

Planning proposal to resolve a deferred matter known as the Royal Far West site, and fix minor mapping and administrative errors (Amendment No. 3)

Proposal Title :	Planning proposal to resolve a deferred matter known as the Royal Far West site, and fix minor mapping and administrative errors (Amendment No. 3)		
Proposal Summary :	The planning proposal seeks to amend Manly Local Environmental Plan 2013 (MLEP 2013) by resolving a deferred matter at the site identified as Royal Far West, and correct mapping anomalies and drafting errors.		
PP Number :	PP_2014_MANLY_001_00	Dop File No :	14/06619

Proposal Details

Date Planning Proposal Received :	08-May-2014	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 :	14 Wentworth Street		
Suburb :	Manly	City :	Sydney
Postcode :	2095		
Land Parcel :	Lot 4 DP 65707		
Street :	16-22 Wentworth Street		
Suburb :	Manly	City :	Sydney
Postcode :	2095		
Land Parcel :	Lot 1 DP 72699, Lot 1 DP 72969, Lot 1 DP 979703, Lot 1 DP 223468, Lot 2 DP 223468, Lot 1 DP 435023, Lot 2587 DP 752038, Lot 1 DP 1093126, Lot 2 DP 1093126, Lot 12 DP 1096038		
Street :	16 South Steyne		
Suburb :	Manly	City :	Sydney
Postcode :	2095		
Land Parcel :	Lot 1 DP 1091717		
Street :	19 - 21 South Steyne		
Suburb :	Manly	City :	Sydney
Postcode :	2095		
Land Parcel :	Lot PTC DP 369972		
Street :	4 - 16 Whistler Street		
Suburb :	Manly	City :	Sydney
Postcode :	2095		
Land Parcel :	Lot 3 DP 549603, Lot 1 DP 68097, Lot 12 DP 88385, Lot 1 DP 232595, Lot 1 DP 903169, Lot 2 DP 585060, Lot 1 DP 585060, Lot 1 DP 653606		
Street :	2 Market Lane		
Suburb :	Manly	City :	Sydney
Postcode :	2095		
Land Parcel :	Lot 2849 DP 822227		

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Street : **85 - 91 Gurney Crescent**
Suburb : **Seaforth** City : **Sydney** Postcode : **2092**
Land Parcel : **Lot 39 DP11214, Lot 40 DP 11214, Lot 41 DP 11214, Lot 42 DP 11214**
Street : **Whistler Street (corner of Raglan Street)**
Suburb : **Manly** City : **Sydney** Postcode : **2095**
Land Parcel : **Lot 118 DP 65387, Lot A DP 72628, Lot 1 DP 88267, Lot A DP 88176, Lot 1 DP 64528**

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		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) :	46
Gross Floor Area :	0	No of Jobs Created :	650

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

If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment :

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Supporting notes

Internal Supporting Notes :

DELEGATION OF PLAN MAKING FUNCTIONS

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. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions. Delegation is considered appropriate.

External Supporting Notes :

ROYAL FAR WEST SITE - 14-22 Wentworth Street and 16, 19-21 South Steyne, Manly

The site is owned by the Royal Far West Charity and a portion is owned by the Department of Education and Communities.

The former Manly Local Environmental Plan 1988 (MLEP 1988) zoned the site as No. 5 Special Uses. The draft Manly Local Environmental Plan 2011 (draft MLEP 2011) proposed zoning was B2 Local Centre. The draft MLEP 2011 was exhibited from 30 April 2012 and 29 June 2012. During the exhibition period, three submissions were received in relation to the site. All submissions opposed to the proposed B2 zoning.

A post-exhibition Council report considered the submissions and recommended Council support the proposed B2 zoning. On 16 July 2012, Council resolved to apply the exhibited draft MLEP 2011 controls for the site, which included the B2 zoning, a floor space ratio (FSR) of 3:1 and 2.5:1 and various height standards ranging between 10m - 25m.

At the time of the draft MLEP 2011, the site was subject to a Part 3A concept plan application. The State Member for Manly and Council requested that the site be deferred from MLEP 2013 until the Planning Assessment Commission (PAC) determined the application. The Minister agreed to defer the zoning of the site from MLEP 2013 until the PAC made a determination and to allow appropriate consultation to zone the site.

On 18 April 2013, the PAC determined the application for a mixed use development with a maximum height of 8 storeys (25m) and floor space ratio (FSR) of 3:1. Any development proposal relating to the Concept Plan will be subject to the conditions of approval imposed by the PAC and will not be impacted by the planning proposal.

Council are seeking to adopt the exhibited draft MLEP 2011 development standards for the site, in order to allow assessment of any future development applications (DAs) not related to the concept plan.

Council supports this planning proposal for the following reasons:

- the deferred matter status of the Royal Far West site has been resolved at a Council meeting;
- the development standards for the Royal Far West site were exhibited as part of the draft MLEP 2011; and
- the mapping and administration amendments are considered minor and are necessary to correct errors.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objectives of the planning proposal are to:

- resolve a deferred matter for the Royal Far West site, by adopting the development standards as exhibited within draft MLEP 2011 in 2012;
- amend a mapping error on the FSR map for the Whistler Street car park and library site by applying a FSR control of 3:1;

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- correct the foreshore zoning boundary from RE1 Public Recreation to E3 Environmental Management for properties located at 85 - 91 Gurney Crescent, Seaforth;
- include land classified as Class 2 on the acid sulfate soils and land slide risk maps, as exhibited in draft MLEP 2011;
- amend a heritage item number to ensure correct heritage identification; and
- amend a wording error for clause 4.6(8)(cb) to reflect the intent of the exhibited draft MLEP 2011 which refers to development standards at St Patricks Estate.

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

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

Comment : **1. Royal Far West site - 14-22 Wentworth Street and 16, 19-21 South Steyne, Manly**

The planning proposal will amend the MLEP 2013 in the following way:

- amend the land zoning map from DM Deferred Matter to B2 Local Centre as exhibited in draft MLEP 2011;
- amend the height of buildings map from DM Deferred Matter to various heights ranging between 10m and 25m as exhibited in draft MLEP 2011; and
- amend the FSR map from DM Deferred Matter to a FSR of 3:1 and 2.5:1 as exhibited in draft MLEP 2011.

On 3 March 2014, Council resolved to apply the development standards as exhibited in draft MLEP 2011 for the site. The proposed controls will allow Council to assess future DAs for the site that are not related to the Part 3A concept plan application determined by the PAC on 18 April 2013.

2. Mapping error - Whistler Street car park and library site, 4-16 Whistler Street and 2 Market Place, Manly

The planning proposal will amend the MLEP 2013 by including a FSR of 3:1 on the FSR map for the site. The site does not currently have an FSR control because it was inadvertently omitted when translating the FSR controls from Manly development control plan 1989 (MDCP 1989) to MLEP 2013. Council have stated the height controls contained in MDCP 1989 for the site were successfully translated to MLEP 2013, however the FSR control was omitted in error. Applying a FSR of 3:1 will provide consistency across the Manly Town Centre.

3. Mapping error - Foreshore zoning boundaries at 85-91 Gurney Crescent, Seaforth

The planning proposal will amend the MLEP 2013 by amending the land zoning map from RE1 Public Recreation to E3 Environmental Living for a portion of the sites (along the foreshore). The proposed amendment is to correct the foreshore zoning boundaries for the following properties:

- 85 Gurney Crescent, Seaforth (Lot 39 DP 11214);
- 87 Gurney Crescent, Seaforth (Lot 40 DP 11214);
- 89 Gurney Crescent, Seaforth (Lot 41 DP 11214); and
- 91 Gurney Crescent, Seaforth (Lot 42 DP 11214).

The proposed amendment is necessary because the RE1 zone should not apply to privately owned properties listed above.

4. Mapping error - Acid Sulphate Soils and Land Slide Risk maps

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The planning proposal will amend the MLEP 2013 by reinstating land classified as 'Class 2' on the acid sulphate soils and land slide risk maps. The 'Class 2' identification was correctly exhibited in the draft MLEP 2011 however inadvertently omitted from MLEP 2013. The display of 'Class 2' land is a requirement of the standard instrument LEP.

5. Mapping error - heritage item

The planning proposal will amend MLEP 2013 heritage map HER_005 for land labelled as I31, located at Whistler Street (corner of Raglan Street), Manly. The proposed amendment is to correct the heritage reference from I31 to I254 for the following lots:

- Lot 118 DP 65387;
- Lot A DP 72628;
- Lot 1 DP 88267;
- Lot A DP 88176; and
- Lot 1 DP 64528.

The draft MLEP 2011 correctly identified the heritage item, however it was incorrectly labelled in MLEP 2013.

6. Wording error - clause 4.6(8)(cb)

The planning proposal will amend MLEP 2013 to reword clause 4.6(8)(cb) from "a development standard on land to which Part 6 applies," to "a development standard on land to which clause 6.19 applies." Clause 6.19 refers to development standards in St Patrick's Estate.

Council state the amendment is necessary because in the exhibited draft MLEP 2011, clause 4.6(8)(cb) included reference to "Part 7," where Part 7 were the development standards for St Patrick's Estate. During the final LEP drafting stages, "Part 7" was incorporated into Part 6 Additional Local Provisions of MLEP 2013, forming the clause 6.19 Development in St Patrick's Estate.

Therefore, the current clause 4.6(8)(cb) is incorrect and should not apply to the whole of Part 6 of MLEP 2013. It should only apply to clause 6.19 Development in St Patrick's Estate.

The proposed amendment will reflect Council's intentions of the draft MLEP 2011.

The explanation of provisions is considered adequate.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified? **N/A**

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

The planning proposal did not specifically refer to any relevant section 117 directions or State Environmental Planning Policies (SEPPs).

1. Section 117 direction - 6.2 Reserving Land for Public Purposes

This direction is applicable in that a planning proposal must not alter an existing zone for public purposes without approval of the Director General. The planning proposal proposes to rezone a portion of foreshore land located at 85-91 Gurney Crescent, Seaforth. Council confirm the RE1 Public Recreation zoning should not apply to

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privately owned properties and that it has no intention of purchasing the land. Therefore, the planning proposal will correct a mapping error by rezoning the land to E3 Environmental Management which is consistent with the remaining portion of the properties at 85-91 Gurney Crescent, Seaforth.

