

PLANNING PROPOSAL

2017 'Housekeeping' Amendments

Manly LEP 2013

Prepared by Northern Beaches Council

Submitted to gateway determination - May 2017

Resubmitted with amendments requested by Department – June 2017

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Abbreviations used in this Report

Council	Northern Beaches Council unless otherwise identified as the 'former Manly Council'
CSP	Community Strategic Plan
Department	Department of Planning and Environment
Manly LEP 2013	Manly Local Environmental Plan 2013

The Planning Proposal

This Planning Proposal is prepared in accordance with the *A Guide to Preparing Planning Proposals* (2016) and *A Guide to Preparing Local Environmental Plans* (2016).

The Proposal seeks to amend *Manly Local Environmental Plan 2013* (Manly LEP 2013) in relation to land known as:

- 52 Raglan Street, Manly legally described as Lot 2810 DP 726668;
- 252 Pittwater Road, Manly legally described as Lot 1 DP 1217919;
- 21 Iluka Road, Manly legally described as Lot 2 DP 1217919;
- 3 Balgowlah Road, Manly legally described as Lot 1 DP 1217918;
- 73 Golf Parade, Manly legally described as Lot 2 DP 1217918;
- 167 Pittwater Road, Manly legally described as Lot 1 DP1085908, Lot 2 DP656268 and Lots 9 -12 DP2427;
- 49 Lauderdale Ave Fairlight legally described as Lot 11 DP 1216827; and
- 51 Lauderdale Ave Fairlight legally described as Lot 10 DP 1216827.

Part 1: Objectives or Intended Outcomes

To initiate a Planning Proposal to amend Manly Local Environmental Plan 2013 (MLEP 2013) in relation to various minor housekeeping matters as follows:

- 1) To change the typology of the 'Recreation' zone for land known as 52 Raglan Street, Manly from a 'Private' to a 'Public' Recreation Zone to better reflect its existing and intended future land uses.
- 2) It is proposed to amend mapping of 3 heritage items to better reflect the land to which the heritage items apply.
- 3) The zoning boundary between 49 and 51 Lauderdale Ave, Fairlight is to be updated to accord with a recently registered subdivision in relation to this land.

Part 2: Explanation of Provisions

Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would amend:

- LEP Zoning Map (LZN_003) in relation to land known as:
 - 52 Raglan Street, Manly and
 - 49 & 51 Lauderdale Ave Fairlight;
- LEP Heritage Map (HOB_003) in relation to land known as:
 - 252 Pittwater Road and 21 Iluka Road, Manly,
 - 3 Balgowlah Road and 73 Golf Parade, Manly,
 - 167 Pittwater Road, Manly; and
- LEP Heritage Schedule 5 in relation to ~~property descriptions~~ land known as:
 - 252 Pittwater Road and 21 Iluka Road, Manly,
 - 3 Balgowlah Road and 73 Golf Parade, Manly,
 - 167 Pittwater Road, Manly;to ensure consistent with mapping amendments above.

The proposed MLEP 2013 amendments are sought as a consequence of various issues which have come to the attention of Council. Changing circumstances which warrant planning amendments include changes in existing and future use of premises (52 Raglan St Manly), changes in the extent to which 3 heritage items apply to certain lands (252 Pittwater

Road and 21 Iluka Road, Manly; 3 Balgowlah Road and 73 Golf Parade, Manly; and 167 Pittwater Road, Manly) and the registration of a new subdivision (49 & 51 Lauderdale Ave Fairlight). In this regard the remainder of Part 2 of this proposal is a more detailed explanation of the provisions involving the 3 amendments as follows:

Amendment 1: Rezone 52 Raglan Street, Manly from LEP Zone RE2 Private Recreation to LEP Zone RE1 Public Recreation.

The subject property is known as the Soldiers' Memorial Hall built in 1927, originally occupied by the Manly RSL sub-branch and more recently by the Manly Rugby Club and Manly Fishos Club. The site is currently vacant and options for future use of this Crown land property are being discussed with the NSW Department of Lands.

In the drafting of MLEP 2013, all Recreation Area Zones containing Licensed Clubs were zoned RE2 Private Recreation including the Soldiers' Memorial Hall, occupied by Manly Rugby Club (the subject site); 3 Bowling Clubs and Balgowlah Golf Course. These publicly owned lands (Council or the Crown) would have otherwise been zoned RE1 Public Recreation but for the use of these lands as Licensed Clubs.

As a consequence of the Soldiers' Memorial Hall at 52 Raglan Street, Manly being no longer a Licensed Club, it is proposed to amend MLEP 2013 to rezone this land from LEP Zone RE2 Private Recreation to LEP Zone RE1 Public Recreation as illustrated in the below Figures and detailed at Attachment 2.



Figure 1A:
Aerial Photography - Locality

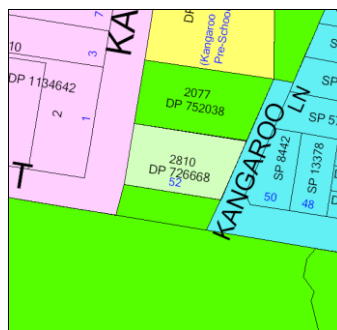


Figure 1B:
LEP Zoning Map (existing)

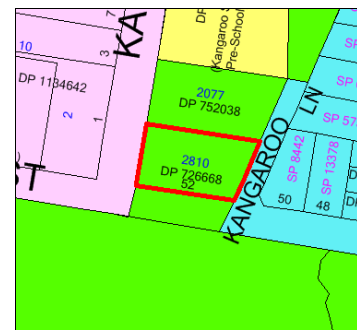


Figure 1C:
LEP Zoning Map (proposed)
(Subject site outlined in red)

The existing LEP Zone Map zones 52 Raglan St Manly as LEP Zone RE2 Private Recreation. This zone provides LEP Zone Objectives and Land Uses as follows:

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

2 Permitted without consent

Nil

3 Permitted with consent

Child care centres; Community facilities; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Signage; Water recycling facilities; Water reticulation systems; Water storage facilities

4 Prohibited

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

The proposed LEP Zone Map intends to zone 52 Raglan St Manly as LEP Zone RE1 Public Recreation which provides LEP Zone Objectives and Land Uses as follows:

Zone RE1 Public Recreation

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore areas visually exposed to the waters of Middle Harbour, North Harbour, Burnt Bridge Creek and the Pacific Ocean.*
- *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

2 Permitted without consent

Nil

3 Permitted with consent

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Charter and tourism boating facilities; Child care centres; Community facilities; Depots; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities; Water reticulation systems; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Comparison between existing LEP Zone RE2 Private Recreation and proposed Zone RE1 Public Recreation

In relation to zone objectives the proposed rezoning will remain similar. A key difference is that the proposed zone will enable 'public' open space or recreational purposes, rather than being zoned for otherwise 'private' purposes.

The range of land uses that are permissible with consent are widely unchanged under the Planning Proposal. Both LEP Land Use Tables for Zones RE2 Private Recreation and RE1 Public Recreation permit with consent the following uses:

Land Uses common to both Zones RE2 Private Recreation and RE1 Public Recreation:

Building identification signs; Business identification signs; Child care centres; Community facilities; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Water recycling facilities; Water reticulation systems; and Water storage facilities.

Land Uses that are prohibited in LEP Zone RE1 Public Recreation (sites' proposed zone) but are otherwise permissible under LEP Zone RE2 Private Recreation (sites' current zone) i.e. to become prohibited uses for the site under this Planning Proposal, are as follows:

*Land Uses prohibited in Zone RE1 Public Recreation and permissible with consent in RE2 Private Recreation:
Registered clubs and Advertising Structures.*

Land Uses that are permissible with consent in LEP Zone RE1 Public Recreation (sites' proposed zone) but are otherwise prohibited under the LEP Zone RE2 Private Recreation (sites' current zone) i.e. to become permissible uses for the site under this Planning Proposal, are as follows:

*Land Uses permissible with consent in RE1 Public Recreation and prohibited in Zone RE2 Private Recreation:
Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Emergency services facilities; Information and education facilities; Jetties; Marinas; Recreation facilities (major); Research stations; Restaurants or cafes; Take away food and drink premises; Water recreation structures.*

Amendment 2: Amendments to the Mapping and Description of Certain Lands Listed as Heritage Items

While it is not proposed to add any new heritage items or delete any existing heritage items, it is intended to amend the Heritage Maps and the Description of Lands at Schedule 5 of the LEP in relation to 3 established heritage items due to various changing circumstances surrounding certain items and properties as follows:

Heritage Item 1:

Sydney Water Pumping Stations at 252 Pittwater Road, Manly and 21 Iluka Road, Manly:

This Heritage Item is described as 'Sewerage Pumping Station No 37' and referenced 'I213' in Manly LEP 2013. The land to which this Heritage Item applies is legally described as Lot 1 & Lot 2 DP 1217919. The legal description of this property requires updating in the LEP Heritage listing to reflect the current legal description as it incorrectly describes the land under an old subdivision as 'Lot 1 DP 744872'. Further, the land on which the heritage item is situated has been reviewed and the heritage listing should apply to Lot 1 DP 1217919 only and exclude Lot 2 DP 1217919. Accordingly it is also proposed to amend the LEP Heritage Maps as illustrated in the Figure 2B and more detailed maps at Attachment 2.

