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Our ref: PP_2014_MANLY_003_00 (14/19202)

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

Attention: Nayeem Islam, Manager Land Use

Dear Mr Wong,

Planning proposal to amend Manly Local Environmental Plan 2013

I am writing in response to your Council's letter, dated 11 November 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 Manly Hospital and Dalwood Children's Home sites by rezoning to part SP2 Infrastructure (Health Services Facility) and part E2 Environmental Conservation under Manly Local Environmental Plan 2013.

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

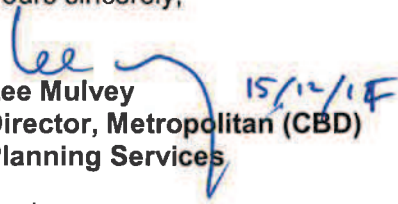
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan (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 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 (CBD) branch on (02) 8575 4117.

Yours sincerely,


Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2014_MANLY_003_00): to remove the deferred status of the Manly Hospital site located at 150 Darley Road, Manly and Dalwood Children's Home site located at 21 Dalwood Avenue, Seaforth by rezoning to part SP2 Infrastructure (Health Services Facility) and part E2 Environmental Conservation under Manly Local Environmental Plan 2013.

I, the Director, Metropolitan (CBD) at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Manly Local Environmental Plan (LEP) 2013 to rezone the Manly Hospital and Dalwood Children's Home sites to part SP2 Infrastructure (Health Services Facility) and part E2 Environmental Conservation should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("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 and Environment 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 (Department of Planning and Environment 2013)*.
2. Prior to public exhibition of the planning proposal, the explanation of provisions is to be updated to reflect the requirement of a development control plan for the Dalwood Children's Home site on the key sites map. In addition, reference to include Manly Hospital as a heritage item under Schedule 5 Environmental Heritage is to be removed.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage – NSW Parks and Wildlife Services;
 - NSW Rural Fire Service; and
 - NSW Ministry of Health.

Consultation is required with the NSW Rural Fire Service prior to undertaking community consultation under section 57 of the EP&A Act.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, 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. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 15th day of December 2014.


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

Delegate of the Minister for Planning



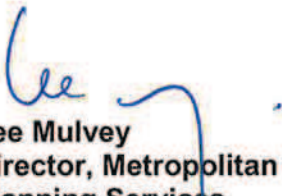
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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_2014_MANLY_003_00	Planning proposal to remove the deferred status of the Manly Hospital site located at 150 Darley Road, Manly and Dalwood Children's Home site located at 21 Dalwood Avenue, Seaforth by rezoning to part SP2 Infrastructure (Health Services Facility) and part E2 Environmental Conservation under Manly Local Environmental Plan 2013.

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

Dated 15th December 2014


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