The Department considers the proposed rezoning is appropriate.

The Department has reviewed the proposed amendments and considers there are no inconsistencies with any other relevant section 117 directions and SEPPs.

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 the following mapping at a large scale:

- existing and proposed land zoning maps for the Royal Far West site and 85-91 Gurney Crescent, Seaforth;
- existing and proposed FSR maps for the Royal Far West site and the Whistler Street car park and library site; and
- an existing and proposed height of building map for the Royal Far West site.

An amendment to heritage map (HER_005) will be required.

Council will need to prepare the above amending maps in accordance with the Standard Technical Requirements for LEP maps.

The acid sulfate soils and landslide risk maps exhibited in the draft MLEP 2011 will be the amending maps for the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment :

COMMUNITY CONSULTATION

Council proposes no community consultation for this planning proposal. Council has stated:

- the proposed development controls for the Royal Far West site and amendment to the acid sulfate soil maps have already been exhibited in the draft MLEP 2011 between 30 April 2012 and 29 June 2012;
- it is not anticipated extensive consultation will be required due to the minor mapping error for the Whistler Street car park and Library site, and 85-91 Gurney Crescent, Seaforth; and
- the label correction to the heritage item and wording amendment to clause 4.6(8)(cb) are minor drafting errors.

The Department acknowledges the amendments are to correct mapping anomalies, drafting errors and resolve a deferred matter. However, it is noted the exhibition of the draft MLEP 2011 was two years ago. In addition, in March 2013, the Minister notified Council, the State Member and the Royal Far West Charity that once the PAC made a decision, an appropriate consultation process will be undertaken to zone the Royal Far West site.

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Given the above, the planning proposal is considered low impact under the Department's 'Guide to Preparing Local Environmental Plans.' A minimum exhibition period of 14 days is recommended at the gateway determination. An updated 'Project Timeline' to reflect community consultation is necessary prior to public exhibition of the planning proposal.

PROJECT TIMELINE

Council's estimated project timeline for completion of the plan is July 2014. The Department considers a 6 month project timeline for completion is adequate.

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 2013**

Comments in relation to Principal LEP :

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

Assessment Criteria

Need for planning proposal :

There is a need for this planning proposal as it will:

- defer the Royal Far West site and enable assessment of future DAs not subject to the Part 3A concept plan;
- achieve the intended outcome of transferring FSR controls for the Whistler Street car park and library site;
- apply the correct zoning to privately owned land at 85-91 Gurney Crescent, Seaforth;
- amend an error of the omission of 'Class 2' land on the acid sulfate soils and landslide risk maps;
- correct a heritage item label; and
- amend a wording error in clause 4.6(8)(cb) to reflect the intention of the draft MLEP 2011.

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Consistency with strategic planning framework :

The planning proposal is consistent with the Metropolitan Plan for Sydney 2036, draft Metropolitan Strategy for Sydney 2031 and draft North East Subregional Strategy. In particular, by removing the deferred status for the Royal Far West site it would potentially provide employment and housing opportunities in Manly local government area and the subregion.

The planning proposal states the proposed development standards for the Royal Far West site were considered consistent with Council's strategies when the draft MLEP 2011 was exhibited.

The amendments to address mapping anomalies and drafting errors are to correct identified errors and have no significant strategic implications.

Environmental social economic impacts :

No known critical habitat, threatened species, populations, ecological communities or their habitats would be adversely affected by the planning proposal.

Assessment Process

Proposal type : **Minor** 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 :

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter.pdf	Proposal Covering Letter	Yes
Maps.pdf	Map	Yes
Council report and resolution.pdf	Proposal	Yes
Manly LEP 2013 Planning Proposal - Amendment 3.docx	Proposal	Yes

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Information checklist and Attachment 4 - Delegations for plan making.pdf

Proposal

No

Planning Team Recommendation

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

S.117 directions:

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

1. The planning proposal be considered as low impact and exhibited for a minimum period of 14 days.
2. The planning proposal timeline to be updated to reflect a community consultation period of 14 days prior to exhibition.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required.
5. Council will need to prepare amending maps in accordance with the Standard Technical Requirements for LEP maps. Amending maps that are required include:
 - land zoning;
 - floor space ratio;
 - height of buildings;
 - acid sulfate soils maps and landslide risk; and
 - heritage.

The proposed maps are to be included in the public exhibition material of the planning proposal.

6. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.

7. The planning proposal is to be completed within 6 months from the week following the date of the Gateway determination.

Supporting Reasons : **The planning proposal should be approved for the following reasons:**

- it removes the deferred status of the Royal Far West site from MLEP 2013;
- it responds to the need to correct the mapping and drafting errors when translating the exhibited draft MLEP 2011 into MLEP 2013;
- it reflects Council's intention of applying appropriate development controls; and
- 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.

Signature:



Printed Name:

Tim Archer

Date:

10/6/14

