the existing minimum lot area requirements that are contained in the Manly DCP 2013. In the absence of a minimum lot area, the Code provides for multi dwelling housing (terraces) as Complying Development on sites of 600sqm in area and 18m site width at the building line.

In relation to other aspects of built form such as height, floor area and setback there are also disparities between the development outcomes currently achievable in a Development Application under the LEP and those to be permitted under the Code. Accordingly the Planning Proposal supports omitting multi dwelling housing as a permissible use with Consent in the R2 zone under the Manly LEP so as to retain the zones' strategic intent.

Dual Occupancies

Dual Occupancies are a permitted land use in Zone R2 Low Density in both the Manly and Pittwater LEPs. Dual Occupancies are a prohibited use in Warringah LEP's R2 zone.

Under the Pittwater LEP (clause 4.1B) Dual Occupancy requires a site area of at least 800sqm to construct a dual occupancy development. Whilst this provision would continue to apply, the Code would permit the subdivision of dual occupancies into lots of between 330-420 sqm (and possibly lower) in the R2 zone, depending on location. This is significantly smaller than the Pittwater LEP which permits subdivision into lots of between 550-700 sqm in the R2 zone, depending on location.

Under the Manly LEP there is no minimum allotment size specified for the construction of a dual occupancy. Residential density controls are instead specified in the Manly DCP. Between 1000 sqm and 2,300 sqm of land is required for dual occupancy development in the R2 zone, depending on location. The Code will override the DCP requirements, permitting dual occupancies on lots of 400 sqm in all areas zoned R2. The Code will also permit the subdivision of dual occupancies into lots of 300-690 sqm (and possibly lower) in the R2 zone, depending on location. This is significantly smaller than the Manly LEP, which permits subdivision into lots of between 500-1150 sqm in the R2 zone, depending on area.

Further analysis may be required in reviewing the impact of this aspect of the Planning Proposal on dwelling supply given that this form of low rise medium density is more common. Some other matters which could be further investigated include options to only permit dual occupancy as Complying Development that cannot be subdivided and/or as a Complying Development type in which one dwelling is not permitted to be located above another dwelling.

Accordingly the Planning Proposal supports omitting dual occupancies as a permissible use with Consent in the R2 zone under the Manly and Pittwater LEPs so as to retain the zones' strategic intent.

(d) enabling the progressive extension of the types of development in this Policy, and

While this Planning Proposal supports the progressive extension of the types of low rise medium density development in this Policy, Council submits that this Objective is better served following the completion of more comprehensive Local Housing Strategies which are required to be completed by the Greater Sydney Commission in the next 12-24 months.

(e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

This Planning Proposal supports the deferral of the introduction of the Low Rise Medium Density Code as an appropriate transitional arrangement prior to the making of amendments to Northern Beaches LEPs under this Planning Proposal.

Table 1. Compliance with State Environmental Planning Policies (SEPPs)

SEPPs (as at September 2017)		Applicable	Consistent
1	Development Standards	YES	YES
14	Coastal Wetlands	NO	N/A
19	Bushland in Urban Areas	YES	YES
21	Caravan Parks	YES	YES
26	Littoral Rainforests	NO	N/A
30	Intensive Agriculture	NO	N/A
33	Hazardous and Offensive Development	YES	YES
36	Manufactured Home Estates	NO	N/A
44	Koala Habitat Protection	YES	YES
47	Moore Park Showground	NO	N/A
50	Canal Estate Development	YES	YES
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	N/A
55	Remediation of Land	YES	YES
62	Sustainable Aquaculture	YES	YES
64	Advertising and Signage	YES	YES
65	Design Quality of Residential Apartment Development	YES	YES
70	Affordable Housing (Revised Schemes)	YES	YES
71	Coastal Protection	YES	YES
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	YES	YES
	(Affordable Rental Housing) 2009	YES	YES
	(Building Sustainability Index: BASIX) 2004	YES	YES
	(Exempt and Complying Development Codes) 2008	YES	YES
	(Housing for Seniors or People with a Disability) 2004	YES	YES
	(Infrastructure) 2007	YES	YES
	(Integration and Repeals) 2016	NO	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	NO	N/A
	(Kurnell Peninsula) 1989	NO	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	YES	YES
	(Miscellaneous Consent Provisions) 2007	YES	YES
	(Penrith Lakes Scheme) 1989	NO	N/A
	(Rural Lands) 2008	NO	N/A
	(State and Regional Development) 2011	YES	YES
	(State Significant Precincts) 2005	YES	YES
	(Sydney Drinking Water Catchment) 2011	NO	N/A
	(Sydney Region Growth Centres) 2006	NO	N/A
	(Three Ports) 2013	NO	N/A
	(Urban Renewal) 2010	NO	N/A
	(Western Sydney Employment Area) 2009	NO	N/A
	(Western Sydney Parklands) 2009	NO	N/A

6. Is the planning proposal consistent with applicable Ministerial Directions?

Yes. The Planning Proposal is consistent with applicable Directions (as shown in Attachment 1). Comments on each of the applicable directions are provided in Table 2 below.

Table 2: Ministerial (Local Planning) Directions

Ministerial Direction	Comment
2 Environment and Heritage	
2.1 Environment Protection Zones	
The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal applies to certain lands which are environment sensitive areas but it is noted that the Low Rise Medium Density Code does not apply to Environmental Protection Zones.
2.2 Coastal Protection	
The objective of this direction is to implement the principles in the NSW Coastal Policy	The Planning Proposal applies to certain lands which are in the Coastal Zone but it is noted that the Low Rise Medium Density Code is not a significant consideration in relation to the principles of the NSW Coastal Policy
2.3 Heritage Conservation	
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	While the Planning Proposal applies to certain lands which are listed as heritage significant, the application of Complying Development is controlled by land based provisions under Part 1 of the Codes SEPP.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
The objectives of this direction are to: a) encourage a variety of choice of housing types to provide for existing and future housing needs, b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) to minimise the impact of residential development on the environment and resource lands.	This direction applies as the Planning Proposal affects land within existing residential zones. In this regard the planning proposal seeks to encourage the provision of housing that deals with the following matters raised in the direction. In relation to 'broaden the choice of building types and locations available in the housing market' the Planning Proposal does not seek to limit broadened housing choice as Complying Development at large, but rather ensure the new types be tested and impacts evaluated to retain the strategic intent of zones and protect local character. In relation to the consideration of 'existing infrastructure and services' the need for efficiencies is recognised in the Planning Proposal In relation to the 'consumption of land' the Planning proposal does not reduce land for housing and associated urban development on the urban fringe. In relation to the need for 'good design' the Planning Proposal supports well designed low rise medium density in appropriate locations and zones. The planning proposal does not permit residential development on land that is

	<p>inadequately serviced.</p> <p>In relation to the residential density of land, the Planning Proposal seek to limit the permissibility of low rise medium development as Complying Development that exceeds established density provisions in Council's LEPs and DCPs.</p>
3.4 Integrating Land Use and Transport	
<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>This direction applies as the planning proposal will alter zones or provisions relating to urban land, including land zoned for residential purposes. In this regard the planning proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001).</p>
4. Hazard and Risk	
4.1 Acid Sulfate Soils	
<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>While the Planning Proposal applies to certain lands contained on LEP Acid Sulfate Soils Planning Maps, the existing provisions adequately regulate works and are consistent with the Acid Sulfate Soils Planning Guidelines.</p>
4.3 Flood Prone Land	
<p>The objectives of this direction are:</p> <p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	<p>While the Planning Proposal applies to certain lands identified as Flood Prone Land, the existing provisions adequately regulate works and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. The Planning Proposal particularly responds to likely impacts arising from the application of the Low Rise Medium Density Code in relation to Warriewood Valley which has strict controls on water management as it is highly flood prone and adjacent to the Endangered Environmental Community of the Warriewood Wetlands. The impervious fraction ('built upon' area) identified as part of the modelling undertaken by Council for water cycle management stipulates 50% site coverage/landscaped area for a Sector.</p>

	Water management facilities have been and will be designed and constructed in accordance with this requirement. However the Code allows for no landscaped area for some dual occupancies, based on lot size. This will result in additional run-off and impacts on water quality as the water management facilities were not designed to deal with the additional flows.
4.4 Planning for Bushfire Protection	
The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	Appropriate considerations are made of land mapped as bushfire prone land.
6. Local Plan Making	
6.1 Approval and Referral Requirements	
The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal is consistent with the terms of this direction as follows: a) provisions that require the concurrence, consultation or referral of DAs to a Minister or public authority are minimised (b) no provisions are contained in the Planning Proposal requiring concurrence, consultation or referral of a Minister or public authority. (c) no development is identified as designated development.
6.2 Reserving Land for Public Purposes	
The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	
The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal contains no site-specific planning controls
7 Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	The Planning Proposal is consistent with the NSW Government's "A Plan for Growing Sydney" published in December 2014.

Section C – Environmental, social and economic impact

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The Planning Proposal continues to provide appropriate protections for residential land comprising the habitat of endangered species (clause 36A) and of threatened species (clause 36B).

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The Planning Proposal will ensure environmental impacts are addressed arising from the delivery of the Low Rise Density Code as addressed, or intended to be addresses as detailed in this Planning Proposal.

- 9. Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal will ensure social and economic effects are addressed arising from the delivery of the Low Rise Density Code as detailed in this Planning Proposal.

Section D – State and Commonwealth interests

- 10. Is there adequate public infrastructure for the planning proposal?**

Yes

- 11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The Planning Proposal is in accordance with consultations with the Department of Environment and Planning as detailed in this Planning Proposal. Consultation will occur in accordance with the requirements of any Gateway approval.

Part 4 – Maps

There are no maps associated with the Planning Proposal

Part 5 – Community Consultation

Council will place the planning proposal on public exhibition in accordance with future Gateway Determination and consistent with Council's Community Engagement Policy including:

- A public notice in the Manly Daily notifying of the public exhibition;
- Letters to key stakeholders;
- Hard copies of the exhibition material at Council's offices; and
- Electronic copies of the exhibition material on Council's website.

The Gateway determination will confirm the public consultation that must be undertaken.

Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to Department of Planning & Environment for Gateway determination	June 2018
Issue of Gateway determination	September 2018
Government agency consultation (if required)	October 2018
Public exhibition period	February 2019
Consideration of submissions	March 2019
Report to Council to determine Planning Proposal	May 2019
Submit Planning Proposal to the Department of Planning & Environment for determination	Published by 1 July 2019

Attachment 1 – Ministerial directions

Directions		Applicable	Consistent
1	Employment and Resources		
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	NO	N/A
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A
2	Environment and Heritage		
2.1	Environment Protection Zones	YES	YES
2.2	Coastal Protection	YES	YES
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	NO	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	NO	N/A
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	NO	N/A
3.2	Caravan Parks and Manufactured Home Estates	NO	N/A
3.3	Home Occupations	NO	N/A
3.4	Integrating Land Use and Transport	NO	N/A
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A
4	Hazard and Risk		
4.1	Acid Sulfate Soils	YES	YES
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	YES	YES
4.4	Planning for Bushfire Protection	YES	YES
5	Regional Planning		
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	NO	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008 See amended Direction 5.1)	NO	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	NO	N/A
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.1	Implementation of Regional Plans	NO	N/A
6	Local Plan Making		
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Provisions	YES	YES
7	Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	YES	YES
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	NO
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NO	NO
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	NO
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	NO
7.7	Implementation of Glenfield to Macarthur Urban Renewal	NO	NO

	Corridor		
--	----------	--	--

Attachment 2 – Council’s submission to the Department of Planning and Environment dated December 2016

<insert TRIM 2016/358757 NB.The same document as in the CM report attachment 2 >