

Table 1 – Section 9.1 Ministerial Directions

SECTION 9.1 MINISTERIAL DIRECTIONS	PLANNING PROPOSAL RESPONSE
<p>2.1 ENVIRONMENT PROTECTION ZONES</p> <p><i>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p><i>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 “Rural Lands”.</i></p> <p><i>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</i></p> <p><i>(a) justified by a strategy which:</i></p> <p><i>(i) gives consideration to the objectives of this direction,</i> <i>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</i> <i>(iii) is approved by the Director-General of the Department of Planning, or</i></p> <p><i>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or</i> <i>(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</i></p>	<p>The E2 Environmental Conservation zone is for areas of high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. The zone provides the highest level of protection, management and restoration for such lands. As stated within LEP Practice Note PN 09-002, it is anticipated that many councils will generally have limited areas displaying the characteristics suitable for the application of the E2 zone. In applying an E2 Environment Conservation zone an environmental study that demonstrates the high status of this land should be undertaken.</p> <p>A detailed assessment of the biodiversity values of the site has been undertaken by Lesryk Environmental (refer to Appendix C). In relation to those plants recorded on the site, no listed or currently being considered for listing under the EPBC or BC Act were found on the site. No rare or threatened Australian plant was also recorded on the site. That part of the site proposed to be zoned from part E2 Environmental Conservation to part E4 Environmental is not an area of high ecological, scientific, cultural or aesthetic significance.</p> <p>Future development of part of the site for residential purposes will require the removal of 1,460m² of cleared / slashed grassland and removal / under scrubbing of 4,900m² of densely weed infested vegetation across proposed Lot 7A to establish the required Bushfire APZ. Lesryk Environmental has considered the impact of the future development proposal on biodiversity on the site and make the following conclusions:</p>

SECTION 9.1 MINISTERIAL DIRECTIONS

(d) is of minor significance.

PLANNING PROPOSAL RESPONSE

- No ecological communities, flora or fauna species, or their populations, listed under the EPBC Act were recorded within, or in close proximity to, the subject site. Similarly, none are expected to rely upon the habitats to be disturbed for any of their necessary lifecycle requirements. As such, it is not considered necessary that any assessments referring to the EPBC Act's Significant Impact Guidelines are required. The proposed development would not have a significant impact on any ecological communities, flora or fauna species of national conservation significance. Therefore, it is considered that the proposed action does not require referral to the Federal Minister for the Environment and Energy for further consideration or approval.
- No ecological communities, flora or fauna species, or their populations, listed under the BC Act were recorded within, or in close proximity to, the subject site. Similarly, none, including the White-bellied Sea-eagle which was previously observed flying above the subject site, were considered likely to occur within, or be reliant upon, the habitats present.
- Whilst the native species recorded during the current study are protected under the BC Act, they are common to abundant throughout both the nearby network of State and local government reserves and surrounding urban areas. Within the surrounding region, these species have been recorded in association with a range of woodland and forest habitats, as well as urban environments. The species recorded would not be solely reliant upon those habitats present within, or in close proximity to, the subject site, such that the removal or further disturbance of these would threaten the 'local' occurrence of these animals. The species recorded are all expected to utilise and occupy the proposed E4 Environmental Living zoned land,

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

other parts of the broader study area and surrounding locality post-development. None of the native animals recorded during the current or previous ecological investigations are listed, or currently being considered for listing, under the Schedules to the EPBC Act. The two Smooth-barked Apples hollow-bearing trees are located within the proposed E4 Environmental Living zoned land and are not required or proposed to be removed as part of any future physical work. The proposed development would not be likely to have a significant effect on any threatened species, population, ecological communities, or their habitats listed under the BC Act; as such, the preparation of a BDAR that further considers the impacts of the proposal on State significant matters is not required.

- Due to the presence of the quarry cliff face, connectivity in a north to north-easterly direction for ground traversing species is limited. Species tolerant of negotiating urban infrastructure and residential areas would be able to traverse the area in an easterly direction. Development of the subject site would not present any additional barriers to the easterly movement of native species. Flying species would be able to traverse the subject site post-development. As with the surrounding/nearby residential areas, development of the site will not compromise the objectives of the 'Connected Corridors for Biodiversity initiative'. Movement along the Priority Habitat corridor that occurs to the west of the subject site would not be altered by the future development proposal. No barriers to the movement patterns of any species that currently traverse that corridor linkage would be erected. The development of the subject site will not isolate or fragment any habitat areas, nor will it have an adverse cumulative

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

impact when associated with the surrounding residential areas and network of urban roads.

