

**Mapping Heritage Conservation Areas in Manly Local Environmental Plan (LEP) 2013.**

Proposal Title : **Mapping Heritage Conservation Areas in Manly Local Environmental Plan (LEP) 2013.**

Proposal Summary : **The planning proposal aims to amend the mapping of the Manly Town Centre and Pittwater Road Heritage Conservation Areas (HCAs) to include the whole of selected properties within these areas consistent with the local spatial cadastre and historic subdivision patterns.**

PP Number : **PP\_2015\_MANLY\_002\_00**

Dop File No : **15/08342**

**Proposal Details**

Date Planning  
Proposal Received : **20-May-2015**

LGA covered : **Manly**

Region : **Metro(CBD)**

RPA : **Manly Council**

State Electorate : **MANLY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

**Location Details**

Street : **10 Victoria Parade**

Suburb : **Manly**

City : **Sydney**

Postcode : **2095**

Land Parcel : **Lot B DP 337685**

Street : **34 South Steyne**

Suburb : **Manly**

City : **Sydney**

Postcode : **2095**

Land Parcel : **Lot 2 DP 861591**

Street : **15 Central Avenue**

Suburb : **Manly**

City : **Sydney**

Postcode : **2095**

Land Parcel : **SP61679**

Street : **96 Pittwater Road**

Suburb : **Manly**

City : **Sydney**

Postcode : **2095**

Land Parcel : **Lot 104 DP 1136451**

Street : **98 Pittwater Road**

Suburb : **Manly**

City : **Sydney**

Postcode : **2095**

Land Parcel : **Lot 103 DP 1136451**

Street : **100 Pittwater Road**

Suburb : **Manly**

City : **Sydney**

Postcode : **2095**

Land Parcel : **Lot 102 DP 1136451**

Street : **6 Carlton Street**

Suburb : **Manly**

City : **Sydney**

Postcode : **2095**

Land Parcel : **SP 81964**

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

Contact Name : **Nayeem Islam**  
 Contact Number : **0299761582**  
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**DoP Project Manager Contact Details**

Contact Name :  
 Contact Number :  
 Contact Email :

**Land Release Data**

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

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan Region (East) has not met any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Have there been  
meetings or  
communications with  
registered lobbyists? :

**No**

If Yes, comment :

**Supporting notes**

Internal Supporting  
Notes : **The current planning proposal is the result of an earlier section 73A submission from Council. The Department advised that proposed amendments to Manly LEP 2013 should proceed via a planning proposal because:**  
 - they were not previously exhibited;  
 - their material effect 'on-the-ground' is unknown; and  
 - the Standard Instrument guidelines for LEP maps does not highlight that HCA boundaries should necessarily follow lot boundaries.

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Council has completed background photomontage analysis to confirm that the amended boundaries are consistent with established subdivision patterns as well as the siting and streetscape context of existing buildings in the HCAs.

The planning proposal is not inconsistent with any Section 117 Directions or State Environmental Planning Policies.

The planning proposal is not inconsistent with the aims of A Plan for Growing Sydney and will not limit any sub-regional strategy.

Manly Council has accepted the Minister's offer to delegate his plan-making functions under the EP&A Act. Council is seeking delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal.

External Supporting  
Notes :

### Adequacy Assessment

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

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

Comment : The planning proposal aims to amend the mapping of the Manly Town Centre and Pittwater Road HCAs to include the whole of selected properties within these areas consistent with local spatial cadastre data and established subdivision patterns.

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

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

Comment : The planning proposal seeks to amend Many LEP 2013 Heritage Maps as follows:

- amendment to HCA boundary for 10 Victoria Parade (HER\_006);
- amendment to HCA boundary for 34 South Steyne (HER\_005);
- amendment to HCA boundary for 9 - 15 Central Avenue (HER\_005);
- amendment to HCA boundary for 96-100 Pittwater Road and 6 Carlton Street (HER\_005 and HER\_003).

