

ATTACHMENT 1

Environmental Services Division Report No. 19.DOC - Commencement of Planning Proposal for Minor Amendments to LEP Heritage Maps Planning Proposal Regarding the Mapping of Heritage Conservation Areas

ATTACHMENT

Manly LEP 2013 Planning Proposal

New Local LEP Provision regarding the mapping of Heritage Conservation Areas

Part 1 – Objectives of the Planning Proposal

The objective of this Planning Proposal is to amend the mapping of Councils' 2 Heritage Conservation Areas to more accurately reflect the extent of these Areas consistent with the local spatial cadastre.

Part 2 – Explanation of provisions

This Planning Proposal seeks to amend the Manly LEP 2013 Heritage Maps by the adjustment of parts of the boundary to follow the line of existing subdivisions on the cadastre to more accurately reflect the extent of the Manly Town Centre and Pittwater Road Heritage Conservation Areas. There are no changes proposed to the written LEP instrument.

In detail, the proposed boundary amendments effect certain properties in the Manly Town Centre and Pittwater Road Heritage Conservation Areas as follows:

In relation to the Manly Town Centre Heritage Conservation Area:

- Lot B DP 337685 (10 Victoria Parade);
- Lot 2 DP 861591 (34 South Steyne); and
- SP 61679 (15 Central Ave, Cnr Sydney Road).

In relation to the Pittwater Road Heritage Conservation Area:

- Lot 104 DP 1136451 (96 Pittwater Road);
- Lot 103 DP 1136451 (98 Pittwater Road);
- Lot 102 DP 1136451 (100 Pittwater Road); and
- SP 81964 (6 Carlton Street).

In relation to all the above mentioned effected properties the existing Conservation Area boundaries traverse the sites such that the land parcels are partly contained within the Conservation Area. This Planning Proposal amends the Conservation Area boundaries to contain the whole of each of these parcels within the Conservation Areas.

Details of Boundary Amendment at Lot B DP 337685 (10 Victoria Parade)

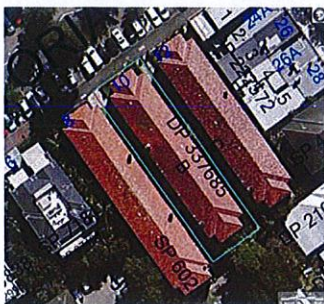


Plate 1a: Photomontage



Plate 1b: Extract LEP Existing



Plate 1c: Planning Proposal

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10 Victoria Parade, Manly contains a Residential Flat Building as shown in Plate 1a above. The existing boundary of the Manly Town Centre Conservation Area traversing this site passes through the middle of the building for its full length. In this regard the north eastern side of the building is contained in the Conservation Area and the south western side is not contained in the Conservation Area. Plate 1c illustrates the effect of the Planning Proposal containing the whole of the site including the whole of the building on the site within the Conservation Area.

Details of Boundary Amendment at Lot 2 DP 861591 (34 South Steyne)



Plate 2a: Photomontage

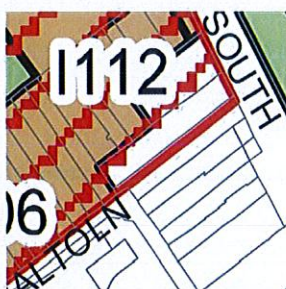


Plate 2b: Extract LEP Existing



Plate 2c: Planning Proposal

34-35 South Steyne, Manly contains a 3 storey Commercial building as shown in Plate 2a above. The existing boundary of the Manly Town Centre Conservation Area traversing this site passes through the middle of the building for its full length. In this regard the north western side of the building is contained in the Conservation Area and the south eastern side is not contained in the Conservation Area. Plate 2c illustrates the effect of the Planning Proposal containing the whole of the site including the whole of the building on the site within the Conservation Area.

Details of Boundary Amendment at SP 61679 (9-15 Central Ave, Cnr Sydney Road)



Plate 3a: Photomontage

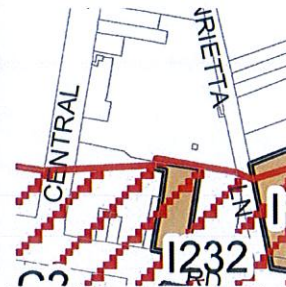


Plate 3b: Extract LEP Existing

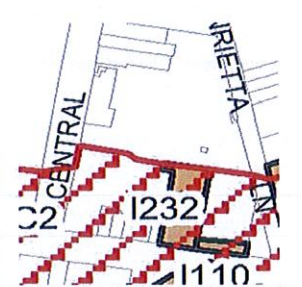


Plate 3c: Planning Proposal

9-15 Central Ave, Manly contains a mixed use development comprising shops and offices along Sydney Road and a curved residential unit tower at the northern end of the site as shown in Plate 3a above. The existing boundary of the Manly Town Centre Conservation Area traverses Lot 102 DP882672 in a straight line connecting the northern extent of the properties on either side of 9-15 Central Avenue as indicated in Plate 3b above. Plate 3c illustrates the effect of the Planning Proposal to realign this section of the boundary to follow the northern boundary of the subdivision at lot 102 DC882672 incorporating all of this lot into the Conservation Area.

