

Introduced by Dr P A C Macdonald, MP

First print



New South Wales

Manly Cove Development Control Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide that development in Manly Cove (such as development on or in the vicinity of Manly Wharf) will be subject to the Manly Council's *Development Control Policy for Manly Cove*. That document makes detailed provision for planning controls in respect of development both above and below the high water mark in Manly Cove.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence 3 months after the date of assent, unless commenced sooner by proclamation.

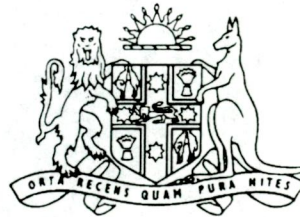
Clause 3 defines certain terms for the purposes of the proposed Act.

Clause 4 provides that the proposed Act applies to development within, or partly within, Manly Cove.

Clause 5 provides that development in Manly Cove cannot be consented to unless it is consistent with the aims and objectives of the Manly Cove DCP, and unless the development complies with the planning requirements set out in that document.

Clause 6 provides that the local government area of Manly is taken to include Manly Cove.

Clause 7 provides that the proposed Act has effect despite any other Act or any environmental planning instrument.

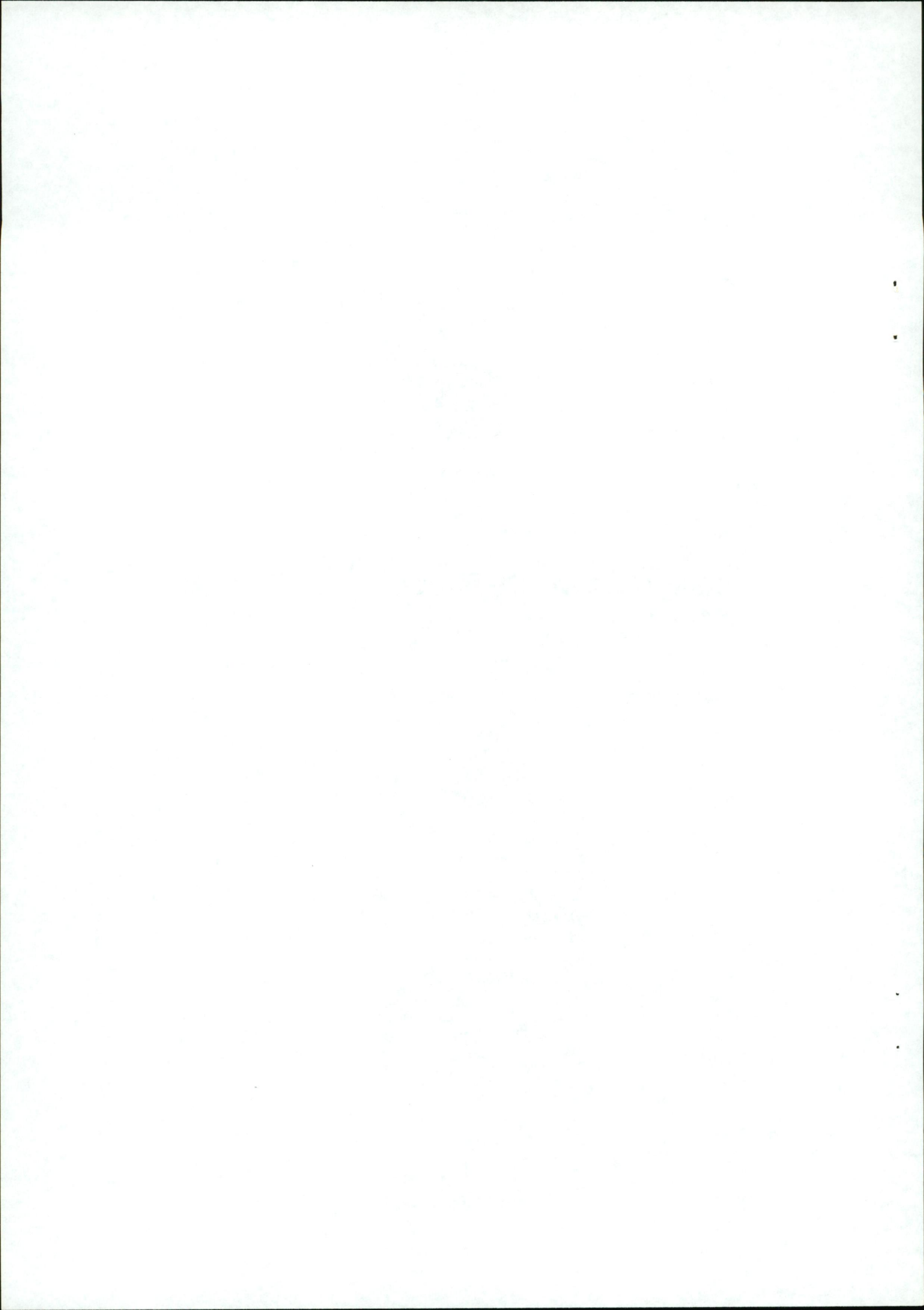


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New South Wales

Manly Cove Development Control Bill 1997

No. , 1997

A Bill for

An Act relating to development controls in Manly Cove.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Manly Cove Development Control Act 1997*.

2 Commencement

This Act commences 3 months after the date of assent, unless 5
commenced sooner by proclamation.

3 Definitions

In this Act:

consent authority has the same meaning as in the *Environmental 10
Planning and Assessment Act 1979*.

development has the same meaning as in the *Environmental
Planning and Assessment Act 1979*.

Manly Cove means the area to which the Manly Cove DCP
applies (being the area above and below the high water mark 15
between Commonwealth Parade, West Esplanade and East
Esplanade, Manly, and a line drawn from the southwestern end of
East Esplanade reserve to the southern-most point of
Commonwealth Parade).

Manly Cove DCP means the document entitled *Development
Control Policy for Manly Cove*, adopted by Manly Council on 2 20
September 1996 and as in force from time to time.

4 Application of Act

This Act applies to development within, or partly within, Manly
Cove.

5 Development in Manly Cove subject to Manly Cove DCP 25

A consent authority must not grant consent under the
Environmental Planning and Assessment Act 1979 to an
application to carry out development to which this Act applies
unless the consent authority is satisfied that the proposed
development: 30

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- (a) is consistent with the aims and objectives of the Manly Cove DCP, and
 - (b) would, if the consent were granted, comply with those requirements of the Manly Cove DCP that are, in the opinion of the consent authority, relevant to the development.

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6 Area of Manly includes Manly Cove

Manly Cove is, for the purposes of any Act or law, taken to be within the local government area of Manly.

7 Operation of Act

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This Act has effect despite the provisions of any other Act or any environmental planning instrument.