- The proposed E4 Environmental Living zoned land (this incorporating the required APZ) and retained E2 Environmental Conservation lands present along the eastern edge of a Priority Habitat corridor are to be retained, with weed management and some light vegetation removal occurring. The presence of these portions of the subject site will provide vegetation that permits the movement of native species. Treatment of the bamboo infestation and regeneration with endemic native species would also provide foraging opportunities not current available within these portions of the subject site.
- The Biodiversity Conservation Regulation 2017 sets out threshold levels for when the BOS would be triggered. The threshold has two elements:
 - whether the amount of native vegetation being cleared exceeds a threshold area set out under Section 7.2 of the Regulation
 - whether the impacts occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing and other impacts exceeds either trigger, the BOS applies to the proposed development including biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017. In relation to the subject site, the amount of native vegetation likely to be cleared (i.e. 1,460m² of cleared / slashed grassland and removal / under scrubbing of 4,900m² of densely weed infested vegetation across proposed Lot 7A) in association with this proposal would not exceed the threshold above which the BAM and offsets scheme apply (i.e.

SECTION 9.1 MINISTERIAL DIRECTIONS**PLANNING PROPOSAL RESPONSE**

potential for 0.5 ha over 1 to < 40 ha). Furthermore, the subject site has not been identified on the Biodiversity Vales Map and Threshold Tool (BVMTT) (NSW Government 2019b) as land of high biodiversity value that is particularly sensitive to impacts from development and clearing. The proposal would not trigger the requirement for assessment in accordance with Part 6 (the BOS) of the BC Act. Hence, the application of the BAM (as per Division 2, Part 6 of the BC Act) is not required. Therefore, the preparation of a BDAR does not need to be undertaken as part of the proposal.

- Within the study area, two eucalypt species were recorded, however, neither are listed under Schedule 2 of State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) as a Koala Feed Tree. As such, the subject site would not be considered Potential or Core Koala habitat as defined in the Policy. A Koala Plan of Management is not required to accompany any future Development Application.
- No wetlands or littoral rainforest are present within the study area; as such, the proposal is not considered to have an adverse impact on those features/items listed under Clauses 10(1) and 11(1) of SEPP (Coastal Management) 2018.

For the above reasons, the proposed rezoning of part of the site zoned E2 Environmental Conservation zone and replacement with R2 Low Density Residential zone is reasonable and of minor significance.

2.2 COASTAL MANAGEMENT

(4) A planning proposal must include provisions that give effect to and are consistent with:

The site is not identified within a coastal environmental area (i.e. coastal waters, coastal lakes and foreshores and surrounding lands) and Coastal Use Area Map (i.e. land adjacent to the coast) under the Coastal Management SEPP. This planning proposal does not seek to

SECTION 9.1 MINISTERIAL DIRECTIONS

(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;
(b) the NSW Coastal Management Manual and associated Toolkit;
(c) NSW Coastal Design Guidelines 2003; and
(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.

(5) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:

(a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or

(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:

(i) by or on behalf of the relevant planning authority and the planning proposal authority, or

(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.

(6) A planning proposal for a Local Environmental Plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:

(a) Coastal wetlands and littoral rainforests area map;

(b) Coastal vulnerability area map;

(c) Coastal environment area map; and

(d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone

PLANNING PROPOSAL RESPONSE

amend any mapping or applicable provisions relating to coastal management.

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

Note: Under section 10(2) of the Coastal Management Act 2016, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the Coastal Management Act 2016.

(7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or:

(c) in accordance with the relevant Regional Strategy or District Plan, prepared under Division 3.1 of the Environmental Planning and Assessment Act 1979 by the relevant strategic planning authority, which gives consideration to the objective of this direction, or

(d) of minor significance.

2.3 HERITAGE CONSERVATION

(4) A planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

A Heritage Assessment has been prepared by Weir Phillips and is included at **Appendix F**. The assessment concluded that the proposal will have acceptable impact on surrounding heritage items within the larger Dalwood Homes site and the items along Clavering Road Road, Seaforth.

