

Gateway Determination

Planning proposal (Department Ref: PP-2022-2732): to amend the Manly Local Environmental Plan 2013 and State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 to enable the redevelopment of the subject site as a 'health and wellbeing precinct' while maintaining the ecological and heritage values of the site at 150 Darley Road, Manly.

I, the Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that amendments to the Manly Local Environmental Plan 2013 and State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 to enable the redevelopment of the subject site as a 'health and wellbeing precinct' while maintaining the ecological and heritage values of the site at 150 Darley Road, Manly should proceed subject to the following:

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act.

The LEP should be completed on or before 30 April 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to:
 - (a) Resolve outstanding issues relating to the planning principles, particularly in relation to the location of the APZ and local heritage items.
 - (b) Undertake a heritage assessment against Assessing Heritage Significance (June 2023) to determine what items meet the threshold for local heritage significance.
 - (c) Update a bushfire assessment report to ensure an appropriate and justified balance between protecting the site from bushfire risk and protecting the EEC communities on site.
 - (d) Update the Concept Master Plan to include:
 - i. indicative built form modelling, demonstrating the maximum building heights and gross floor areas of the proposed development on site. Consideration should also be given to the impact the built form will have on adjacent properties.
 - ii. Proposed concept land use mix, including demonstrate that no single land use exceeds 50% of the Gross Floor Area of the overall development.
 - (e) Remove references to 'strategic foreshore site' from the assessment of SEPP (Biodiversity and Conversation) 2021.
2. Prior to formal community consultation, consultation is required with the following public authorities:

- (a) NSW Department of Climate Change, Energy, the Environment and Water (DCCEEWS)
- (b) NSW Rural Fire Service (RFS).

The comments from DCCEEWS and RFS, regarding the location of the asset protection zone, are to be integrated into the planning proposal.

3. Prior to exhibition, the planning proposal is to be amended to be consistent with Conditions 1 and 2 of this Gateway and then is forwarded to the Minister under s 3.34(6) of the Act.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
5. Formal consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW National Parks & Wildlife Services
 - NSW Department of Climate Change, Energy, the Environment and Water
 - NSW Rural Fire Service
 - Transport for NSW
 - Environmental Protection Authority
 - Endeavour Energy
 - Sydney Water
 - State Emergency Services
 - NSW Department of Education
 - NSW Health

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).

Dated 2 May 2024

A handwritten signature in black ink, appearing to read 'Tom Kearney', with a stylized, cursive script.

Tom Kearney
Executive Director
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces