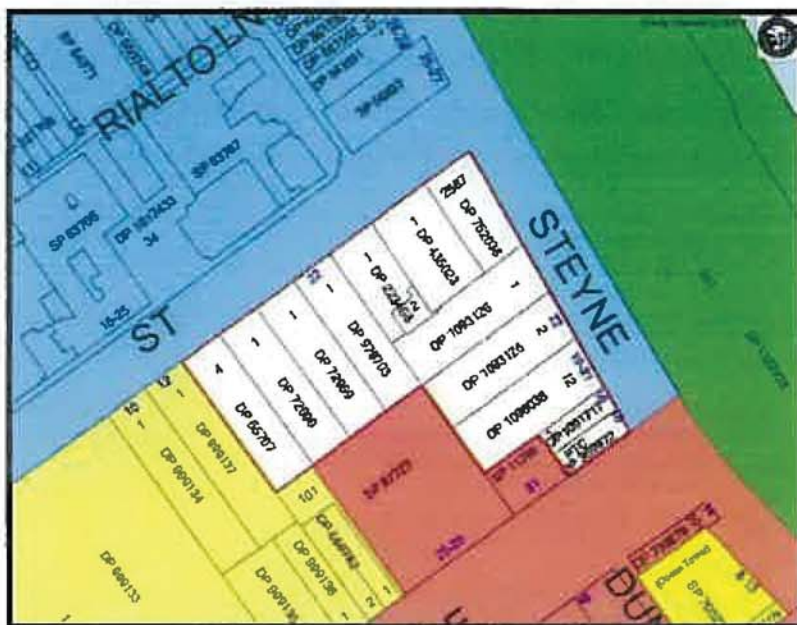


SUMMARY

REPORT

1. Deferred Matter 'Royal Far West'



The site was subject to a Part 3A assessment. As such, the Department of Planning and Infrastructure decided to defer the matter in the Manly LEP 2013 until the Planning Assessment Commission (PAC) had made a recommendation on the site in regards to the 'Concept Plan' – the subject of the Part 3A assessment.

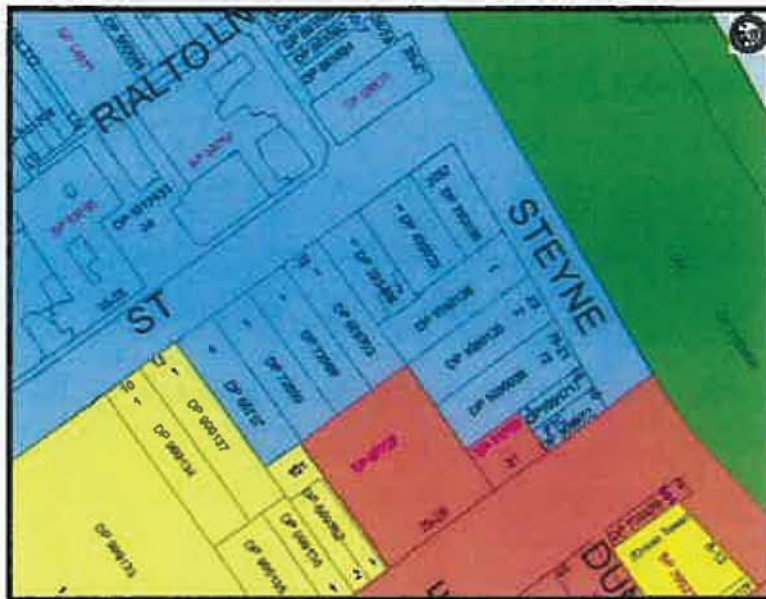
Environmental Services Division Report No. 3 (Cont'd)

The PAC made a recommendation for determination of the Concept Plan on 18 April 2013.

Any development proposal submitted that relates to the 'Concept Plan' will be subject to the conditions imposed by the PAC, with those conditions superseding LEP development standards for that development proposal only.

