

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2018\_NBEAC\_002\_00):** to amend Schedule 2 of Manly Local Environmental Plan 2013 to include 'outdoor areas of Community Land for commercial purposes' as Exempt Development, subject to the use being in keeping with the requirements of the relevant Plan of Management authorised under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993.


I, the Director, Sydney Region East, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Manly Local Environmental Plan (LEP) 2013 should proceed subject to the following conditions:

1. Prior to community consultation, the Planning Proposal is to be updated to:
  - (a) demonstrate consistency with the Greater Sydney Regional Plan and Revised North District Plan; and
  - (b) update the Planning Proposal to refer to the new numbering in the Act.
2. Community consultation is required under section 3.34(2)(c) and Schedule 1 clause 4 of the Act as follows:
  - (a) the Planning Proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
  - (b) the Planning Proposal authority must comply with the notice requirements for exhibition of Planning Proposal and the specifications for material that must be made publicly along with Planning Proposal as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016)
3. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act:
  - Roads and Maritime Services;
  - Environmental Protection Agency;
  - Office of Environment and Heritage; and
  - Department of Primary Industries – Crown Lands Division.

Each public authority/organisation 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 this matter by any person or body under section 3.34(2)(e) of the *Environmental Planning and Assessment Act 1979*. 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 Planning Proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - a. the Planning Proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the Planning Proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 3rd day of May 2018.



**Amanda Harvey**  
Director, Sydney Region East  
Planning Services  
Department of Planning and Environment

**Delegate of the Greater Sydney Commission**