



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

15/07402

Dear Mr Wong

Planning proposal to amend Manly Local Environmental Plan 2013.

I refer to your Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) in respect of the planning proposal to amend the *Manly Local Environmental Plan 2013*. The proposed amendment seeks to insert a new clause in Part 6 – Additional Local Provisions, to ensure that applicants for licensed premises consider noise impacts on nearby residential accommodation.

As a delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has accepted this delegation. 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 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to the Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment 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 EP&A Act if the time frames outlined in this determination are not met.

If you have any further enquiries about this matter, please contact Lauren Templeman on telephone number (02) 8575 4112.

Yours sincerely


Lee Mulvey
Director, Metropolitan Services (CBD)
Planning Services

'28/5/15

Gateway Determination

Planning proposal (Department Ref: PP_2015_MANLY_001_00): to amend Manly Local Environmental Plan 2013 (Manly LEP 2013) to insert a new clause in Part 6 – Additional Local Provisions, to ensure that applicants for licensed premises consider noise impacts on nearby residential accommodation.

I, the Director, Metropolitan Delivery (CBD) at the Department Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Manly Local Environmental Plan (LEP) 2013 should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 (former Department of Planning & Infrastructure 2013)*.
2. Consultation is required under section 56(2)(d) of the Act with Transport for NSW – Roads and Maritime Services and NSW Trade and Investment – Office of Liquor, Gaming and Racing. Each authority is to be given at least 21 days to comment on the proposal.
3. Prior to public exhibition, Council is required to update the planning proposal to outline how the planning proposal and subsequent development applications would operate with the provisions of:
 - the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, in relation to land/water interface development; and
 - the *Liquor Act 2007* and associated regulations.

Council should demonstrate why the planning proposal is the best means of achieving Councils intended outcomes, in the context of existing legislation and recent Land and Environment Court judgements relating to Manly Wharf, and whether there are other options available outside of the LEP to deal with this matter.

4. Council is required to include a map in the planning proposal that shows Foreshore and Waterways Areas under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, where Manly Council is the consent authority for land/water interface development.
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).



Planning & Environment

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

Dated *28th* day of *May* 2015.

A handwritten signature in blue ink, appearing to be "Lee".

**Director, Metropolitan Delivery (CBD)
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Manly Council is authorised to exercise the functions of the Minister for Planning 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_2015_MANLY_001_00	Planning proposal to insert a new clause in Part 6 – Additional Local Provisions, to ensure that applicants for licensed premises consider noise impacts on nearby residential accommodation.

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*".

Dated *28 May* 2015

**Director, Metropolitan Delivery (CBD)
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning**

Attachment 5 – Delegated plan making reporting template

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2015_MANLY_001_00
Date Sent to Department under s56	29/04/2015
Date considered at LEP Review Panel	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: