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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Planning Operations and Regional Delivery

MANLY GATEWAY DETERMINATION MANLY COUNCIL: PP 2013 MANLY 002 00

The attached draft gateway determination and letter is submitted for the Regional Director's signature, if approved.

Note: Council has requested delegation for the making of this plan. It is recommended Council be issued with plan making delegation.

18.11.13

Contact Officer: Lauren Templeman
Planning Officer
Sydney East Planning Teams
Phone: 02 8575 4112

11/12/2013

**For: Regional Director
Sydney Region East
Planning Operations and Regional Delivery**



Planning & Infrastructure

Contact: Lauren Templeman
Phone: (02) 8575 4112
Email: lauren.templeman@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2013_Manly_002_00 (13/18369)

Mr Henry Wong
General Manager
Manly Council
PO Box 82
MANLY NSW 1655

Dear Mr Wong,

Planning Proposal to amend Manly Local Environmental plan 2013

I am writing in response to your Council's letter dated 21 October 2013, in respect of the planning proposal to rezone 45 Pacific Parade, Manly from SP2 Infrastructure (Childcare Centre) to R1 General Residential.

As delegate of the Minister for Planning and infrastructure, I have determined the planning proposal should proceed subject to the conditions in the attached gateway determination.

In October 2012, the Minister delegated his plan making powers to councils. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within six months of the week following the date of the gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Ms Lauren Templeman of the regional office of the department on 8575 4112.

Yours sincerely


11/12/2013

**For: Regional Director
Sydney Region East**



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Manly Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_Manly_002_00	Planning proposal to rezone 45 Pacific Pde, Manly from SP2 infrastructure (Childcare Centre) to R1 General Residential.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

11/12/2013

**For: Regional Director
Sydney Region East
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**



Gateway Determination

Planning proposal (Department Ref: PP_2013_Manly_002_00): to rezone 45 Pacific Parade, Manly from SP2 Infrastructure (Childcare Centre) to R1 General Residential under Manly Local Environmental Plan 2013.

I, the Regional Director, Sydney Region East at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) that an amendment to the *Manly Local Environmental Plan (LEP) 2013*, which rezones land known as 45 Pacific Parade, Manly from SP2 Infrastructure (Childcare Centre) to R1 General Residential should proceed subject to the following conditions:

1. Community Consultation is required for a period of 14 days under sections 56(2)(c) and 57 of the EP&A Act.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. No further studies are required to be undertaken.
4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway Determination.

RJammie

11/12/2013

**For: Regional Director
Sydney Region East
Planning Operations and Regional
Delivery
Department of Planning and
Infrastructure
Delegate of the Minister for Planning
and Infrastructure**

Manly LEP 2013 - Draft Amendment No. 2 for rezoning of 45 Pacific Pde, Manly

Proposal Title : Manly LEP 2013 - Draft Amendment No. 2 for rezoning of 45 Pacific Pde, Manly

Proposal Summary : To enable a further range of land uses at 45 Pacific Pde Manly, other than the single current permitted land use of a Childcare Centre, by rezoning the site from Zone SP2 Infrastructure (Childcare Centre) to Zone R1 General Residential under Manly LEP 2013.

The subject site is currently being used as Childcare Centre known as "Manly Noah's Ark Child Care Centre". The immediate area surrounding the proposal is characterised by detached residential housing.

The proposed land use Zone R1 General Residential will not restrict the current use of the site as a Childcare Centre or restrict redevelopment of the site as Childcare Centre in the future. The rezoning will allow other land uses, such as a residential dwelling, should the applicant decide to discontinue the existing Childcare Centre.

PP Number : PP_2013_MANLY_002_00

Dop File No : 13/17909

Proposal Details

Date Planning Proposal Received : 24-Oct-2013

LGA covered : Manly

Region : Sydney Region East

RPA : Manly Council

State Electorate : MANLY

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 45 Pacific Parade

Suburb : Manly

City : Sydney

Postcode : 2095

Land Parcel : Lot 1 DP 115643

DoP Planning Officer Contact Details

Contact Name : Lauren Templeman

Contact Number : 0285754112

Contact Email : Lauren.Templeman@planning.nsw.gov.au

RPA Contact Details

Contact Name : Nayeem Islam

Contact Number : 0299761582

Contact Email : Nayeem.islam@manly.gov.au

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North East subregion	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 (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Infrastructure's Code of Conduct has been complied with. Sydney Region East has not met with or communicated with any lobbyist in relation to this planning proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting Notes :	DELEGATION On 21 October 2013, Manly Council requested delegation to progress the making of this planning proposal seeking to amend Manly LEP 2013. Delegation is to be given to Council to exercise the Minister's plan making powers.
External Supporting Notes :	The planning proposal is site specific and seeks to correct an anomaly associated with the current zoning of the subject site as SP2 Infrastructure (Childcare Centre). The proposal has little strategic consequence for the objectives of the Metropolitan Plan for Sydney 2036, Draft North East Sub-Regional Strategy and the Manly Community Strategic Plan.

