

Manly LEP 2013 Planning Proposal – Resolution of deferred matters at Manly Hospital and Dalwood Children’s Home.

Part 1 – Objectives of the planning proposal

The objective of the planning proposal is to resolve a deferred matter in the Manly LEP 2013. The deferred matter covers two sites known as ‘Manly Hospital’ and ‘Dalwood Children’s Home’. By resolving the deferred matter, the development standards of the exhibited Draft Manly LEP 2011 will apply to the land.

Part 2 – Explanation of provisions

The proposal is to zone the subject land part E2 – Environmental Conservation, and part SP2 – Health Services Facility, amending the Manly LEP 2013 at sites known as ‘Manly Hospital’ and ‘Dalwood Children’s Home’ to incorporate the exhibited Draft Manly LEP 2011 development standards. These standards include:

- Amending the Manly LEP 2013 Land Application Maps (LAP Maps) for the sites by removing ‘DM – Deferred Matter’ and the red line around the sites, enabling the Manly LEP 2013 to apply to the land.
- Amending the Manly LEP 2013 Land Zoning Maps (LZN Maps) for the sites from ‘DM – Deferred Matter’ to ‘Zone E2 – Environmental Conservation’ and ‘Zone SP2 – Health Services Facility’ as exhibited in the Draft Manly LEP 2011.
- Amending the Manly LEP 2013 Heritage Maps (HER Maps) to show appropriate heritage items on both of the sites.
- Amending the Manly LEP 2013 Acid Sulfate Soils Maps (CL1 Maps) to identify the class of acid sulfate soils applicable to the Dalwood Children’s Home site.
- Amending the Manly LEP 2013 Terrestrial Biodiversity Map (CL2 Maps) to show land as biodiversity areas on both of the sites.
- Amending the Manly LEP 2013 Foreshore Scenic Protection Area Maps (FSP Maps) to show land as foreshore scenic protection areas on both of the sites
- Amending the Manly LEP 2013 Key Sites Map (KYS Maps) to show land at Manly Hospital requiring a Development Control Plan (DCP).
- Amending Schedule 5 of the Manly LEP 2013 to include heritage item I133 “Manly Hospital”

No height of building, floor space ratio, or minimum lot size development standards relate to the subject sites. This is consistent with similarly zoned land in the Manly LEP 2013, across Manly LGA and the Draft Manly LEP 2011.

Part 3 – Justification

The following section address questions set out in Section 2.3(a) of *A Guide to Preparing Planning Proposals* in meeting the objectives of the planning proposals.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The environmental zoning of the land was the result of Council's *Natural Assets Study* (July 2011, prepared by Ecological Australia) to inform zoning in the Draft Manly LEP 2011. This gave Council the evidence based needed to identify land of environmental value within Manly LGA.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the best means of applying development standards under the Manly LEP 2013 and removing the deferred status of the sites.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The proposal will remove the deferred status of the subject sites and allow the exhibited land use and development standards of the Draft Manly LEP 2011 to be applied to the sites. This will better allow the Council in meeting current regional and sub-regional strategies (including the Sydney Metropolitan Strategy and exhibited draft strategies) by applying the Standard Instrument LEP to the sites. This will remove uncertainty with regards to planning controls and development standards that apply to the sites.

4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?

Yes. The planning proposal seeks to reinstate the development standards already exhibited in the Draft Manly LEP 2011 between 30 April 2012 to 29 June 2012. The development standards of the planning proposal were considered consistent with Council's strategies when the Draft Manly LEP 2011 was submitted to the Department (Section 68 submission).

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Council received its Section 65 Certificate to exhibit its draft comprehensive standard instrument LEP – the 'Draft Manly LEP 2011' – on 19 April 2011. The subject sites and their development standards were included in the Draft Manly LEP 2011. The certificate issued from the Department ensured the Draft LEP was consistent with SEPPs, 117 Directions and the Department's drafting guidelines required for the exhibition of the standard instrument LEP.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Council received its Section 65 Certificate to exhibit its draft comprehensive standard instrument LEP – the ‘Draft Manly LEP 2011’ – on 19 April 2011. The subject sites and their development standards were included in the Draft Manly LEP 2011. The certificate issued from the Department ensured the Draft LEP was consistent with SEPPs, 117 Directions and the Department’s drafting guidelines required for the exhibition of the standard instrument LEP.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal

No critical habitat, threatened species, populations, ecological communities or their habitats will be adversely affected as a result of the proposal. Part of the sites are zoned ‘E2 – Environmental Conservation’ to reflect any sensitive ecological issues on that part of the land, as guided by Council’s *Natural Assets Study* (July 2011).

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The sites are already established and the proposed zoning reflects the sites current built and environmental context.

9. Has the planning proposal adequately addressed any social and economic effects?

Yes.

During the exhibition of the Draft Manly LEP 2011, only one submission was received relating to the subject sites. This was from the land owner of both sites, NSW Health, who did not concur with the exhibited development standards for the sites. In light of this submission, Council resolved at its Ordinary Meeting on 16 July 2012 to not amend exhibited development standards in the Draft LEP that related to the sites. Council proceeded to adopt the exhibited development standards for the site, together with the rest of the Draft Manly LEP 2011.

As the land owner, NSW Health, did not concur with the exhibited development standards for the sites, the sites were deemed a ‘deferred matter’ by the then NSW Department of Planning and Infrastructure. The Manly LEP 2013 was published in the NSW Legislation website with subject sites marked as ‘Deferred Matter’.

After numerous discussions with the Department of Planning and Environment and NSW Health, Council finally received a letter from the NSW Health Chief Executive for Northern Sydney dated 21st August 2014. The letter confirms that Northern Sydney Local health District has no objection to the proposed draft zoning for the land as part LEP Zone E2 Environmental Conservation and part SP2 Health Services Facility as indicated on the exhibited maps.

Section D - State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The sites are linked by direct road access and public entrances. The sites are located within already established urban and environmental realms with appropriate public infrastructure and amenities for the sites.

11. What are the view of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant public authorities were consulted as part of the exhibition of the Draft Manly LEP 2011. Council met all consultation requirements with State and Commonwealth public authorities leading to the Section 68 submission.

Council received a letter from the NSW Health Chief Executive for Northern Sydney dated 21st August 2014. The letter confirms that Northern Sydney Local health District has no objection to the proposed draft zoning for the land as part LEP Zone E2 Environmental Conservation and part SP2 Health Services Facility.

Part 4 – Mapping

There are a total of twenty (24) maps in regards to this planning proposal.

Resolution of Deferred Matter at Manly Hospital Site.

- Six 'Current' maps including a Land Application Map, Land Use Zoning Map, Heritage Map, Terrestrial Biodiversity Map, Foreshore Scenic Protection Area and Key Sites Maps and
- Six 'Proposed' maps including a Land Application Map, Land Use Zoning Map, Heritage Map, Terrestrial Biodiversity Map, Foreshore Scenic Protection Area and Key Sites Maps.

Resolution of Deferred Matter at Dalwood Children's Home Site

- Six 'Current' maps including a Land Application Map, Land Use Zoning Map, Heritage Map, Terrestrial Biodiversity Map, Foreshore Scenic Protection Area, and Acid Sulfate Soils Map, and
- Six 'Proposed' maps including a Land Application Map, Land Use Zoning Map, Heritage Map, Terrestrial Biodiversity Map, Foreshore Scenic Protection Area, and Acid Sulfate Soils Map,

Part 5 – Community Consultation

The proposed development standards were exhibited in line with statutory exhibition requirements for a new comprehensive LEP. The exhibition took place between 30 April 2012 and 29 June 2012, with State Agencies/Bodies notified of the exhibition. Submissions were considered post exhibition with Council resolving to make the Draft LEP at its Ordinary Meeting 16 July 2012.

As the exhibition of the development standards were exhibited over two years ago, it is considered that the Planning Proposal be re-exhibited to the community due to the length of time since the last exhibition.

Part 6 – Project timeline

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion
Anticipated commencement date (date of Gateway determination)	November 2014.
Anticipated timeframe for the completion of required technical information	None anticipated – already completed for Draft Manly LEP 2011
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	None anticipated – already completed during Draft Manly LEP 2011 exhibition.
Public exhibition period	November/December 2014 (14 days)
Timeframe for consideration of submissions	January 2015.
Date of submission to the department to finalise the LEP	February 2015.
Anticipated date RPA (Manly Council) will make the plan (if delegated)	February 2015.
Anticipated date RPA (Manly Council) will forward to the department for notification	February 2015.