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Details of Boundary Amendment at 96 -100 Pittwater Road and 6 Carlton Street



Plate 4a: Photomontage

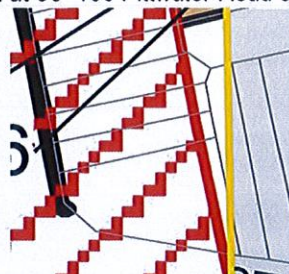


Plate 4b: Extract LEP Existing

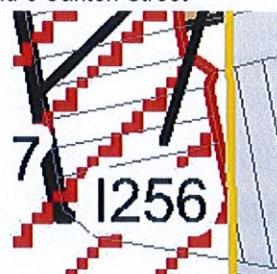


Plate 4c: Planning Proposal

96 -100 Pittwater Road and 6 Carlton Street, Manly contains a range of residential accommodation as shown in Plate 4a above. The existing boundary of the Pittwater Road Conservation Area traverses the rear of these properties in a straight line connecting the general rear subdivision alignments of adjoining properties to the north and the adjacent properties to the south across Carlton Street as indicated in Plate 4b above. Plate 4c illustrates the effect of the Planning Proposal to realign this section of the Conservation Area boundary to follow the rear boundary of the subdivisions of 96 -100 Pittwater Road and 6 Carlton Street, Manly, incorporating all of these properties (all the way to the rear boundary) into the Conservation Area.

Part 3 – Justification

The following section addresses questions set out in Section 2.3(a) of *A Guide to Preparing Planning Proposals* in meeting the objectives of the planning proposals.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. The Planning Proposal is not a result of any strategic study or report. The amendment arises from an earlier Section 73A Submission in which Council had proposed a range of minor corrections to the LEP in relation to the mapping and descriptions of heritage. While the subject proposal was initially contained within this Section 73A Submission, the Department has more recently advised that this proposal should proceed as a Planning Proposal as it is not suitable for amendment pursuant to section 73 of the EPA Act. In particular the Department considered the corrections, although minor, were not previously exhibited, the material effect 'on-the-ground' is unknown, and the Standard Instrument guidelines for LEP maps does not highlight that conservation areas should necessarily be mapped strictly following the cadastre line (i.e. conservation area boundaries may run through the middle of lots).

In preparing this Planning Proposal it has been determined that the existing conservation area boundaries, the subject of this proposal do not run through the middle of the lots for any strategic reasons and that there are no material effects 'on the ground'. In this regard Council has undertaken sufficient strategic study to confirm that the conservation area boundaries as proposed in this Planning Proposal appropriately accord with established and historic subdivision patterns as well as the siting and streetscape context of existing buildings in the vicinity of the Heritage Conservation Areas.

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

Yes. The Planning Proposal simply achieves the objectives and intended outcomes in relation to ensuring the extent of the Heritage Conservation Areas are properly mapped in the LEP. Should the Planning Proposal and its intended outcomes not proceed, then it is possible that the heritage significance of the Conservation Areas may potentially be poorly interpreted for certain properties which are the subject of these proposed conservation area boundary changes.

Section B – Relationship to strategic planning framework

3. 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)?

Yes. The Planning Proposal does not impact on the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies).

The Planning Proposal is considered to be consistent with the objectives and actions of "A Plan for Growing Sydney", and will not limit any regional or sub-regional strategy.

4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Yes. The Planning Proposal is considered consistent with Manly Council's *Community Strategic Plan - Beyond 2024* local strategy, and will not limit any other local strategic plans.

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

Yes. This Planning Proposal is considered consistent with all applicable State Environmental Planning Policies (SEPPs) for Manly LGA.

The SEPPs applicable in Manly are as follows:

- *State Environmental Planning Policy 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy 21 – Caravan Parks*
- *State Environmental Planning Policy 30 – Intensive Agriculture*
- *State Environmental Planning Policy 32 – Urban Consolidation (Redevelopment of Urban Land)*
- *State Environmental Planning Policy 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy 50 – Canal Estate Development*
- *State Environmental Planning Policy 55 – Remediation of Land*
- *State Environmental Planning Policy 64 – Advertising and Signage*
- *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development*
- *State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)*
- *State Environmental Planning Policy 71 – Coastal Protection*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy (Major Development) 2005*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

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- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed State Environmental Planning Policy)*

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The Planning Proposal is consistent with applicable Section 117 Ministerial Directions.

The Planning Proposal is a minor amendment which does not seek to rezone land, or include additional land uses in any of the standard instrument Land Use tables. Nor does it seek to place any further development standards on any land or land use within the Manly LGA or the standard instrument LEP. It also does not seek to prohibit development in any area of Manly. It is therefore considered not to have a major impact on any Section 117 directions.

Section C – Environmental, social and economic impact

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

No critical habitat, threatened species, populations, ecological communities or their habitats will be adversely affected as a result of this Planning Proposal.

8. 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 likely environmental effects as a result of this Planning Proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

There are no social or economic effects arising from this Planning Proposal.

Section D - State and Commonwealth interests

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

The issue of public infrastructure is not applicable to this Planning Proposal.

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

Council received advice from the Department dated 8th April 2015 recommending a planning proposal be submitting to the Department. This amendment was previously incorporated into a Section 73A Submission lodged with the Department on 4th March 2015.

Part 4 – Mapping

This Planning Proposal does not comprise of any new maps or map amendments.

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Part 5 – Community Consultation

It is not considered that the Planning Proposal should be publically exhibited nor open to consultation with State agencies and public authorities. It is however proposed that Council consult with land owners of the individual properties contained in the Conservation areas that are effected by the minor boundary changes as detailed in this Planning Proposal.

Part 6 – Project timeline

The proposed timeline for completion of the Planning Proposal is as follows:

Plan Making Step	Estimated Completion
Anticipated commencement date (date of Gateway determination)	July 2015.
Anticipated timeframe for the completion of required technical information	None anticipated.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	August 2015 (21 days)
Public exhibition period	August 2015 (14 days)
Timeframe for consideration of submissions	September 2015.
Date of submission to the department to finalise the LEP	October 2015.
Anticipated date RPA (Manly Council) will make the plan (if delegated)	October 2015.
Anticipated date RPA (Manly Council) will forward to the department for notification	October/November 2015.