This report seeks to adopt the exhibited Draft Manly LEP 2011 development standards, as resolved at its Ordinary Meeting in 16 July 2012. This will allow Council to accordingly assess any future development proposals for the site.

Once the Manly LEP 2013 is amended, any development proposals not related to the 'Concept Plan' will be subject to the development standards of the LEP.



**Figure 2 – Draft Manly 2011 Land use zoning
– Zone B2 Local Centre**

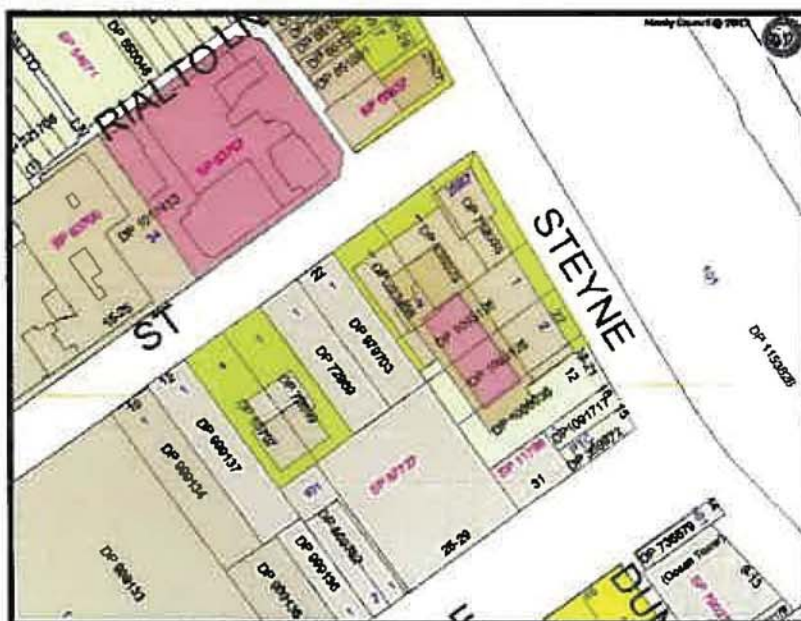


Figure 3 – Draft Manly 2011 Height of Buildings – Various

Environmental Services Division Report No. 3 (Cont'd)



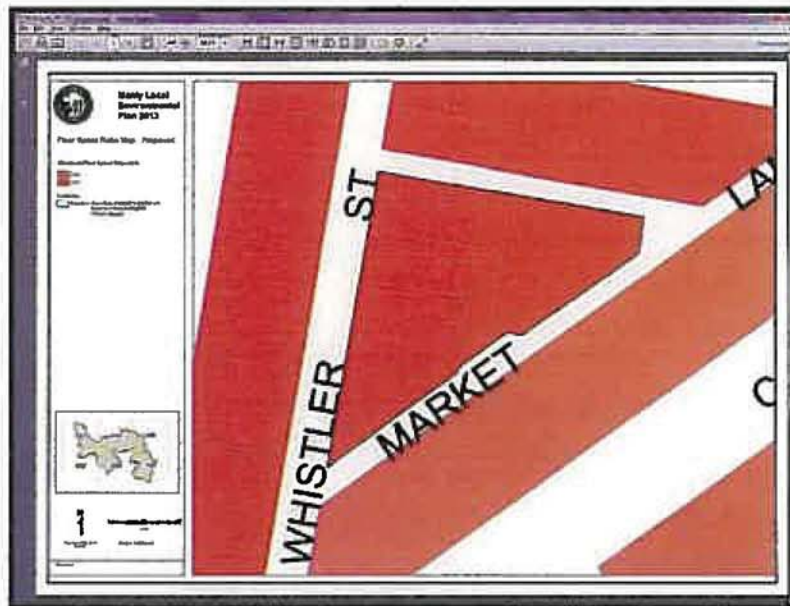
Figure 4 – Draft Manly 2011 Floor Space Ratio
– '3.00' (dark red) and '2.5' (lighter red)

2. Mapping error – amendment to Floor Space Ratio Map at 'Whistler Street and Market Lane'



Figure 5 – Current Manly LEP 2013
Floor Space Ratio Map

Environmental Services Division Report No. 3 (Cont'd)



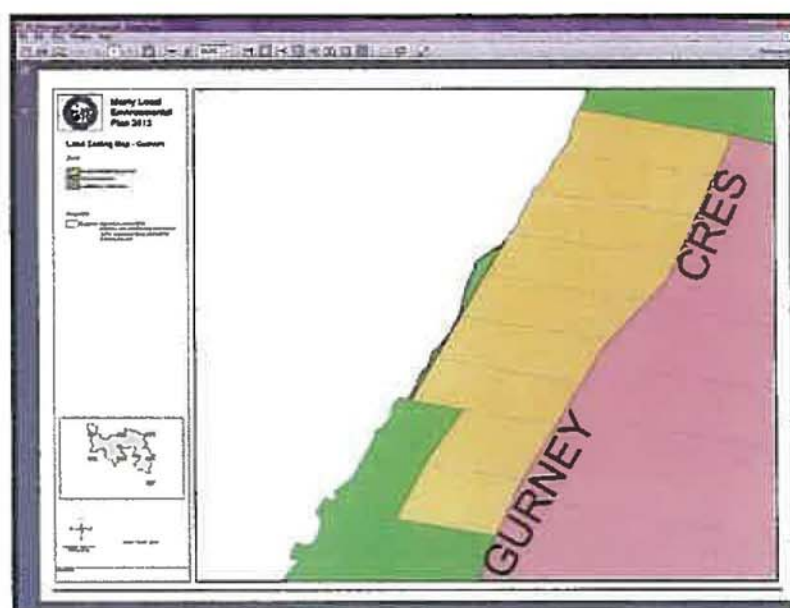
**Figure 6 – Proposed Manly LEP 2013
Floor Space Ratio Map**

While the Height of Buildings control was mapped on to the site from the Business Zone DCP, the FSR standard for the site was omitted in error.

3. Mapping error – amendment to Land Use Zoning Map at 39-42 Gurney Crescent

The Manly LEP 2013 Land Use Zoning Map is in error in regards to the land at 39-42 Gurney Crescent.

The Manly LEP 2013 Land Use Zoning Map needs to be amended to correct the foreshore zoning boundaries of 39 - 42 Gurney Crescent such that the Zone RE1 Public Recreation is omitted from these privately owned properties. All the land at 39-42 Gurney Crescent should be Zone E3 – Environmental Management.



**Figure 7 – Current Manly LEP 2013
Land Use Zoning showing land as both E3 (yellow) and RE1 (green).**

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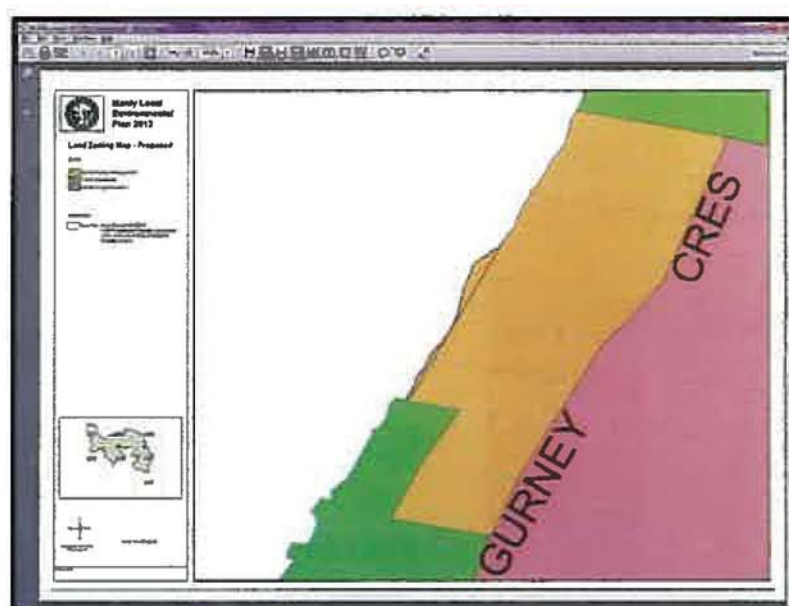


Figure 8 – Proposed Manly LEP 2013 Land Use Zoning showing all land as E3 (yellow).