The following map sheets will be revoked and amended:

- 5150\_COM\_HER\_003\_010\_20150311
- 5150\_COM\_HER\_005\_010\_20150127
- 5150\_COM\_HER\_006\_010\_20150127

The proposal does not seek any changes to the heritage schedule.

#### Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **2.3 Heritage Conservation**

\* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : The planning proposal is not inconsistent with any Section 117 Directions or State Environmental Planning Policies.

The objective of s.117 Direction 2.3 Heritage Conservation is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage

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significance. The planning proposal is consistent with this direction as it seeks to ensure that HCAs in the Manly LGA are mapped in accordance with established subdivision patterns.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided photomontages plus extracts from relevant LEP Heritage maps showing existing and proposed HCA boundaries for affected lots.

For public exhibition purposes, Council will need to also provide relevant LEP Heritage Maps (HER\_003; HER\_005; HER\_006) showing existing and proposed HCA boundaries.

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes to consult with property owners affected by HCA boundary changes.

Consultation will be undertaken in accordance with the conditions of the Gateway Determination. 14 days is considered sufficient.

Consultation with the Office of Environment and Heritage is required during the public exhibition period.

### 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 :

## Proposal Assessment

### Principal LEP:

Due Date : **April 2015**

Comments in relation to Principal LEP :

On 5 April 2013, Manly LEP 2013 was published on the NSW Legislation website and came into effect on 19 April 2013.

### Assessment Criteria

Need for planning proposal :

The planning proposal is not the result of any strategic study or report.

Council has determined that the existing boundaries of the Manly Town Centre and Pittwater Road HCAs do not run through the middle of properties (as identified under Explanation of Provisions) for any strategic reasons. Council has completed background analysis to confirm that the amended boundaries are consistent with established subdivision patterns as well as the siting and streetscape context of existing buildings in the HCAs.

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Consistency with strategic planning framework :

The planning proposal is not inconsistent with the aims of A Plan for Growing Sydney and will not limit any sub-regional strategy.

The planning proposal is consistent with Manly Council's Community Strategic Plan - Beyond 2024 and will not limit any other local strategic plans.

Environmental social economic impacts :

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

There are no likely environmental, social or economic impacts of the planning proposal.

### Assessment Process

|                                             |                                           |                                 |                |
|---------------------------------------------|-------------------------------------------|---------------------------------|----------------|
| Proposal type :                             | <b>Routine</b>                            | Community Consultation Period : | <b>14 Days</b> |
| Timeframe to make LEP :                     | <b>6 months</b>                           | Delegation :                    | <b>RPA</b>     |
| Public Authority Consultation - 56(2) (d) : | <b>Office of Environment and Heritage</b> |                                 |                |

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 Resolution of Council - Conservation Area Mapping.pdf | Proposal          | Yes       |
| Planning Proposal - Report to Council - Conservation Area Mapping.pdf   | Proposal          | Yes       |
| Planning Proposal - Conservation Area Mapping.pdf                       | Proposal          | Yes       |
| PLANNING PROPOSAL - INFORMATION CHECKLIST.docx                          | Study             | Yes       |

**Planning Team Recommendation**

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

S.117 directions: **2.3 Heritage Conservation**

Additional Information : **It is recommended that:**

- 1. The planning proposal be supported;**
- 2. The planning proposal be considered low impact and exhibited for a period of no less than 14 days;**
- 3. During exhibition, Council seek comment from Office of Environment and Heritage;**
- 4. Council provides relevant LEP maps showing existing and proposed HCA boundaries.**
- 5. A public hearing is not required;**
- 6. The planning proposal is to be finalised within 6 months from the date of the gateway determination.**
- 7. Manly Council be granted delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal.**

Supporting Reasons : **Council has completed background analysis to confirm that the amended boundaries are consistent with established subdivision patterns as well as the siting and streetscape context of existing buildings in the HCAs.**

**The planning proposal is not inconsistent with any Section 117 Directions or State Environmental Planning Policies.**

**The planning proposal is not inconsistent with the aims of A Plan for Growing Sydney and will not limit any sub-regional strategy.**

Signature:



Printed Name:

Tim Archer

Date:

2<sup>nd</sup> June 2015