The future boundary adjustment to Lot 7A will have no impact on the heritage significance of the site as the whole site contains numerous lots across several deposited plans. Understanding the boundaries of each of the individual lots within the existing site boundaries lies in historic records only and does not contribute to

SECTION 9.1 MINISTERIAL DIRECTIONS

(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

PLANNING PROPOSAL RESPONSE

the ability to understand the significance of the site. The lot boundaries of this lot (i.e. Lot 1 in DP 325784) appear arbitrary rather than historically significant and determined by a subdivision (the Loch Lomond Estate) that was only partially realised. Changing the lot boundaries will not impact on significant fabric or view corridors.

The proposal will have an acceptable impact on the heritage significance of the site for the following reasons:

- These lots are located outside of the reduced curtilage recommended above.
- These lots are well below the level of Dalwood House, which, even when these lots are built upon, will continue to have unobstructed views towards Middle Harbour. Views from Middle Harbour will similarly remain unobstructed. If the roof tops of future housing are visible, they will be read in conjunction with other rooftops within the tree line below Dalwood House.
- Buildings upon these lots of the scale governed by the proposed planning controls will not block significant view corridors into the site or within the site.
- Development of these lots in line with the proposed R2 Low Density Residential zoning is in line with the character of the area immediately surrounding the site. Future building(s) constructed on these lots will sit comfortably within the established character of the surrounding area.
- The building areas within each future lot are largely located within already cleared land. The majority of the new Lot 7A will retain an E4 Environmental Living zoning and hence the majority of its vegetation cover.

SECTION 9.1 MINISTERIAL DIRECTIONS**PLANNING PROPOSAL RESPONSE**

The heritage items within the vicinity of the site are sufficiently removed from the area of proposed future works. As such there will be no impact on their setting or view corridor. There will be no impact on the ability to understand their significance.

A search of the Office of the Environment and Heritage AHIMS data base has shown that no aboriginal places have been declared in or near the site and there was only 1 aboriginal site recorded in or near the above location.

3.1 RESIDENTIAL ZONES

(4) A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

(5) A planning proposal must, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) not contain provisions which will reduce the permissible residential density of land.*

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

It is proposed to rezone a relatively small area of the site from part SP2 Infrastructure to R2 Low Density Residential, generally consistent with the site's existing cadastre boundary. The existing 4 lots which are proposed to be zoned R2 Low Density are of a sufficient size and shape to facilitate rational building and development boundaries for future development.

The site has good access to Seaforth Town Centre, the future strategic centre at Frenchs Forest and Sydney CBD. The proposal provides housing opportunities close to existing services, jobs and infrastructure.

Given the nature of the proposed amendments, it is unlikely to result in any appreciable demand on public infrastructure. Future DAs for housing will need to demonstrate that the proposal can be adequately serviced.

The sites are linked by direct road access and public entrances. The sites are located within already established urban and environmental realms with appropriate public infrastructure and amenities for the sites.

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

(a) justified by a strategy which:
(i) gives consideration to the objective of this direction, and
(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
(d) of minor significance.

3.3 HOME OCCUPATIONS

(4) Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.

3.4 INTEGRATING LAND USE & TRANSPORT

(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:
(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Home occupations are permitted without consent within the R2 Low Density Residential zone under Manly LEP 2013. The planning proposal would not alter this permissibility. The proposal is therefore consistent with this direction.

The planning proposal will also provide opportunities for new housing close to existing services. Housing will be provided in an area that has good access to public transport, services and facilities, recreation areas and jobs.

SECTION 9.1 MINISTERIAL DIRECTIONS

4.1 ACID SULFATE SOILS

(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.

(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:

(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or

(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.

(6) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.

(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).

PLANNING PROPOSAL RESPONSE

The site comprises Class 5 Acid Sulfate soils. As part of future detailed DAs, an Acid Sulfate Management Plan will be required to support any development on the land, consistent with clause 6.1 of Manly LEP 2013.

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

(8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
(a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
(b) of minor significance.

4.3 FLOOD PRONE LAND

(4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

(5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

(6) A planning proposal must not contain provisions that apply to the flood planning areas which:
(a) permit development in floodway areas,
(b) permit development that will result in significant flood impacts to other properties,
(c) permit a significant increase in the development of that land,
(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
(e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

The site does not comprise flood prone land.

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

(7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

(8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

4.4 PLANNING FOR BUSHFIRE PROTECTION

(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,

(5) A planning proposal must:

(a) have regard to Planning for Bushfire Protection 2006,

(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and

(c) ensure that bushfire hazard reduction is not prohibited within the APZ.

(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

The site is shown on the Northern Beaches Bushfire Prone Land Map to be within a combination of Category 1 vegetation and Category 1 vegetation buffer zone. The proposed concept plan provides for a 50m APZ in accordance with the recommendations from the Bushfire Assessment prepared by Control Line Consulting (refer to **Appendix G**).

The identified bushfire risk on the site can be mitigated as part of any future development proposal.

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
(d) contain provisions for adequate water supply for firefighting purposes,
(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
(f) introduce controls on the placement of combustible materials in the Inner Protection Area.

(7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, the NSW Rural Fire Service does not object to the progression of the planning proposal.

5.10 IMPLEMENTATION OF REGIONAL PLANS

(4) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

The proposed rezoning is consistent with the vision and goals for the Illawarra as set out in the Regional Plan.

The proposal is consistent with the Eastern Harbour City vision to build on its recognised economic strength, addressing liveability and sustainability. As stated in the Plan, the Eastern Harbour City

SECTION 9.1 MINISTERIAL DIRECTIONS

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:

(a) is of minor significance, and

(b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.

PLANNING PROPOSAL RESPONSE

is a mature mix of well-established communities, from traditional suburban neighbourhoods to Australia's most highly urban areas. Growth will bring urban renewal with increased infrastructure and services, open spaces and public places. Sympathetic infill development will focus on improved local connections. The proposal is an orderly and efficient use of land and will provide additional homes within walking distance to the Seaforth Town Centre. The site also has good public transport access to Sydney CBD and the future strategic centre at Frenchs Forest. Divestment of part of the site will generate funds for new and / or upgraded local health services and facilities – services which are essential to support future growth within the Eastern Harbour City.

Ten strategic directives underpin the Plan. This planning proposal is consistent with the following:

- **Infrastructure supporting developments** - The planning proposal will provide additional housing within proximity to Seaforth Town Centre. The site has good public transport access to Sydney CBD and the future strategic centre at Frenchs Forest.
- **Giving people housing choices** – the proposal provides additional housing in the right location. The proposal will contribute to the minimum 5 year dwelling target of 3,400 dwellings required in Manly LGA envisaged by 2036 and overall dwelling targets for the Greater Sydney region. The existing lots which are proposed to be rezoned for low density residential purposes are of a sufficient size and shape to provide housing diversity and choice, meeting the requirements of people with different housing needs and lifecycles.

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

- **A city for people** – this is achieved on the site by respecting the site’s natural features and scenic qualities and providing additional housing within reasonable walking and public transport access to local centres (Seaforth Town Centre, Sydney CBD and the future strategic centre at Frenchs Forest).
- **Creating a city of great places** - by retaining land for environmental conservation.
- **A well connected city** - providing additional homes only a short bike, bus and / or car journey to Seaforth Town Centre, Sydney CBD and the future strategic centre at Frenchs Forest.
- **A city in its landscape** - valuing green spaces and landscape by retaining land for environmental conservation, protecting scenic and cultural landscapes and providing opportunities to enhance currently weed infested natural vegetation within the western portion of the site.
- **An efficient city** which uses resources wisely.

An assessment of the proposal’s consistency with the North District Plan, relevant SEPPs and local planning policies is included in Section 6 of this proposal.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

Objective

(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

The planning proposal is not inconsistent with this direction.

SECTION 9.1 MINISTERIAL DIRECTIONS**PLANNING PROPOSAL RESPONSE**

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and

(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and

(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and

(c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and

(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

(5) A planning proposal must be substantially consistent with the terms of this direction.

6.3 SITE SPECIFIC PROVISIONS

4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

This planning proposal is not inconsistent with the direction.

SECTION 9.1 MINISTERIAL DIRECTIONS

PLANNING PROPOSAL RESPONSE

(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY

Objective

(1) 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.

When this direction applies

(3) This direction applies when a Relevant Planning Authority prepares a planning proposal.

What a Relevant Planning Authority must do if this direction applies

(4) Planning proposals shall be consistent with: (a) the NSW Government's A Plan for Growing Sydney published in December 2014.

This planning proposal is not inconsistent with the direction. A detailed discussion of the proposal's consistency with the Regional Plan, North District Plan, relevant SEPPs and local planning policies is included in Section 6 of the planning proposal and discussed above.