4. Mapping error – amendment to Acid Sulphate Soils map.

This proposed amendment reinstates land classified as 'Class 2' omitted from Manly LEP 2013. This was omitted in error:

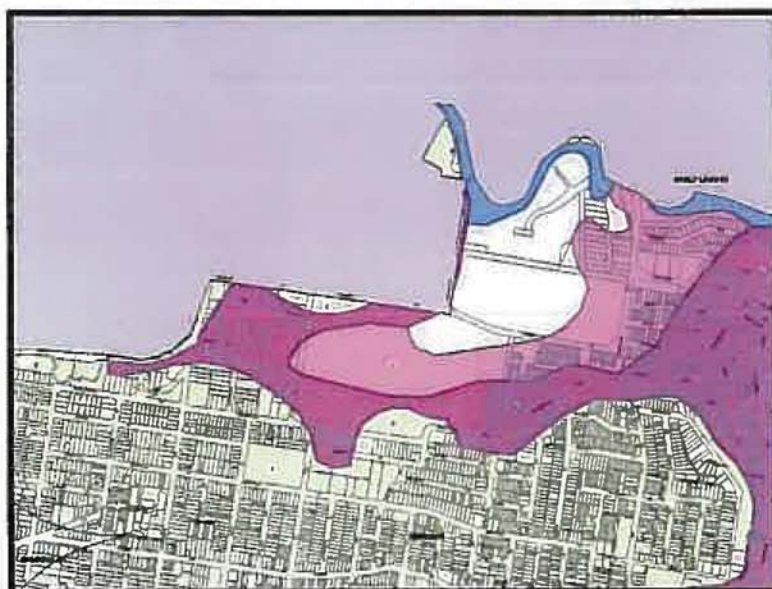
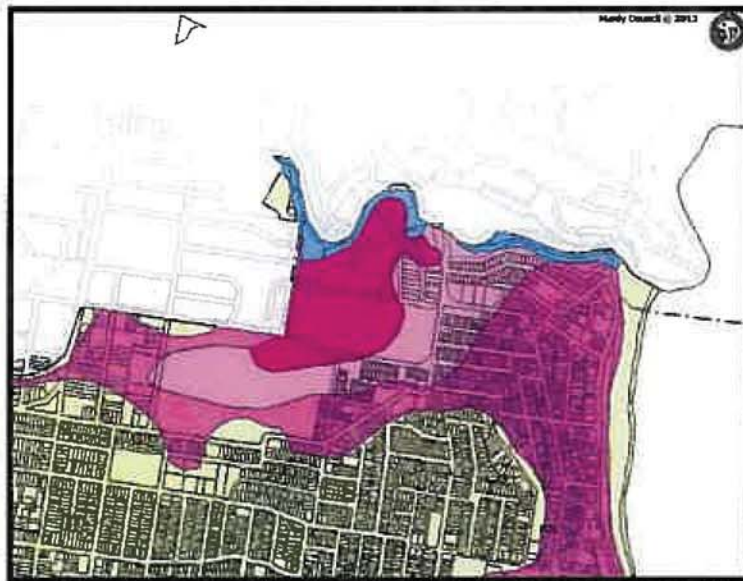


Figure 9 – Current Manly LEP 2013 Acid Sulphate Soils map. White area shows no acid sulphate soils. This is omitted in error.