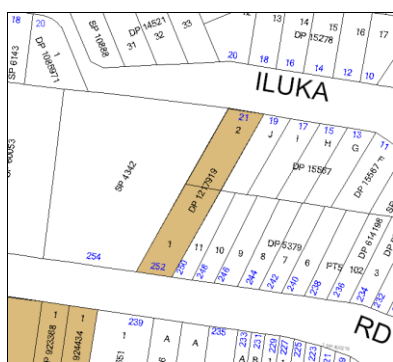


Figure 2A:
LEP Heritage Map (existing)

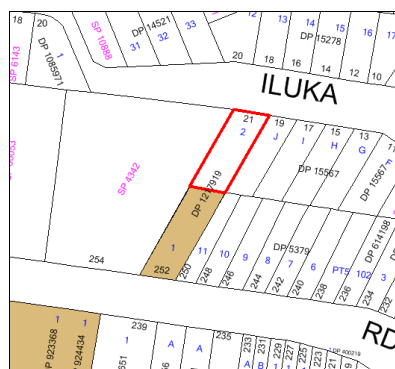


Figure 2B:
LEP Heritage Map (proposed)

Heritage Item 2:

Sydney Water Pumping Station at Golf Parade (corner Balgowlah Road), Manly:

This Heritage Item is described 'Sewage Pumping Station No 36' and referenced 'I158' in Manly LEP 2013. The land to which this Heritage Item applies is legally described as Lot 1 & Lot 2 DP 1217918. The legal description of this property requires updating in the LEP Heritage listing to reflect the current legal description as it incorrectly describes the land under an old subdivision as 'Lot 3, Section 2, DP 5756'. Further, the land on which the heritage item is situated has been reviewed and the heritage listing should apply to Lot 1 DP 1217918 only and exclude Lot 2 DP 1217918. Accordingly it is also proposed to amend the LEP Heritage Maps as illustrated in Figure 3B.

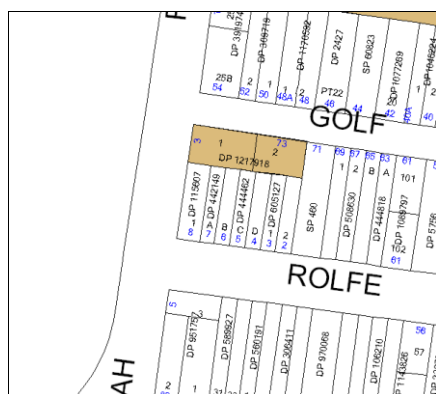


Figure 3A:
LEP Heritage Map (existing)

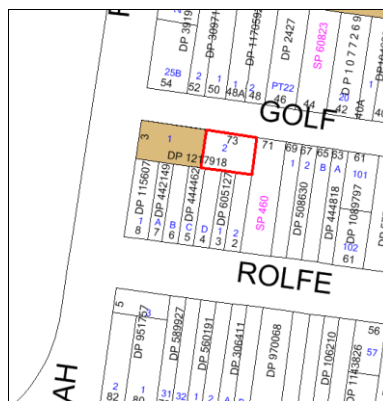


Figure 3B:
LEP Heritage Map (proposed)

Heritage Item 3:

167 Pittwater Road, Manly: (Lots 9 -12 DP2427, Lot 1 DP1085908, Lot 2 DP656268):

This property is listed as 'Service Station (former)' and referenced 'I208' in Manly LEP 2013. The heritage significance of this property relates to Lot 1 DP1085908 and Lot 2 DP656268 (being a 2 storey art deco building on the corner of Pittwater Road and Alexander Street, Manly. In this regard, the remainder of the land comprising Lots 9 to 12 DP2427 has been subject of demolition, excavation and redevelopment as a carwash and is no longer appropriate for mapping as part of this Heritage Item. Therefore, heritage item I208 should

refer to Lot 1 DP1085908 and Lot 2 DP656268 only and the listing of Lots 9 - 12 DP2427 is to be removed as indicated in Figure 4C below and more detailed maps at Attachment 2.



