

Manly LEP 2013 - Draft Amendment No.1

Proposal Title : **Manly LEP 2013 - Draft Amendment No.1**

Proposal Summary : **The purpose of this planning proposal is to amend the Manly Local Environmental Plan (LEP) 2013 to rezone 34, 36 and 38 Stuart Street, Manly to Zone E4 - Environmental Living and to amend respective land reservation acquisition, floor space ratio, height of buildings and minimum lot size mapped controls to assist in the management of Council's local open space.**

PP Number : **PP_2013_MANLY_001_00** Dop File No : **13/06387**

Planning Team Recommendation

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

S.117 directions : **2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.3 Home Occupations
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
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

- 1. The Planning Proposal is exhibited for 28 days.**
- 2. The Planning Proposal should be completed within 9 months of the Gateway Determination.**
- 3. Council proposes to progress the Planning Proposal under delegation. This matter is considered to be of local significance and the use of Council's delegation is supported.**
- 4. The Planning Proposal be amended prior to exhibition to include:**
 - a) 'The purpose of this Planning Proposal is to amend Manly Local Environmental Plan 2013 to rezone 34, 36 and 38 Stuart Street, Manly to Zone E4 Environmental Living and associated land reservation, floor space ratio, height of buildings and minimum lot size planning controls to reflect Manly Council's local strategic and operational outcomes', in Part 1 - Objectives section of the Planning Proposal.**
 - b) Reference to the 'Zoning Map to rezone land at 34, 36 and 38 Stuart Street from RE1 Public Recreation to Zone E4 Environment Protection' in Part 2 - Explanation of Provisions section of the Planning Proposal be amended to refer to 'Zone E4 Environmental Living' rather than 'Zone E4 Environmental Protection'.**
- 5. Inconsistencies with Section 117 Directions 4.1 - Acid Sulphate Soils and 6.2 - Reserving Land for Public Purposes are considered to be of minor significance and the Director General's approval to proceed under this Direction is granted. No further consideration of Section 117 Directions is required.**
- 6. Consult with Government agencies: Office of Environmental Heritage.**
- 7. No further studies are required to be undertaken.**

Supporting Reasons : The Planning Proposal aims to rezone land at 34, 36 and 38 Stuart Street, Manly from Zone RE1 Public Recreation to Zone E4 Environmental Living and amend corresponding planning controls on the Land Reservation Acquisition Map, Floor Space Ratio Map, Height of Buildings Map and Minimum Lot Size Map. The Planning Proposal is of local significance and Council's view that this is the most efficient way to achieve its strategic and operational outcomes for the land is accepted.

Panel Recommendation

Recommendation Date : **18-Apr-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update Part 1 – 'Objectives' within the planning proposal to include a concise statement setting out the intended outcome of the planning proposal. It is to include a plain English explanation of what the proposed amendment intends to achieve.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to correctly reference the name of the E4 Zone, being 'E4 Environmental Living' rather than 'E4 Environmental Protection'.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (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 & Infrastructure 2012).
4. Consultation is required with the Office of Environment and Heritage (OEH) under section 56(2)(d) of the EP&A Act. OEH is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMAN

Date:

19/4/2013