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**Figure 10 – Corrected Manly LEP 2013 Acid Sulphate Soils Map
(insertion of Class 2 - dark pink area)**

5. Mapping error – amendment to Heritage map - incorrect label number of heritage item.

St Mary's church is incorrectly labelled "I31" on Heritage Map Grid 005 of the Manly LEP 2013. This needs to be amended. Its correct label is "I254".

6. Wording error – amendment to Clause 4.6 'Exceptions to Development Standards'.

Clause 4.6 details how a development proposal can vary any development standards that are set out by the LEP (e.g. FSR and Height of Building) and the strict criteria that must be satisfied to vary these.

Clause 4.6 (8) details specific requirements where this does not apply, and development proposals must adhere to development standards set out. Clause 4.6 (8) (cb) states that '*a development standard on land to which Part 6 applies*' of the LEP.

This has been worded incorrectly. It does not reflect the intentions of the exhibited Draft Manly LEP 2011 and Council's resolution to adopt the Draft LEP. In the exhibited Draft LEP the clause read '*a development standard on to which Part 7 applies*' of the LEP, where Part 7 were the development standards for St Patrick's Estate.

During the final drafting stages by Parliamentary Counsel, Part 7 was incorporated into Part 6 of the LEP, forming 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 the LEP. It should only apply to Clause 6.19 'Development in St Patrick's Estate'.

Therefore, Clause 4.8 (8) (cb) should be reworded to state '*a development standard on land to which Clause 6,19 applies*' to reflect the above.

Conclusion

The reason for the deferred matter status of the Royal Far West site has now been resolved. The other mapping and wording amendments are administrative errors. The amendments listed are considered to be minor amendments under Section 73A of the *Environmental Planning and Assessment Act 1979*. This enables Council to submit a planning proposal to the Department of

Environmental Services Division Report No. 3 (Cont'd)

Planning and Infrastructure requesting delegation to amend the LEP accordingly without the need for community consultation.

RECOMMENDATION

THAT Council adopt the planning proposal to amend the Manly LEP 2013 in applying the exhibited development standards for the Royal Far West site and minor mapping errors contained in the report, and that Council submit to the Department of Planning and Infrastructure LEP Gateway Panel for determination and making of the Amending Manly LEP 2013 under delegation.

ATTACHMENTS

There are no attachments for this report.

PS03032014ESD_2.DOC

***** End of Environmental Services Division Report No. 3 *****

Councillor Aird left the Chamber at 8.45pm

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 3

Manly LEP 2013 - Proposed Amendment 3 (MC/14/13474)

SUMMARY

This report details a series of amendments to the Manly LEP 2013 that is not considered to require a public exhibition under the *Environmental Planning and Assessment Act 1979*.

MOTION (Le Surf / Heasman)

THAT Council adopt the planning proposal to amend the Manly LEP 2013 in applying the exhibited development standards for the Royal Far West site and minor mapping errors contained in the report, and that Council submit to the Department of Planning and Infrastructure LEP Gateway Panel for determination and making of the Amending Manly LEP 2013 under delegation.

For the Resolution: Councillors Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay AM

Against the Resolution: Councillors Burns

Clr Aird was out of the Chamber when voting took place.

17/14RESOLVED: (Le Surf / Heasman)

THAT Council adopt the planning proposal to amend the Manly LEP 2013 in applying the exhibited development standards for the Royal Far West site and minor mapping errors contained in the report, and that Council submit to the Department of Planning and Infrastructure LEP Gateway Panel for determination and making of the Amending Manly LEP 2013 under delegation.

Clr Aird returned to the Chamber at 8.50pm

Environmental Services Division Report No. 6

Development Applications Being Processed During March 2014 (MC/14/22364)

SUMMARY

Development Applications being processed during March 2014.

MOTION (Le Surf / J Griffin)

THAT the information be noted.

For the Resolution: Councillors Aird, Burns, Heasman, Bingham, Pickering, Le Surf, J Griffin, C Griffin and Hay AM

Against the Resolution: Nil.

18/14 RESOLVED: (Le Surf / J Griffin)

THAT the information be noted.