Figure 4A:
Aerial Photography - Locality

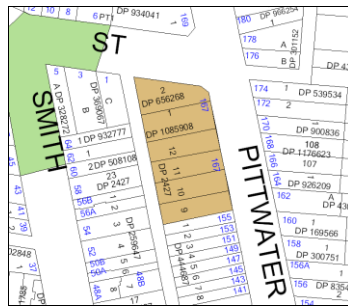


Figure 4B:
LEP Heritage Map (existing)

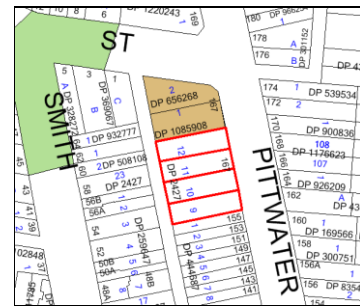


Figure 4C:
LEP Heritage Map
(proposed - land to be omitted
from the listing highlighted in red)

Amendment 3 Amendment to the Mapping to Align with Subdivision Boundary Adjustments

Manly LEP 2013 Zoning Maps are proposed to be amended to realign zoning between 49 & 51 Lauderdale Ave, Fairlight in accordance with a recent land subdivision boundary adjustment. In this regard land known as 49 Lauderdale Avenue had been historically zoned R1 General Residential and land known as 51 Lauderdale Avenue had been historically zoned E4 Environmental Living.

The boundary between these 2 properties was amended under Plan of Subdivision of Lot 1 DP 951876 & Lot A DP 303769 (Subdivision Certificate 4610L). This plan was endorsed by Council on 14 December 2015 and was in accordance with Development Consent DA77/2015. The plan was subsequently registered on 8 January 2016 to create Lots 10 and 11 DP 1216827.

As a consequence of the subdivision between 49 & 51 Lauderdale Ave Fairlight, the LEP Zoning Map is to be amended to realign the boundary of the LEP R1 and E4 zones between these 2 properties such that 49 Lauderdale Avenue is wholly zoned R1 General Residential and 51 Lauderdale Avenue is wholly zoned E4 Environmental Living as illustrated in figures below and more detailed maps at Attachment 2.

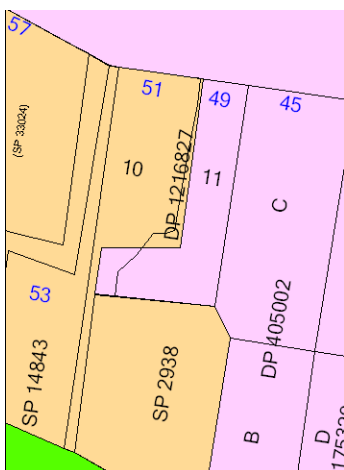


Figure 5A:
LEP Zoning Map (existing)

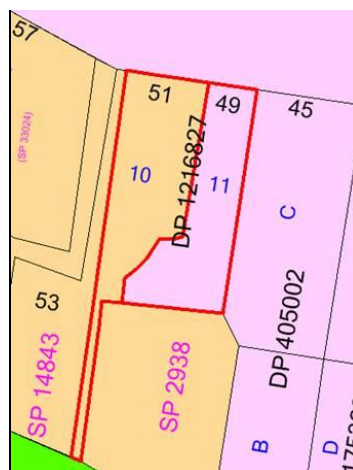


Figure 5B:
LEP Zoning Map (proposed)

Part 3: Justification

Section A - Need for the Planning Proposal.

The need for the Planning Proposal is justified in relation to the 3 amendments which comprise the proposal as following:

Amendment 1: Rezone 52 Raglan Street, Manly from LEP Zone RE2 Private Recreation to LEP Zone RE1 Public Recreation.

To change the typology of the 'Recreation' zone for land known as 52 Raglan Street, Manly from 'Private' to 'Public' Recreation Zone to better reflect its existing and intended future land uses.

As the licensed club has since vacated the premises and the site remains public land, the current LEP Zone RE2 Private Recreation is no longer relevant and the LEP Zone RE1 Public Recreation is a more appropriate zoning for the site. In preparing the Planning Proposal, Council will consult with the Crown, as the landowner, regarding various options for the future use of the property under the proposed zoning.

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

Given the 'housekeeping' nature of the Planning Proposal, the proposed LEP Amendment results from the changing operational nature of the premises rather than arising as a result of any strategic study or report.

The site is within a recreational area precinct on the western side of the Manly Town Centre including Gilbert Park, Manly Oval, and Kangaroo Street Reserve. The majority of the precinct is zoned RE1 Public Recreation with the exception of the Manly Bowling Club and the subject site being the former Manly Rugby club site – both sites containing Licensed Clubs when the LEP was drafted and subsequently zoned RE2 Private Recreation.

