

Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping Amendments (0 dwellings, 0 jobs)

Proposal Title :	Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping Amendments (0 dwellings, 0 jobs)		
Proposal Summary :	The planning proposal seeks to make various amendments to Manly LEP 2013 (MLEP 2013) to resolve anomalies in the maps and the written instrument. These amendments include: • rezoning land at 52 Raglan Street, Manly from RE2 Private Recreation to RE1 Public Recreation to more accurately reflect ownership and future uses on the land; • amending Heritage Maps and Schedule 5 to better reflect the extent that three heritage items apply to certain lands; and • realign zoning at 49 and 51 Lauderdale Avenue, Fairlight to reflect a recent boundary adjustment.		
PP Number :	PP_2017_NBEAC_002_00	Dop File No :	17/08212

Proposal Details

Date Planning Proposal Received :	13-Jun-2017	LGA covered :	Northern Beaches
Region :	Metro(CBD)	RPA :	Northern Beaches Council
State Electorate :	MANLY	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	52 Raglan Street		
Suburb :	Manly	City :	NSW
Land Parcel :	2810/DP 726668		Postcode : 2095
Street :	252 Pittwater Road		
Suburb :	Manly	City :	NSW
Land Parcel :	1/DP1217919		Postcode : 2095
Street :	21 Iluka Road		
Suburb :	Manly	City :	NSW
Land Parcel :	2/DP1217919		Postcode : 2095
Street :	3 Balgowlah Road		
Suburb :	Manly	City :	NSW
Land Parcel :	1/DP1217918		Postcode : 2095
Street :	167 Pittwater Road		
Suburb :	Manly	City :	NSW
Land Parcel :	1/DP1085908 & 2/DP656268 & Lots 9 -12/DP2427		Postcode : 2095

**Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping
Amendments (0 dwellings, 0 jobs)**

Street : 49 Lauderdale Avenue
Suburb : Fairlight City : NSW Postcode : 2094
Land Parcel : 11/DP1216827
Street : 51 Lauderdale Avenue
Suburb : Fairlight City : NSW Postcode : 2094
Land Parcel : 10/DP1216827

DoP Planning Officer Contact Details

Contact Name : Kate Hanson
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RPA Contact Details

Contact Name : Paul Christmas
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DoP Project Manager Contact Details

Contact Name : Wayne Williamson
Contact Number : 0292746585
Contact Email : wayne.williamson@planning.nsw.gov.au

Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha)	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings : 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to the communications and meetings with Lobbyists has been complied with. Sydney East has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping Amendments (0 dwellings, 0 jobs)

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives accurately describes the intention of the planning proposal. The proposal intends to amend the Land Zoning Map and Heritage Map to rectify errors and anomalies arising from boundary adjustments, or change of use, or review of land to which heritage items apply; and to amend Schedule 5 of the LEP to accurately reflect the legal property description of three heritage items

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to amend MLEP 2013 by:

- Updating the Zoning Map in relation to land at:
 - 52 Raglan Street, Manly, and
 - 49 and 51 Lauderdale Avenue, Fairlight
- Updating the Heritage Map and Schedule 5 in relation to land at:
 - 252 Pittwater Road and 21 Iluka Road Manly
 - 3 Balgowlah Road and 73 Golf Parade, Manly
 - 167 Pittwater Road, Manly

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

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

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 21—Caravan Parks

SEPP No 33—Hazardous and Offensive Development

SEPP No 50—Canal Estate Development

SEPP No 62—Sustainable Aquaculture

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP No 71—Coastal Protection

SEPP (Exempt and Complying Development Codes) 2008

**Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping
Amendments (0 dwellings, 0 jobs)**

SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SREP (Sydney Harbour Catchment) 2005
SEPP (Affordable Rental Housing) 2009

e) List any other
matters that need to
be considered :

SEPPS

The planning proposal considers the relevance and consistency of all SEPPs and does not identify any relevant inconsistencies that need to be addressed.

Section 117 Directions

Council has identified applicable Section 117 Directions and considers that the proposal is consistent with relevant Directions, however a number of minor inconsistencies exist. Directions of particular relevance are discussed below:

Direction 2.1 Environment Protection Zones. This Direction states that a proposal must not reduce environmental protection standards for land within an environmental zone. The proposal rezones a small area of land currently zoned E4 Environmental Living to R1 General Residential at 49 Lauderdale Avenue - which will potentially result in reduced environmental protection standards for the site. However, the area of land affected is negligible and a commensurate increase in the E4 zone is made to the adjoining land at 51 Lauderdale Avenue, thus the Secretary's delegate can be satisfied that the inconsistency is of minor significance.

Direction 6.2 Reserving land for public purposes. This Direction states a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant authority and the Secretary. The planning proposal seeks to apply an RE1 Public Recreation zone to 52 Raglan Street, Manly which is a Crown Reserve. This consultation will occur after the Gateway determination is issued and the proposed RE1 zone is consistent with the zone applying to adjoining land. It is considered that the inconsistency is therefore of minor significance and justified in accordance with the terms of the direction.

The proposal is otherwise consistent with all other S117 Directions.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains maps which adequately show the subject land and explain the proposed changes to the respective LEP maps for each proposed amendment. These maps are adequate for exhibition purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal indicates that community consultation will be undertaken and nominates a 14 - day consultation timeframe. This is considered an appropriate time-frame given that the proposal is low impact. In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), affected and adjoining landowners should be notified in writing.

Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping Amendments (0 dwellings, 0 jobs)

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Time Line

The planning proposal includes a project timeline which estimates the completion of the planning proposal in December 2017, however a nine (9) month timeline is considered appropriate to ensure the RPA has adequate time to complete the exhibition, reporting, legal drafting and making of the plan.

Delegation

Council has requested a Written Authorisation to Exercise Delegation of the Minister's powers under s59 of the Environmental Planning and Assessment Act 1979 for this matter. It is considered appropriate that an authorisation be granted to Council as the proposal is essentially a local planning issue.

Overall Adequacy

The planning proposal satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Manly LEP 2013 is in force and commenced on 19 April 2013.

Assessment Criteria

Need for planning proposal :

The proposed amendments are detailed on pages four to eight of the planning proposal and a summary of each amendment is provided below.

1. Zoning of land at 52 Raglan Street, Manly - the subject property, known as Soldier's Memorial Hall, is located on Crown land and currently zoned RE2 Private Recreation. The property was previously leased to the Manly RSL sub-branch, then to the Manly Rugby Club and more recently the Manly Fishos. In drafting the MLEP2013, all recreation zones containing Licensed Clubs were zoned RE2. However, the site no longer contains a licenced premise and is currently vacant. It is considered the RE1 Public Recreation zone is more commensurate with the site's public ownership and the proposal will be referred to Department of Industry (Crown Lands) for agreement on the matter.

2. Sydney Water Pumping Stations at 252 Pittwater Road, Balgowlah - This Heritage item's legal property description and address is incorrectly described in Schedule 5 of MLEP2013. The proposed amendment will correct the error and update Heritage mapping to more accurately reflect the land on which the heritage item applies.

3. Sydney Water Pumping Station at Golf Parade, Manly - This Heritage item's legal

Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping Amendments (0 dwellings, 0 jobs)

property description is incorrectly described in Schedule 5 of MLEP2013. The proposed amendment will correct the error and update Heritage mapping to more accurately reflect the land on which the heritage item applies.

4. **Service Station at 167 Pittwater Road, Manly** - This Heritage item's legal property description is incorrectly described in Schedule 5 of MLEP2013. The proposed amendment will correct the error and update Heritage mapping to more accurately reflect the land on which the heritage item applies.

5. **Zoning at 49 and 51 Lauderdale Ave, Fairlight** – As a consequence of a recent boundary adjustment between 49 & 51 Lauderdale Ave, the LEP zoning map is proposed to be amended to realign the boundary of the R1 General Residential Zone and the E4 Environmental Living Zone. This is to ensure that 49 Lauderdale Avenue is wholly zoned R1 and 51 Lauderdale is wholly zoned E4 as has historically been the case.

The proposal to amend the LEP and maps as discussed above is the only means of achieving the intent of the proposal.

Consistency with strategic planning framework :

A Plan for Growing Sydney

The planning proposal is considered consistent with A Plan for Growing Sydney as it will not have an adverse effect on delivery of the Plan's impact or actions. Similarly, the plan is considered consistent with the draft North District Plan.

Manly Council Community Strategic Plan (CSP)

The proposal is consistent with the objectives and outcomes of the Manly Community Strategic Plan (CSP). The changes are considered minor in nature, however are likely to help maintain public confidence in Council's decision-making processes by keeping the LEP up to date, clear and accurate.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal is not expected to have any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats. However, given the proposal alters land zoned E4 Environmental Living it is considered appropriate that the proposal be referred to Office and Environment and Heritage in relation to this matter, and this is included in the Gateway Determination.

Heritage

The proposal relates to three established heritage items identified in MLEP 2013. The proposal intends to amend the Heritage Maps and the description of land in Schedule 5 to better reflect the land to which the items apply. Whilst it is considered the proposed changes will continue to facilitate the conservation of these items, consultation with Office and Environment and Heritage will be required in relation to this matter.

Flooding

The proposal applies to land which is in part flood prone land, however the extent of the land affected by the Flood Planning Level is limited and no intensification of uses are proposed.

Acid Sulfate Soils

The proposal will affect land identified as containing Class 3, 4 and 5 acid sulfate soils. However the proposal does not contain provisions that regulate works in relation to acid sulfate soils, nor does it propose an intensification of land uses. It is therefore considered that this issue is not an impediment to the proposal proceeding.

SOCIAL AND ECONOMIC

Due to the low impact nature of the planning proposal, it is considered not to have any direct adverse effect on the natural, built or socio-economic environment.

Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping Amendments (0 dwellings, 0 jobs)

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal resubmitted June 2017 .pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 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**

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

**Planning Proposal to amend Manly Local Environmental Plan 2013 - Housekeeping
Amendments (0 dwellings, 0 jobs)**

1. Prior to the commencement of community consultation, Council is to update the Planning Proposal to:
 - a) delete reference to E2 Environmental Management zone and replace with E4 Environmental Living.
 - b) include written advice from Department of Industry (Crown Lands) confirming agreement to RE1 Public Recreation zone at 52 Raglan Street, Manly.
 - c) include attachments referred to in the proposal.
 2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - a) Office of Environment and Heritage in relation to Heritage amendments and changes to E4 Environmental Living zone.
 - b) Department of Industry – Lands in relation to amendments applying to Crown Land.
 3. Community Consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a) The planning proposal must be made publicly available for a minimum of 28 days;
 - b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).
 - c) A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.
- It is also recommended that:
5. The Secretary's delegate determines the inconsistency with s117 Directions 2.1 Environment Protection Zones is justified in accordance with the terms of direction.
 6. In accordance with S117 Direction 6.2, the Secretary's delegate agrees to the proposed addition of the RE1 Public Recreation zone to land at 52 Raglan Street, Manly.
 7. That a written authorisation to exercise plan making delegations be issued to Manly Council.

Supporting Reasons :

The reasons for the recommendation are as follows:

1. The proposed amendment will rectify anomalies and errors in the Manly LEP 2013 and will therefore improve the function, content and consistency of the LEP providing an accurate consistent planning instrument for the use of the community.
2. The proposal is generally consistent with the strategic planning framework and the inconsistencies are considered of minor significance.

Signature:



Printed Name:

W. Williams

Date:

29/6/2017