



Contact: Nava Sedghi
Phone: (02) 8575 4117
Email: nava.sedghi@planning.nsw.gov.au
Postal: GPO Box 39 SYDNEY NSW 2001

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

Our ref: PP_2014_MANLY_002_00 (14/06619)

Dear Mr Wong,

Planning proposal to amend Manly Local Environmental Plan 2013

I am writing in response to your Council's letter dated 13 May 2014, 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 remove the deferred status of the Sydney Water Fairlight Reservoir site at Fairlight Street (corner Ashely Parade and Fairlight Street), Fairlight in *Manly Local Environmental Plan 2013*.

As delegate of the Minister for Planning, I have determined the planning proposal should proceed subject to the conditions in the attached gateway determination. This supersedes the Gateway determination dated 27 June 2014.

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.

Council is to prepare amending maps in accordance with the Standard Technical Requirements for LEP maps and place these on public exhibition with the planning proposal. Amending maps that are required include:

- land application;
- land zoning;
- lot size;
- floor space ratio;
- height of buildings;
- land reservation acquisition; and
- heritage.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the gateway determination. Council should aim to commence exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to 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 queries in regard to this matter, please contact Ms Nava Sedghi of the Metropolitan Delivery (CBD) branch on 02 8575 4117.

Yours sincerely,


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Growth Planning

30/6/14

Gateway Determination

Planning proposal (Department Ref: PP_2014_MANLY_002_00): to remove the deferred status of the Sydney Water Fairlight Reservoir site at Fairlight Street (corner Ashley Parade and Fairlight Street), Fairlight in Manly Local Environmental Plan 2013.

I, the Director, Metropolitan Delivery (CBD) at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 2013* to remove the deferred status of the Sydney Water Fairlight Reservoir site, should proceed subject to the following conditions:

1. Council is to ensure that the planning proposal satisfies the requirements of *State Environmental Planning Policy 55 – Remediation of Land*. A remediation action plan detailing is to accompany the planning proposal during the public exhibition period.
2. 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 'minor' as described in *A Guide to Preparing LEPs (former Department of Planning & Infrastructure 2013)* and 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 (former Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Water;
 - Telstra;
 - Energy Australia; and
 - Office of Environment and Heritage.

Each public authority is to be provided with a copy of the planning proposal and accompanying assessments and given at least 21 days to comment on the proposal.

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. Council is to prepare amending maps in accordance with the Standard Technical Requirements for LEP maps and place these on public exhibition with the planning proposal. Amending maps that are required include:
 - land application;
 - land zoning;
 - lot size;
 - height of buildings;
 - floor space ratio;
 - land reservation acquisition; and
 - heritage.

6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *30* of *June* 2014.


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Growth Planning
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_2014_MANLY_002_00	Planning proposal to remove the deferred status of the Sydney Water Fairlight Reservoir site, Fairlight Street (corner Ashley Parade and Fairlight Street), Fairlight in Manly Local Environmental Plan 2013.

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

Dated 30th June 2014


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Growth Planning
Department of Planning and Environment