The Planning Proposal is in response to the nature of the public (Crown Land) at 52 Raglan Street which no longer contains a Licensed Club.

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

The Planning Proposal is an appropriate means of achieving the objective listed in Part 1. The following is noted in support of this view:

- Manly LEP 2013 commenced in 2013 introducing a new set of standard zones in accordance with the NSW Standard Instrument Order and accompanying guidelines. Recreation lands that contain licensed clubs were to be zoned RE2 Private Recreation as required at that time.
- Land at 52 Raglan Street Manly was zoned RE2 Private Recreation as the site contained a licensed club known as Manly Rugby Club.
- Manly Rugby Club has vacated the premises at 52 Raglan Street Manly and a registered club no longer exists on the site.

Is there a net community benefit?

The Planning Proposal enables the land to be used in accordance with land zoned for specified public open space or recreational purposes. The land has a longstanding community association being the site of the Manly Rugby Club next to its home ground - Manly Oval. Manly LEP 1988 zoned the land Special Uses – Community Purposes prior to the current

standard instrument LEP from 1988 to 2013. Accordingly the Planning Proposal provides for the ongoing provision of longstanding community benefit.

Amendment 2: Amendments to the mapping and description of certain lands listed as a Heritage Items

It is proposed to amend mapping of 3 heritage items to better reflect the land to which the heritage items apply.

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

Given the 'housekeeping' nature of the Planning Proposal, the proposed LEP Amendment results from the need to update heritage listings to reflect the already changed nature of the land and its heritage significance rather than arising as a result of any strategic study or report.

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

The Planning Proposal is the best means of achieving the objectives or intended outcomes and given the minor housekeeping nature of the proposal there are no alternative means of updating the LEP to be considered.

Is there a net community benefit?

Some minor net community benefit arises in this aspect of the Planning Proposal in relation to improved governance and clarity in relation to the true extent of land effected by heritage listing.

Amendment 3 Amendment to the Mapping to Align with Subdivision Boundary Adjustments

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

Given the 'housekeeping' nature of the Planning Proposal, the proposed LEP Amendment results from the need to update the Zoning map to align with recently registered subdivision boundary realignments rather than arising as a result of any strategic study or report.

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

The Planning Proposal is the best means of achieving the objectives or intended outcomes and given the minor housekeeping nature of the proposal, there are no alternative means of updating the LEP to be considered.

Is there a net community benefit?

Some minor net community benefit arises in this aspect of the Planning Proposal in relation to improved governance and clarity in ensuring the zoning boundary between 49 and 51 Lauderdale Ave, Fairlight is in accord with a recently registered subdivision in relation to this land.

Section B - Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy, including the Sydney Metropolitan Strategy and exhibited draft strategies?

In accordance with clause 75A1 Implementation of strategic plans, EP&A Act 1979, Council is to give effect to any applicable regional district plan. The plans applicable to the local government area to which the planning proposal relates are as follows:

1. A Plan For Growing Sydney (2014)

A Plan for Growing Sydney is the latest metropolitan strategy released by the Department of Planning and Environment to set the framework for Sydney's growth to 2031 and beyond.

A key focus of the strategy is boosting housing and jobs growth across Sydney. The strategy sets a dwelling target (net additional) of 664,000 new dwellings across Sydney by 2031. There are no dwellings or jobs which might be either reduced or generated by the proposal.

The Planning Proposal is consistent with the relevant objectives summarised in the table below:

A Plan For Growing Sydney Action	Consistency
Monitoring and Reporting: To establish a monitoring and reporting process to check on progress in delivering the actions outlined in the plan Action 1.11.3 Undertake long-term planning for social infrastructure to support growing communities.	The Planning Proposal is consistent with this plan. The NSW Government requirements for monitoring and reporting are satisfied by this Proposal. In relation to the proposed rezoning of 52 Raglan Street Manly from LEP Zone RE2 Private Recreation to RE1 Public Recreation, this aspect of the Planning Proposal is consistent with broader long term actions in planning for social infrastructure to support growing communities.

Table 1: A Plan for Growing Sydney Actions Summary

2. Towards our Greater Sydney 2056 (Draft November 2016)

Towards our Greater Sydney 2056 is an ambitious future plan for a growing Greater Sydney, which forms a draft amendment to the Greater Sydney Region Plan. This document outlines a draft amendment to *A Plan for Growing Sydney* which aligns with the vision established in draft District Plans (see below). It is the first step in a comprehensive review of *A Plan for Growing Sydney*.