Adequacy Assessment

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

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

Comment : **To enable land uses at 45 Pacific Pde, Manly other than the single current permitted land use of a childcare centre, by rezoning the site from Zone SP2 Infrastructure (Childcare Centre) to Zone R1 General Residential under Manly LEP 2013. Future land uses are to be compatible and in keeping with the surrounding residential area.**

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

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

Comment : **The objectives of the planning proposal will be achieved by amending the Manly LEP 2013 land use zoning of 45 Pacific Parade, Manly from Zone SP2 Infrastructure (Childcare Centre) to Zone R1 General Residential.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP (Building Sustainability Index: BASIX) 2004

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

The rezoning is sought on the basis that the landuse 'childcare' is not "infrastructure" as defined under SEPP (Infrastructure) 2007. The LEP Practice Note - Zoning for Infrastructure in LEPS (ref. 10-001 14/12/10) relies on the categories of land use types identified in the SEPP (Infrastructure) 2007 when referring to infrastructure. "Childcare centres" are not one of the 25 categories of land use identified by the SEPP.

Further, the transfer of the site from Zone SP2 Infrastructure (Childcare Centre) to Zone R1 General Residential in Manly LEP 2013 is consistent with the above Practice Note which recommends rezoning existing "special use" zones in the Standard Instrument LEP to the adjacent zone. In this case, the adjacent land is zoned R1 General Residential and child care centres remain a permissible landuse in this zone.

SEPP No 32 - Urban Consolidation

In line with Clause 6 of the SEPP- Identification of Land for Urban Consolidation, the proposal makes the subject site available for housing which is consistent with the surrounding landuse. The site is ideally located for housing being located near public transport, employment opportunities, educational facilities provided for at Manly town centre. It is also adequately served by existing water and sewerage infrastructure.

SEPP 55 - Remediation of Land

Previous uses of the subject site include residential, education and public worship. There is no evidence of contamination and therefore no action is required under SEPP 55.

SEPP (BASIX) 2004

The proposal makes possible sustainable residential development in line with the aims and objectives of SEPP (BASIX).

In accordance with the aims and objectives of this SEPP, the proposal will provide the opportunity for future residential development.

The proposal is consistent with the following S.117 Directions:

3.1 Residential Zones - the proposal potentially increases the supply of housing in the local area by a single dwelling house. The site is well serviced by existing infrastructure, including transport, water and sewerage, and is close to employment opportunities.

3.4 Integrating land and transport - the subject site is well served by existing transport services.

6.3 Site Specific Provisions - the planning proposal removes an inappropriate and restrictive zone and replaces it with one consistent with the adjacent use while still permitting the use of the site for a child care centre.

7.1 Implementation of Metropolitan Plan for Sydney 2036 - the proposal is consistent

with Metropolitan Plan by introducing a zoning that will enable the subject site to contribute toward relevant housing and or employment targets.

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 : **Maps showing 45 Pacific Pde, Manly "current" and 45 Pacific Pde, Manly "future"**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes that the proposal be exhibited for a period of 28 days. Consultation is to be commenced by giving notice of the proposal in the local newspaper, on the Council website and in writing to adjoining landowners.**

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 :

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning proposal :	The planning proposal to rezone the subject site is the best means of achieving intended outcomes. The proposed R1 General Residential Zone will provide a more flexible zoning consistent with the adjacent residential landuse.
Consistency with strategic planning framework :	The proposal is consistent with relevant Metropolitan, regional and sub-regional strategies by introducing a zoning that will enable the subject site to contribute toward relevant housing and or employment targets.
	Manly's Community Strategic Plan beyond 2023 aims to provide for the needs of children and address current pressure on social infrastructure particularly associated with the demand for schooling and childcare. The current proposal does not seek to change the current use of the site as a childcare centre and is therefore consistent with the Community Strategic Plan. It aims to introduce a more flexible zoning consistent with the adjacent landuse.
Environmental social economic impacts :	The planning proposal has no immediate environmental impact. The site is not affected by natural hazards such as land slip, flooding or bushfire hazard. The planning proposal has no immediate social or economic impact as no change of use or redevelopment of the site is proposed.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

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 : **The site has convenient access to public transport. Bus services are located in close proximity to the site.**

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
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 be considered as routine and exhibited for 14 days;**
- 2. no consultation with State agencies is required;**
- 3. a public hearing is not required;**

4. no further studies are required to be undertaken;

5. the timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

6. Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of Council's delegation is supported.

Supporting Reasons :

The planning proposal is site specific and seeks to correct an anomaly associated with the current zoning of the subject site as SP2 Infrastructure (Childcare Centre). The proposal has little strategic consequence for the objectives of the Metropolitan Plan for Sydney 2036, Draft North East Sub-Regional Strategy and the Manly Community Strategic Plan.

Signature:



Printed Name:

Tim Archer

Date:

11/12/13