The Planning Proposal is consistent with the relevant objectives summarised in the table below:

Towards our Greater Sydney 2056	Consistency
Towards our Greater Sydney 2056 vision represents the economic, social and environmental integration of a	The Planning Proposal is consistent with this plan. As the Proposal involves both public and private land including Crown Land (52 Raglan Street) and land owned by Sydney Water (heritage listed sites); note is made here to the stated

metropolis. It acknowledges that Greater Sydney is more likely to develop in a sustainable manner with a strong, productive economy underpinning a fair and liveable lifestyle and allowing a focus on Greater Sydney's natural environment, resilience and efficiency, delivered through a number of metropolitan priorities.	Metropolitan priority for a collaborative city (p.11) under the Plans' vision for 'A liveable Greater Sydney'.
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Table 2: Towards our Greater Sydney 2056 Actions Summary

3. Draft North District Plans

The Greater Sydney Commission's District Plan helps set out how the abovementioned 'A Plan for Growing Sydney' will apply to local areas. They outline how the Government will make decisions on public spaces, community facilities, housing, jobs, transport options, schools and hospitals to meet the needs of communities across Greater Sydney. For local government, this draft District Plan informs the preparation of local environmental plans and planning proposals; guides strategic land use, transport and infrastructure planning across local government areas and informs infrastructure planning.

The Planning Proposal is consistent with the relevant objectives and actions summarised in the table below:

Draft North District Plan Action	Consistency
Action IM4: Report on local planning. The Greater Sydney Dashboard to monitor the implementation of each District Plan's actions and priorities.	The Planning Proposal is consistent with this plan. In the first instance, the reporting under Action IM4 will involve each council reporting to the Commission under section 75AI of the EP&A Act on the preparation of planning proposals under section 55 of the EP&A Act. This Planning Proposal satisfies this Action.

Table 3: Draft North District Plan Action Actions Summary

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

The Planning Proposal is consistent with both the Community Strategic Plan (CSP) for the former Manly Council (CSP Beyond 2025 adopted 1 June 2015) as well as the preliminary Visions and Issues completed in the process of developing the new Northern Beaches Community Strategic Plan being prepared for adoption by the new Council before 30 June 2018. While the Planning Proposal is not directly related to an action area of the CSP, it is consistent with the following objective:

Objective	Consistency
Maintain public confidence in Council's transparent and fair decision-making.	The Planning Proposal is consistent with council's community strategic plan.

Table 4: CSP Objective Summary

Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP's)?

The Planning Proposal is consistent with the relevant SEPPs. The relevant SEPPs are summarised below:

SEPP	Consistency
State Environmental Planning Policy No.19 - Bushland in Urban Areas	The land to which the Planning Proposal applies is not Bushland as defined by the SEPP.
State Environmental Planning Policy No.21 - Caravan Parks	The Planning Proposal does not impact on development for the purposes of a caravan park.
State Environmental Planning Policy No.33 - Hazardous and Offensive Development	The land to which the Planning Proposal applies contains no hazardous and offensive industries.
State Environmental Planning Policy No.50 - Canal Estate Development	The land to which the Planning Proposal applies contains no Canal Estate Development.
State Environmental Planning Policy No.50.- Remediation of Land	There is no contamination and remediation to be considered with the Planning Proposal.
State Environmental Planning Policy No.62 -	There is no Sustainable Aquaculture to be considered with the Planning Proposal.
State Environmental Planning Policy No.64 - Advertising and Signage	There is no Advertising and Signage to be considered with the Planning Proposal.
State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development	The Planning Proposal does not impact on Design Quality of Residential Apartment Development.
State Environmental Planning Policy No.70 - Affordable Housing (Revised Schemes)	The Planning Proposal does not impact on Affordable Housing (Revised Schemes).
State Environmental Planning Policy No.71 - Coastal Protection	There are no particular matters arising from the provisions of this SEPP.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	There are no particular matters arising from the provisions of this SEPP.
State Environmental Planning Policy (Affordable Rental Housing) 2009	There are no particular matters arising from the provisions of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	There are no particular matters arising from the provisions of this SEPP.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	The Planning Proposal does not impact on the provision of Housing for Seniors or People with a Disability
State Environmental Planning Policy (Infrastructure) 2007	The Planning Proposal does not impact on the provision of Infrastructure
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	There are no particular matters arising from the provisions of this SEPP.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	There are no particular matters arising from the provisions of this SEPP.
State Environmental Planning Policy State and Regional Development) 2011	There are no particular matters arising from the provisions of this SEPP.
State Environmental Planning Policy (State Significant Precincts) 2005	There are no particular matters arising from the provisions of this SEPP.

Table 5: SEPP Summary

Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The following Ministerial Directions are applicable to the proposal:

- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulphate Soil
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving land for public purposes
- 7.1 Implementation of A Plan for Growing Sydney

The Planning Proposal is found to be consistent with Ministerial Directions (see also summary of Ministerial Directions at Attachment 4.)

Ministerial Direction	Objectives	Comment
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Land the subject of this Planning Proposal known as 49 Lauderdale Avenue is currently partly zoned E2 Environmental Management as a consequence of a recent subdivision boundary. The Planning Proposal intends to align the zoning to match this subdivision in a manner such that this portion of the property is not partly zoned for Environmental Protection. On balance, there is no reduction in the land zoned Environmental Protection because a

Ministerial Direction	Objectives	Comment
		commensurate increase in this zone is made to the adjoining land at 51 Lauderdale Avenue. The protection and conservation of environmentally sensitive areas is still facilitated by the Planning Proposal. The Planning Proposal does not reduce the environmental protection standards that apply to the land. The development standards that apply to this land remain unchanged.
2.2 Coastal Protection	The objective of this direction is to implement the principles in the NSW Coastal Policy.	Land the subject of this Planning Proposal known as 73 Golf Parade and 3 Balgowlah Road, Manly are contained in the Coastal Zone. Given the minor nature of the Planning Proposal in relation to this land, with no proposed change to zoning or development standards, there are no requirement for any provisions to be included that gives effect to, and ensures consistency with: (a) NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997 (b) Coastal Design Guidelines 2003, (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (NSW Coast-line Management Manual 1990).
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 involves certain land listed as heritage items in the LEP, it is not proposed to add any new heritage items or delete any existing heritage items. The Planning Proposal intends to amend the Heritage Maps and the Description of Lands in relation to 3 established heritage items due to various changing circumstances surrounding certain items and properties as detailed. The LEP continues to facilitate the conservation of items of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, already identified in the LEP and associated Local Environmental Studies. There are no Aboriginal objects or Aboriginal places that are protected under the

Ministerial Direction	Objectives	Comment
		National Parks and Wildlife Act 1974. There are no 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, place or landscape as being of heritage significance to Aboriginal culture and people.
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and 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.	The Planning Proposal will affect land within existing residential zones (including the alteration of an existing residential zone boundary) as well as in an Environmental Protection zone, upon which significant residential development is permitted i.e. 252 Pittwater Road, 21 Iluka Road, 3 Balgowlah Road, 73 Golf Parade & 49-51 Lauderdale Avenue. In this regard the Planning Proposal does not reduce Residential zones and will not impact on the provision of housing, choice of building types and locations available in the housing market, the efficient use of existing infrastructure and services, or good design. The Planning Proposal involves land that is adequately serviced and does not affect the permissible residential density of land.

Ministerial Direction	Objectives	Comment
3.4 Integrating Land Use and Transport	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: a) improving access to housing, jobs and services by walking, cycling and public transport, b) increasing the choice of available transport and reducing dependence on cars, c) reducing travel demand including the number of d) trips generated by development and the e) distances travelled, especially by car, f) supporting the efficient and viable operation of public transport services, and g) providing for the efficient movement of freight.	The Planning Proposal will alter a zone and heritage provisions relating to urban land, including land zoned Residential. However, the Planning Proposal does not significantly alter the location of the effected zones. Accordingly the required considerations in relation to the location of zones for urban purposes are consistent with the aims, objectives and principles of 'Improving Transport Choice – Guidelines for planning and development' (DUAP 2001), and 'The Right Place for Business and Services – Planning Policy' (DUAP 2001).
4.1 Acid Sulfate Soils	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.	The Planning Proposal applies to land which is in part mapped as Acid Sulfate Soils in the Manly LEP 2013 Maps. In this regard land at 252 Pittwater Rd, 21 Iluka Rd, 3 Balgowlah Rd & 73 Golf Pde have Class 3 Acid Sulfate Soils; 167 Pittwater Rd has Class 4 Acid Sulfate Soils; and 52 Raglan St, 49-51 Lauderdale Ave have Class 5 Acid Sulfate Soils. All of the above properties are wholly mapped with Acid Sulfate Soils except for 49-51 Lauderdale Ave which is partly mapped. However, the Planning Proposal does not introduce provisions to regulate works in relation to acid sulfate soils, nor does it propose an intensification of land uses on land identified having a probability of containing acid sulfate soils. Accordingly the Planning Proposal is consistent with the Direction.
4.3 Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land	The Planning Proposal applies to land which is in part flood prone land. However, the Planning Proposal does not create, remove or alter a zone or a provision that affects flood prone

Ministerial Direction	Objectives	Comment
	Policy and the principles of the Floodplain Development Manual 2005, and (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.	land pursuant to the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. Further details and mapping of Flood Prone Land are at Figure 7 below.
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 objective of the direction as it will encourage efficient and appropriate assessment of developments.
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 will not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Secretary of the Department of Planning.
7.1 Implementation of A-Plan for Growing Sydney	The objective of this direction is to give legal effect to the vision, transport and land use strategy, Policies, outcomes and actions contained in the Plan	The Planning Proposal is consistent with the <i>Plan for Growing Sydney</i> , the most recent Strategic Plan, as discussed above. Notwithstanding the generally minor nature of the Planning Proposal and lack of direct connections with higher level and more specific objectives and actions of the Plan, it is noted that there are general benefits of the Planning Proposal including improved clarity and accuracy of local policy.

Table 6: S117 Summary



Figure 7 – The extent of land, as applicable to the Planning Proposal affected by the Flood Planning Level i.e. 252 Pittwater Rd, 21 Iluka Rd, 3 Balgowlah Rd & 73 Golf Pde. Source: Manly Lagoon Flood Study 2013 and Council's Interim Policy - Flood Prone Lands 2013: Administrative Guidelines for Development and Use of Land within the Flood Planning Level Area 2013.

Section C - Environmental, Social and Economic Impact.

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?

Critical habitat or threatened species, populations or ecological communities, or their habitats, will not be adversely affected as a result of any aspect of the Planning Proposal.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of any aspect of the Planning Proposal.

Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will have positive social and economic effects in terms of updating local plans for additional clarity and accuracy.

Section D - State and Commonwealth Interests.

Is there adequate public infrastructure for the Planning Proposal?

Yes

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth agencies will be known after the gateway determination.

Preliminary consultations with all effected landowners including Sydney Water and NSW Industry indicate that there is no impediment to the Planning Proposal proceeding to Gateway Determination. Sydney Water, Heritage and Property officers confirm that the proposed amendments are supported.

Council also proposes to undertake consultations with NSW Office of Environment & Heritage and NSW Industries – Crown Land under this Planning Proposal and in accordance with any conditions of Gateway Determination.

Part 4: Maps

It is intended that the Planning Proposal would amend Manly LEP Maps as follows:

- LEP Zoning Map (LZN_003 – Map identifier 5150_COM_LZN_003_010_20160419) in relation to land known as:
 - 52 Raglan Street, Manly; and
 - 49 & 51 Lauderdale Ave Fairlight.
- LEP Heritage Map (HER_003 – Map identifier 5150_COM_HER_003_010_20150915) in relation to land known as:
 - 252 Pittwater Road and 21 Iluka Road, Manly;
 - 3 Balgowlah Road and 73 Golf Parade, Manly; and
 - 167 Pittwater Road, Manly.

Preliminary drafting of the LEP Mapping is provided at *Attachment 2* of the Planning Proposal.

Part 5: Community Consultation

Council will exhibit the Planning Proposal in accordance with the requirements of section 57 of the *Environmental Planning and Assessment Act 1979*.

Council also proposes to undertake community consultation in accordance with Council's adopted Community Engagement Policy, in the following manner:

- Advertise the Planning Proposal in a local newspaper and on Council's website at the start of the exhibition period.
- Exhibit the Planning Proposal for the period of time stipulated by the Gateway Determination. (14 days is suggested)

Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to Department of Planning & Environment for Gateway determination	June 2017
Issue of Gateway determination	late June 2017

Government agency consultation (as required)	July – August 2017
Public exhibition	July – August 2017
Review of submissions	September 2017
Report to Council	November 2017
Submit planning proposal to the Department of Planning & Environment for determination	December 2017

Conclusion

The Planning Proposal has been written considering the Department's *Guide to Preparing Planning Proposals* and State and local strategies. It contributes to Council's commitment to review its strategic policy as an ongoing operational matter.

The Planning Proposal will amend the *Manly LEP 2013* Schedule 5, LEP Land Use Zoning Maps and LEP Heritage Maps

Given the 'housekeeping' nature of the Planning Proposal the proposed LEP Amendments are largely updates which action various functional changes to several sites rather than arising as a result of any strategic study or report.