

# ATTACHMENT BOOKLET 3

**ORDINARY COUNCIL MEETING**

**TUESDAY 28 SEPTEMBER 2021**

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Item No	Subject
13.5	<b>OUTCOMES OF PUBLIC EXHIBITION OF DRAFT AMENDMENTS TO THE LITTLE MANLY COASTLINE MANAGEMENT PLAN 2004</b>
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Proposed amendments to Little Manly Coastline Management Plan to add 40 Stuart Street, Manly

	Page No. (PDF)	Page no. of 225-page document	Section no.	Proposed changes
	1	Cover		Add 'Amended on <b>date of adoption</b> by Council'
Support Document	45	14	4.2	Change <i>Local Government (General) Regulation '1999'</i> to '2005'
Support Document	45	14	4.2	<p>Add as 3rd dot point: 'Description: Land at 34 Stuart Street part of Little Manly Reserve. Area: 1130.7m<sup>2</sup> Owner: Northern Beaches Council Title: Lot 8 DP 1108368 &amp; Lot 9 DP1108368 Categorisation: Not yet categorised'</p> <p>Add as 4th dot point: 'Description: Land at 36 Stuart Street part of Little Manly Reserve. Area: 472.1 m<sup>2</sup> Owner: Northern Beaches Council Title: Lot 1 DP 252420 Categorisation: Not yet categorised'</p> <p>Add as 5<sup>th</sup> dot point: 'Description: Land at 40 Stuart Street which is intended to comprise part of Little Manly Reserve. Area: 369.9m<sup>2</sup> Owner: Northern Beaches Council Title: Lot 3 DP 252420 Categorisation: Park'</p>

	Page No. (PDF)	Page no. of 225-page document	Section no.	Proposed changes
				Add as 8th dot point: 'Description: Land grassed area of Little Manly Reserve adjacent to Lot 1 DP 304765. Also the beach area in front of this land. Area: 1087 m <sup>2</sup> Owner: Northern Beaches Council Title: Lot 1 DP 1159168 Categorisation: Not yet categorised'
Support Document	46	15	4.3	Remove reference to 34 and 36 Stuart Street as being operational land.
Support Document	47	16	4.4.1	Add as 6 <sup>th</sup> dot point: 'Lease of house number 40 Stuart Street from Council to private occupants'
Support Document	47	16	4.4.3	Add as 2 <sup>nd</sup> dot point: 'Lease of house number 40 Stuart Street from Council to private occupants for residential purposes until the dwelling is demolished to incorporate the land as open space into Little Manly Reserve.'
Support Document	109	78	6.14.2	Remove reference to 34 and 36 Stuart Street as being operational land.
Appendices	118		Appendix 2	Little Manly Cove Land Ownership map: Update map to reflect current ownership status of the following land parcels: Lot 3 DP 252420 (40 Stuart Street) Lot 8 DP 1108368 & Lot 9 DP1108368 (34 Stuart Street) Lot 1 DP 252420 (36 Stuart Street) Lot 1 DP 1159168





	Page No. (PDF)	Page no. of 225-page document	Section no.	Proposed changes
Appendices	141		Appendix 5	Little Manly Cove Community Land Categorisation map: Update 40 Stuart Street in light green as Park.

Document administration	
Version	2.1
Date	21 July 2021
Status	Draft

# PUBLIC HEARING AND SUBMISSIONS REPORT FOR PROPOSED CATEGORISATION OF 40 STUART STREET, MANLY

FINAL REPORT

31 AUGUST 2021



NORTHERN BEACHES COUNCIL

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PUBLIC HEARING AND SUBMISSIONS  
REPORT FOR PROPOSED  
CATEGORISATION OF  
40 STUART STREET, MANLY

---

FINAL REPORT

31 AUGUST 2021

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**DIRECTOR: Sandy Hoy**

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# 1 INTRODUCTION

## 1.1 Purpose of this report

The purpose of this report is to convey to Northern Beaches Council the submissions made in relation to a public hearing held on Thursday 12 August 2021 regarding the proposed categorisation of a parcel of community land at 40 Stuart Street in Manly as Park.

This report has been prepared under Section 40A of the *Local Government Act 1993*.

## 1.2 Background to the public hearing

The former Manly Council purchased 40 Stuart Street in Manly in 2012 to add the land to Little Manly Beach Reserve.

The Little Manly Reserves Landscape Masterplan was adopted by Northern Beaches Council on 26 November 2019. The Masterplan proposes demolishing the dwelling at 40 Stuart Street, and incorporating the land into Little Manly Beach Reserve as open space.

From 28 October to 1 December 2020 Council notified the community and issued a public notice about a proposal to reclassify the Council-owned land at 40 Stuart Street from operational land to community land under the *Local Government Act 1993*. 89% of the 65 submissions received were in favour of the reclassification of 40 Stuart Street from operational to community land. On 23 February 2021 Council resolved to reclassify 40 Stuart Street from operational to community land.

Community land is required to be categorised under the Local Government Act. It is proposed to categorise 40 Stuart Street in Manly as Park, consistent with the guidelines for categorisation as Park in Clause 104 of the *Local Government (General) Regulation 2005*, and the core objectives for the Park category in Section 36G of the Local Government Act, in order to facilitate the use of the land for public recreation.

Community land is also required to be subject to a Plan of Management prepared under the Local Government Act. The *Little Manly Coastline Management Plan 2004* will be amended to include 40 Stuart Street in Manly.

Council is required to place on public exhibition and receive submissions for a minimum period of 42 days a proposed amendment to the *Little Manly Coastline Management Plan 2004* to include 40 Stuart Street in Manly (Lot 3 DP 252420) as community land. Council is also required to hold a public hearing in respect of the proposed categorisation of 40 Stuart Street as Park and that amendment to the *Little Manly Coastline Management Plan 2004*.

Council has placed the proposed amendments to the *Little Manly Coastline Management Plan 2004* on public exhibition from Wednesday 7 July to Wednesday 18 August 2021.

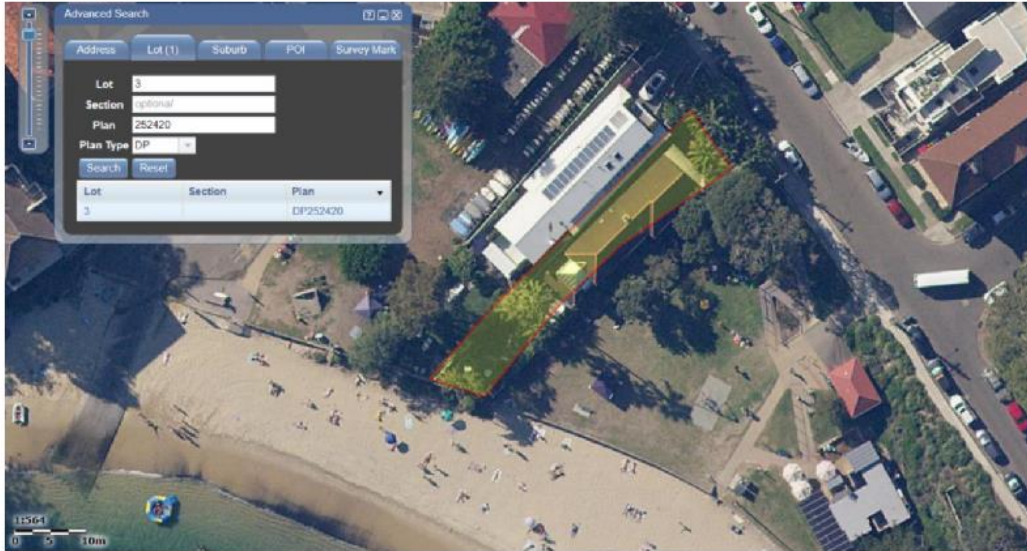
A public hearing is required under Section 40A of the *Local Government Act 1993* to receive community submissions about categorising community land. Under the Act the public hearing must be chaired by an independent facilitator.



### 1.3 Land covered by this report

The locational context of Lot 3 DP 252420 at 40 Stuart Street in Manly is in Figure 1.

Figure 1 Location of 40 Stuart Street in Manly



The subject land is owned by Northern Beaches Council as shown in Figure 2.

Figure 2 Ownership of the subject land



## 1.4 This report

The remainder of this report presents the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and categorisation of community land, and submissions regarding the proposed categorisation of 40 Stuart Street in Manly. The submissions comprise verbal submissions made at the public hearing held on 12 August 2021, and written submissions received by Council between Wednesday 7 July and Wednesday 18 August 2021.



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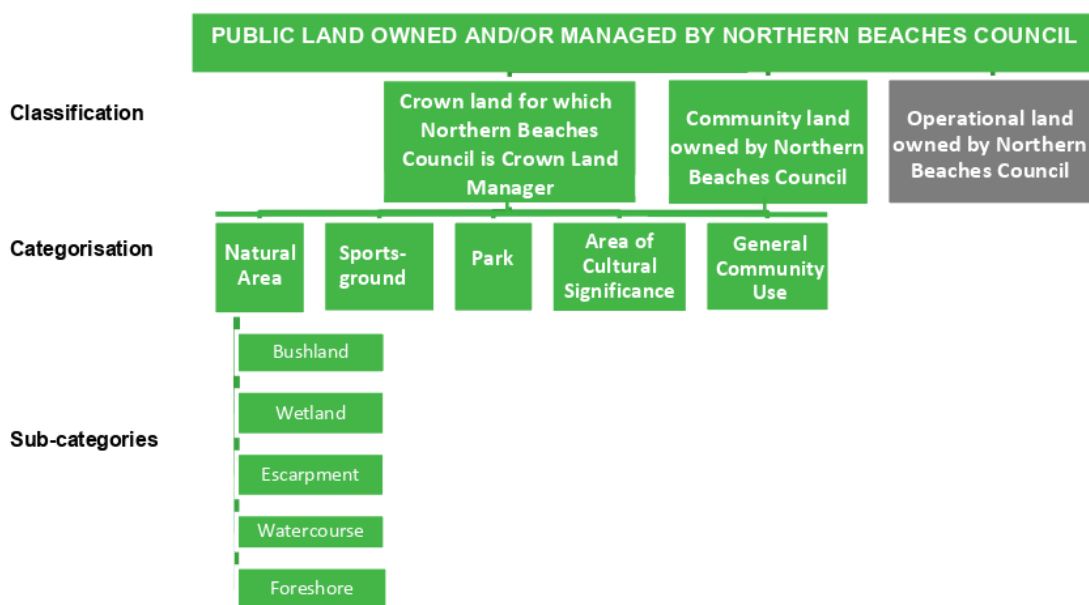
## 2 PLANNING CONTEXT

### 2.1 What is community and Crown land?

The *Local Government Act 1993* sets out a range of requirements for the management of public land that Northern Beaches Council is legally bound to adhere to.

The Local Government Act requires that all public land owned by Council must be classified as 'community' or 'operational' land (Section 26). 40 Stuart Street in Manly (Lot 3 DP 252420) is community land owned by Northern Beaches Council.

Figure 3 Classification and categorisation of community land



Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council such as those that it may want to restrict public access to (for example a works depot), may be used for commercial purposes, be leased for a longer period of time, and can be sold.

### 2.2 What are the categories of community land?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised.

As shown in Figure 3, community land may be categorised as one or more of the following under Section 36(4):

- ☐ a natural area.
- ☐ a sportsground.
- ☐ a park.
- ☐ an area of cultural significance.
- ☐ general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- ☐ bushland.
- ☐ wetland.
- ☐ escarpment.
- ☐ watercourse.
- ☐ foreshore.
- ☐ a category prescribed by the regulations.

## 2.3 What are the guidelines for categorising community land?

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2005*.

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:

*"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."*

*Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."*

## 2.4 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the Local Government Act. The core objectives outline the approach to management of the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the *Local Government Act 1993*.

## 2.5 Guidelines and core objectives for categories of community land considered for 40 Stuart Street, Manly

The guidelines and core objectives for the Park category and other categories which could be considered for 40 Stuart Street in Manly are in Table 1.

Table 1 Guidelines and core objectives for categories of community land considered for 40 Stuart Street

Category	Guidelines <sup>1</sup>	Core objectives <sup>2</sup>
Park	Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> <li>- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and</li> <li>- provide for passive recreational activities or pastimes and for the casual playing of games, and</li> <li>- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</li> </ul>
Sports-ground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<ul style="list-style-type: none"> <li>- encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games, and</li> <li>- ensure that such activities are managed having regard to any adverse impact on nearby residences.</li> </ul>
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> <li>- promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to: <ul style="list-style-type: none"> <li>- public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.</li> <li>- purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</li> </ul> </li> </ul>
Natural Area	If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.	<ul style="list-style-type: none"> <li>- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area.</li> <li>- maintain the land, or that feature or habitat, in its natural state and setting.</li> <li>- provide for the restoration and regeneration of the land.</li> <li>- provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.</li> <li>- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.</li> </ul>

Category	Guidelines <sup>1</sup>	Core objectives <sup>2</sup>
<b>Under Section 36(5) of the Act, Natural Areas are required to be further categorised as bushland, wetland, escarpment, watercourse or foreshore based on the dominant character of the natural area.</b>		
Natural Area – Foreshore	Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.	<ul style="list-style-type: none"> <li>- maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area</li> <li>- facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use</li> </ul>
1	<i>Local Government (General) Regulation 2005</i>	
2	<i>Local Government Act 1993</i>	

## 2.6 Plans of Management for community land

Council must prepare a Plan of Management for community land (Section 36(1)).

Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).

Among the requirements of the Local Government Act for the contents of a Plan of Management for community land are:

- ☐ categorisation of the land
- ☐ core objectives for management of the land.

## 2.7 Public hearings

### 2.7.1 Why hold a public hearing?

A public hearing is required under Section 40A of the *Local Government Act 1993* if:

- ☐ a Plan of Management proposes to categorise (that is, the Plan has not been previously been prepared and adopted by Council, or has not categorised community land) the public land covered by the Plan of Management
- ☐ a Plan of Management proposes to re-categorise (changing the adopted category) the public land covered by the Plan of Management

*Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.*

### 2.7.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed categorisation of community land.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing.

- b) A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

### 2.7.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than four days after it has received the final report from the person presiding at the public hearing.

The public hearing report will be presented to Council for its information when it considers adopting the proposed amendments to the *Little Manly Coastline Management Plan 2004*, and the proposed categorisation of 40 Stuart Street in Manly as Park.

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## 3 PROPOSED CATEGORISATION OF 40 STUART STREET, MANLY

### 3.1 Site features

The subject land at 40 Stuart Street in Manly is shown in Figure 4.

Figure 4 Site photos of 40 Stuart Street in Manly



View south-east from Stuart Street



View north-west from Little Manly Beach Reserve





View south-west from Little Manly Beach Reserve



View north-east from Little Manly Beach

### 3.2 Current and proposed categorisation of the subject lots

40 Stuart Street in Manly (Lot 3 DP 252420) has not yet been formally categorised under the *Local Government Act 1993*.

Council proposes to categorise the subject land as Park, which would be consistent with the Little Manly Beach Reserve Masterplan showing incorporation of 40 Stuart Street into Little Manly Beach Reserve as open space, as shown in Figure 5.



Figure 5 Little Manly Beach Reserve Masterplan



Council believes the Park category best fits the proposal to demolish the dwelling on 40 Stuart Street and incorporate the land into Little Manly Beach Reserve as open space.

The Park category as it is proposed to apply to 40 Stuart Street, Manly is shown in Figure 6.

Figure 6 Proposed categorisation of 40 Stuart Street, Manly (Lot 3 DP 252420)



The proposed categorisation of 40 Stuart Street in Manly as Park requires amendments to the *Little Manly Coastline Management Plan 2004* which were placed on public exhibition from Wednesday 7 July to Wednesday 18 August 2021.



## 4 THE PUBLIC HEARING

### 4.1 Advertising and notification

#### 4.1.1 Public notification and exhibition requirements

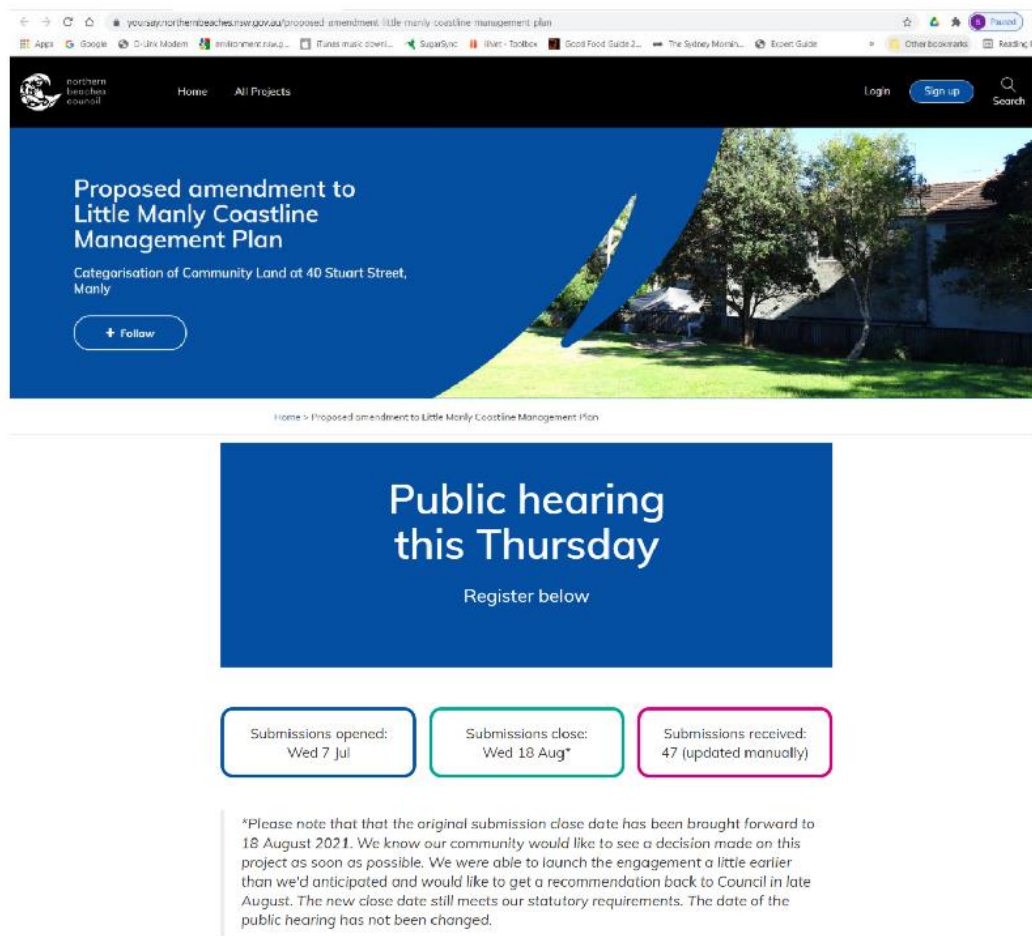
Section 38 of the *Local Government Act 1993* states that Councils must give “public notice” of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

#### 4.1.2 Online notification

Council notified the community of the online public hearing on its website <https://yoursay.northernbeaches.nsw.gov.au/proposed-amendment-little-manly-coastline-management-plan> from Wednesday 7 July to Wednesday 18 August 2021. The project page on Council’s website is shown in Figure 7.

A background information document explaining the proposed categorisation and the public hearing, and an online submission form, were also provided on the project page.

Figure 7 Public hearing information on Council’s website



The screenshot shows the website page for the proposed amendment to the Little Manly Coastline Management Plan. The page features a blue header with the council logo and navigation links. The main content area has a blue background with white text and a photograph of a coastal property. A large blue box with white text announces the public hearing on Thursday and includes a 'Register below' link. Below this, three boxes provide submission details: 'Submissions opened: Wed 7 Jul', 'Submissions close: Wed 18 Aug\*', and 'Submissions received: 47 (updated manually)'. A footnote at the bottom explains the change in the submission close date.

Proposed amendment to  
Little Manly Coastline  
Management Plan  
Categorisation of Community Land at 40 Stuart Street,  
Manly

+ Follow

Home > Proposed amendment to Little Manly Coastline Management Plan

Public hearing  
this Thursday

Register below

Submissions opened:  
Wed 7 Jul

Submissions close:  
Wed 18 Aug\*

Submissions received:  
47 (updated manually)

\*Please note that that the original submission close date has been brought forward to 18 August 2021. We know our community would like to see a decision made on this project as soon as possible. We were able to launch the engagement a little earlier than we'd anticipated and would like to get a recommendation back to Council in late August. The new close date still meets our statutory requirements. The date of the public hearing has not been changed.

PUBLIC HEARING AND SUBMISSIONS REPORT FOR PROPOSED CATEGORISATION OF COMMUNITY LAND  
AT 40 STUART STREET, MANLY  
PARKLAND PLANNERS

### Next step toward returning land to open space

We are **proposing to amend the Little Manly Coastline Management Plan 2004** to include and categorise the Community Land at 40 Stuart Street, Manly as Park.

Our aim is to return the land to the community as public open space so it can be enjoyed for recreational activities.

Community Land is required to be categorised under the Local Government Act. The Park category has been identified as most appropriate to meet our objectives.

In 2019, following community engagement, an action was included in the Little Manly Reserves Landscape Masterplan that would see the property at 40 Stuart Street demolished and the land incorporated into the adjoining park (Little Manly Reserve). The first step toward this was the reclassification of the land as Community Land earlier this year.

Site plans and further info about the categorisation process can be found below, as well as links to relevant Council documents and resolutions.

[View the proposed amendments to the Little Manly Coastline Management Plan#](#)

# Please note that we have changed the amendments document to reflect the current land classification status of 34 and 36 Stuart Street as being community land not operational land. We have also removed the proposed amendments relating to actions to acquire 40 Stuart Street, there is no need to make those amendments because Council has since acquired the land.

If you have any questions about this, please contact Russell Jenkins on 8495 5220 or by email on [Russell.Jenkins@northernbeaches.nsw.gov.au](mailto:Russell.Jenkins@northernbeaches.nsw.gov.au)

#### How to have your say

There are several ways to have your say:

1. Register to attend an online public hearing session on Thursday 12 August 2021 from 6 to 7.30pm. Bookings are essential for this session.
2. Complete the submission form below.
3. Email us at [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au).
4. Write to us marked 'Proposed amendment to Little Manly Coastline Management Plan' to Northern Beaches Council, PO Box 82 Manly NSW 1555.

Submissions now closing Wednesday 18 August 2021 at 5pm.

[Register for the online public hearing](#)

#### Background information

Scroll through the image slider for site plans and categorisation information. You can also read the full background information document by clicking the button below.



[View the background information document](#)

#### Links

- [Little Manly Coastline Management Plan 2004](#)
- [Council Minutes - 23 February 2021 \(Item 13.3\) - Reclassification of Council Land at 40 Stuart Street, Manly](#)
- [Reclassification of Council Land - 40 Stuart Street, Manly](#)
- [Council minutes - 26 Nov 2019 \(Item 13.1\) - Little Manly Reserves Landscape Masterplan](#)
- [Little Manly Reserves Landscape Masterplan Your Say project page](#)

### Submission form

Open

Do you agree with the proposal to categorise the Community Land at 40 Stuart Street, Manly as Park? (Please explain why or why not in your submission below) Required

- ☐ Yes  
☐ No  
☐ Neutral  
☐ Prefer not to say

Do you support the proposed amendments to the Little Manly Coastline Management Plan? Required

Required

- ☐ Yes  
☐ Yes, with changes  
☐ No  
☐ Prefer not to say

Please share your submission below

Alternatively, you can upload your submission

Choose file...

Allowed file types: pdf, doc, docx, txt, xls, xlsx, rtf, png, gif, jpeg, jpg Size limit: 1.00 MB

First Name

Last Name

Email

The following questions help us understand if we've made engagement accessible and inclusive.

Postcode

You have 4 characters left


Gender


Year of Birth


☐ Please tick this box if you do not wish to receive email updates on this project.

Submit

### Document Library

- 

UPDATED Proposed amendments to Little Manly Coastline Management Plan to add 40 Stuart Street - 21 July 2021  
PDF (178.82 KB)
- 

Public hearing background document - Proposed categorisation of Community Land at 40 Stuart Street, Manly
- 

SUPERSEDED Proposed amendments to Little Manly Coastline Management Plan 2004  
PDF (195.34 KB)

### Have an enquiry?

Name Russell Jenkins - Senior Asset Management Officer

Phone 1300 434 434

Email [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

#### 4.1.3 Other notification methods

Council also promoted the public hearing and the invitation to make a submission about the proposed amendments to the Little Manly Coastline Management Plan by:

- ☐ placing signs on-site
- ☐ letterbox drop to parts of Manly 2095 postcode
- ☐ Emailing 237 stakeholders on two occasions
- ☐ Community Engagement (fortnightly) e-newsletter to 20,000 subscribers on 3 occasions
- ☐ Council (weekly) e-news to 150,000 subscribers on two occasions.

#### 4.2 Public hearing arrangements

The public hearing for the proposed categorisation of 40 Stuart Street in Manly was scheduled on Thursday 12 August 2021 from 6:00pm to 7:30pm as an audio-visual conference using Microsoft Teams due to COVID-19 public gathering restrictions.

Community members were able to join the public hearing online or call in by telephone. Registrations prior to the hearing were requested at <https://yoursay.northernbeaches.nsw.gov.au/proposed-amendment-little-manly-coastline-management-plan> before 12 noon on Thursday 12 August 2021.

Community members who registered for the public hearing were invited to submit any comments or questions before the hearing. Seven community members registered to attend the public hearing.

#### 4.3 Attendance at the public hearing

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

Jeremy Smith (Manager, Park Assets – Design and Delivery), Russell Jenkins (Senior Asset Management Officer) and Jacinthe Brosseau (Community Engagement Officer) represented Northern Beaches Council, providing information and answering questions on Council's behalf during the public hearing.

Five community members attended the public hearing online.

#### 4.4 The public hearing

Ms Hoy opened the public hearing at 6:05pm.

Ms Hoy explained the purpose of the public hearing, the legislative basis for categorisation of community land, and the requirement for public hearings, based on the background information document provided online.

Jeremy Smith explained the background to and reasons for Council proposing to categorise 40 Stuart Street as Park:

One of the things that came through community consultation, and what Council resolved to do, was to eventually knock down 40 Stuart Street to expand the park. The house is an



expanded park area which will be turf, some tree planting, and some outdoor park furniture such as picnic tables and benches.

The most obvious category that fits with the description of the land type that we want to achieve in the future is the Park category. Obviously it's not clear Sportsground. Obviously it's not a natural area. The intention is to provide more open space. General Community Use could have been an option. However, we felt that when you look at the core objectives of Park to encourage, promote and facilitate recreation, cultural and educational pastimes and activities they fit more appropriately with what our intention was rather than General Community Use.

The question that the Chair asked people attending the hearing to address is:

**Do you agree or not with the proposal to categorise community land comprising 40 Stuart Street in Manly (Lot 3 DP 252420) as Park? Why or why not?**

The content of submissions which are relevant to the proposed categorisation are outlined in more detail in Section 5 of this report. Other comments and questions were noted but are outside the scope of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 6.45pm.

## 4.5 Submissions

Submissions about the proposed categorisation of 40 Stuart Street in Manly could be made:

- ☐ via the online submission form on Council's Your Say page: <https://yoursay.northernbeaches.nsw.gov.au/proposed-amendment-little-manly-coastline-management-plan> from Wednesday 7 July to Wednesday 18 August 2021
- ☐ verbally at the public hearing on 12 August 2021 by joining the hearing via Microsoft Teams, or by calling in by phone.
- ☐ in writing: 'Proposed amendment to Little Manly Coastline Management Plan' to Northern Beaches Council, PO Box 82 Manly NSW 1655 until Wednesday 18 August 2021.

Five people attended the public hearing, online submissions via Your Say were received from 69 people, and one emailed written submission was received by email by 18 August 2021.

The five people who attended the public hearing also made an online submission via Your Say. One person who attended the public hearing also emailed a written submission. In total, submissions were received from 72 people.



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## 5 CONSIDERATION OF SUBMISSIONS

### 5.1 Introduction

Verbal and written submissions relating to the proposed categorisation of 40 Stuart Street in Manly are set out below, according to:

- ☐ verbal submissions to the public hearing and Council's response
- ☐ written submissions about the proposed categorisation
- ☐ other topics outside the scope of categorisation and the public hearing.

### 5.2 Level of support for proposed categorisation

730 unique visitors visited the Have Your Say project page on average 1.41 times, spending an average of 1:24 minutes online.

Submissions about the proposed categorisation were received from 72 people.

Four people attended the public hearing as well as made an online submission through Your Say. One person attended the public hearing, made an online submission through Your Say, and emailed a submission.

Of the 72 people who made a submission, 90% agreed with the proposed categorisation as Park, 1% are neutral, and 8% disagreed with the proposed categorisation as Park.

Table 2 Level of support for proposed categorisation as Park

	Public hearing	Online Your Say	Email	TOTAL people who made a submission	%
Yes	5*	63	2*	65	90.3%
Neutral	-	-	1	1	1.4%
No	-	6	-	6	8.3%
<b>TOTAL</b>	<b>5*</b>	<b>69</b>	<b>3*</b>	<b>72</b>	<b>100.00%</b>

\*The five people who attended the public hearing also made an online submission via Your Say. One person who attended the public hearing also made an online submission via Your Say and emailed a written submission.

## 5.3 Public hearing submissions

Table 3 Verbal submissions to the public hearing

Submissions		Council response
Support for the Park category		
<b>General support for Park category</b>	Yes, it should be a Park. Let's get on with it.	Noted
	I'm happy for it to be a Park and very supportive and agree that we should get on with it.	Noted
	I totally agree. I think it should be a Park. And let's get on with it.	Noted
	I'd be delighted for 40 Stuart St to be part of the park. Long awaited and very much looking forward to it, it would be wonderful. The category is right. It should be a Park, definitely.	Noted
	I live in the Blue Mountains now, but I used to live just above Little Manly Beach and Addison Road. I have very fond memories of my grandchildren learning to swim there and having family picnics. The more popular the park became, the more the space constraints. I would love it if the park was bigger to allow enough or more families to have those wonderful experiences I had with my family. I'm very much for making it a Park.	Noted
Other questions and comments		
<b>Parking</b>	The only trouble is parking. It's sort of terrible now that everybody knows about Little Manly, but there's nothing much we can do about that.	Noted
<b>Kiosk and toilets at 40 Stuart Street</b>	<p>The masterplan is very nice, but Council "wimped out" on a major move to move the kiosk and toilet out of the middle of the beachfront. It is really a very unsatisfactory arrangement.</p> <p>We will have to leave it for another generation then, because the land is worth \$10,000 or \$30,000 a square metre? In comparison the cost of the infrastructure of a toilet seems to be small.</p>	<p>During the masterplan process Council hired valuers to look at whether Council could demolish the kiosk and turn the existing house at 40 Stuart Street into a café.</p> <p>We found that parking is a concern, and it restricts making an ongoing concern of a larger café/kiosk than that which is in the park. The expense of moving the kiosk, developing a new public toilet, and a new café /restaurant which a lot of people suggested is too much for Council.</p> <p>The prospect of granting consent for a development application for that type of development is low due to the lack of parking. Onsite parking would also be prohibitively expensive, so it isn't feasible.</p>

Submissions	Council response
	<p>We also received a lot of feedback during the masterplan consultation that they like the cafe where it is. Without unanimous support in the community, it is an economic reality of moving the café.</p> <p>The potential value of the land, given it is classified as community land, is very little. Council can't realise the value of the land or leverage off the potential value of the land, so we can't say that we would get the same price based on the sale price of 38 Stuart Street, which sold for \$15 million. The cost of the land would be borne entirely by the ratepayers. The Park categorisation doesn't prohibit that kind of development in the future. We just need to change the plan of management.</p>
<p><b>Starting date for works</b> What was the start date on this?</p>	<p>2022-23. We would ideally start in early July depending on the procurement process. We don't want to be doing demolition in Little Manly over summer.</p>
<p><b>Amendments to the Little Manly Coastline Management Plan</b> Will the references to 34, 36 and 40 Stuart Street be altered to being classified as community land in the new plan of management?</p> <p>What will be the name of the plan? The Little Manly Coastline Plan of Management? Will it be dated 2004 or will it be 2021?</p>	<p>We are changing all the references to 34 and 36 being community land. The second version of the amendments reflecting the correct community land classifications was sent out a couple of weeks ago.</p> <p>The new plan of management will be dated 2021.</p> <p>The plan of management isn't the mechanism to make those blocks community land, but it's important that the revised document reflects that.</p> <p>The original version of the plan of management we have is a paper document in electronic format. It will take us time to convert it all into something you expect.</p>

## 5.4 Written submissions

### 5.4.1 Submissions about the proposed categorisation

Table 4 Specific comments about the proposed categorisation

Submissions
<p><b>Support for Park categorisation</b></p> <p>I agree that the Categorisation of 40 Stuart Street should be 'Park'. I support this because Little Manly is very busy and popular and more space is needed for passive recreation. Little Manly is such a beautiful harbour beach and having the foreshore as 'Park' is a wonderful asset for the community. The beach is particularly popular with seniors and with families with small children and is visited by people from all over the Northern Beaches and actually from all over the World. The community has been campaigning for this since 2005 and the plan for open space has been in place since the early 1950s when the Cumberland Plan designated the land as green open space.</p> <p>Yes we agree to the Community Land at 40 Stuart St being in the category of Park. It will increase the size of the existing park and it was bought for that purpose.</p> <p>Keen for 40 Stuart to become Park in line with long term vision. Park space is desperately need in this part of Manly to help families enjoy Little Manly space.</p> <p>I'd like to register my support for the reclassification (sic) of 40 Stuart Street to Park</p> <p>Categorising this land as a park is clearly in the interest of the community, as expressed by the engagement of the community in this matter. We fully support it.</p> <p>I believe that the Community Land at 40 Stuart Street, Manly, should be categorised as Park. The intention of myself and many other community members is that this parcel at 40 Stuart Street should join the parcels of Community Land at 34 and 36 Stuart Street to form a Park that is available to all community members to share. The unification of these blocks is long overdue.</p> <p>I support the proposal to reclassify [categorise] 40 Stuart street, Manly as Park and to return the land to the community as public open space so it can be enjoyed for recreational activities.</p> <p>Excellent idea to include this lot as part of the Little Manly Beach Park, which is well-used and could do with the extra space which this inclusion would result in. I believe the community needs this and agree that it should be reclassified [categorised] and the plans moved forward as soon as possible.</p> <p>This matches the surrounding categorisation and is appropriate. Well done.</p>
<p><b>Support for 40 Stuart Street as park/open space</b></p> <p>It is the most common sense decision. Additional 'park' land has community and environmental benefit.</p> <p>It will be great to have some additional park/open space at Little Manly Beach. We live in a very dense area and within the residential areas there is really very little open space. This is not a large area but every little bit helps.</p> <p>So many people, mostly families, enjoy the Little Manly beach space, particularly over the warmer months. I believe this extra park area will be wonderful for them.</p> <p>The whole of the Little Manly beachfront was gazetted decades ago to become Open Space and park land for the benefit of the community and to enhance the beauty of the area. The demolition of 40 Stuart Street and park land to be developed will be a step in the right direction. The former Manly Council totally compromised Little Manly's Open Space beachfront when they allowed 38 Stuart Street become a private dwelling - against all the years of the community's hard work in campaigning for Open Space as was the govt mandate. The concept of more Open Space such as will occur with the demolition of 40 Stuart Street is truly welcomed by all - for general public use and enjoyment.</p>

## Submissions

At last this land will be part of the community park as has been envisaged for the last forty years. A really good idea that I totally support.

With the upgrade of the kiosk at Little Manly (which I agree with), it makes sense to have extra parkland so people can spread out more and enjoy the facilities. It also gives children more playing space while parents enjoy the kiosk. I support the move.

The park at Little Manly is heavily patronised on weekends and public holidays. Most of the attendees seem to be residents of the Northern Beaches. The ferry day trippers seem to regard this beach as too far to walk to.

This land will be a wonderful addition to the Little Manly Reserve, allowing beautiful Sydney Harbour to be enjoyed by more than just a select few!

It is what the public want, only pity is that the Council can not purchase all properties, through resumption if necessary, so that all of the land area can be incorporated as Community land. Council and the fantastic Community group who let the fight to retain this site as Community land are to be congratulated on their decision to demolish No.40 Stuart Street and return this site to the Little Manly Coastline Management plan.

I used to live near Little Manly Beach and was able to observe activities by families from all over Manly as well as Sydney. I taught my grandchildren how to swim there and had many picnics with friends as well; however, the park area is too small for people to enjoy this ideal family location. Even when this community beach was first planned many years ago, it was never to be occupied by private property. Little Manly Beach should be shared by everyone!

I am greatly in favour of this proposal to upgrade and increase public space around this beautiful area and increase the amount of natural environment

It is a long awaited change that 40 Stuart is officially integrated in the public park, as should all dwellings on the little manly beach front.

I support increased public open space in urban areas adjacent to the harbour

I believe this property should never have been available as private land so close to a public beach. The community will benefit from the conversion proposed.

I'd very much like to see this parcel of land (in fact the whole dune area) made public space. All beaches should be for that matter. A costly and lengthy plan but well worth it for the human and natural benefits it will bring in the form of outdoor recreational space.

I have seen many public spaces on the Harbour side in Manly be taken over by restaurants, shops & bars over the years I have grown up & lived on the Northern beaches... I agree & would like to see this area changed to park, allowing more public space & ensuring it is kept for community to use and allowing many rather than just few to enjoy an open, beautiful area & coastline.

My wife and I live on Osborne Rd. We regularly use Little Manly Beach and the associated small green area for family recreation activities. As a long term resident, I note that increasing numbers of people, including plenty of non Manly people, are making good use of Little Manly. More park space is urgently needed, and its taken a while.

The proposal will result in much needed open space for community use

Expansion of public open space is an advantage to the community

Land for the enjoyment of all.

It's a terrific idea, well done Council.

Any plan to increase public land in Sydney, especially Manly, gets my full support

The areas is a popular areas for families with young children and locals more amenities for their enjoyment would be worthwhile



### Submissions

Yes, love emphasis on natural features, sandstone, playground upgrade, improved pedestrian access and not over developing. Also traffic calming important. Doesn't always feel safe near road with little kids.

So it can be enjoyed by the community as recreational space and return back to the community for shared use. For community to enjoy. Encourage recreational and community shared spaces and support the health and well being for the community

This is important public land, and should be part of the Little Manly Beach precinct. The beach is used by many locals and others - it is a popular friendly beach, much used by families. The house should simply not be in private hands.

The park at Little Manly is loved and used by increasing numbers of people each year. We need more space, so adding the land at 40 Stuart St to the park is a necessary and wise move. Also, it is the just and right thing to do, as 40 Stuart St was purchased by Council solely for the purpose of adding the land to the Little Manly park.

Foreshore land should be accessible to the public

### Support for categorisation as Park but with conditions

What happens after the 21 years or 30 years with Minister's consent as community reclassification to Park? I think this should be open space in perpetuity to remain as is with no intervention of new Councils in the future

The land and house at 40 Stuart Street under the Council motion by the Administrator was really the way to go. We still have a café surrounded by toilets under your present system. Categorisation of 40 Stuart Street should allow the inclusion of a café system.

### Don't support categorisation as Park

There is no sense in this proposal. You wish to destroy an existing house where people can live and replace it with grass for "recreational purposes". The area called Little Manly Reserve is adequate as it is.

We do not believe the change makes a significant difference to the Park area. The Council would have better use of funds by selling the land and using the money on other necessary activities. Our rates have jumped 25% this year and we need some control on the budget. This asset is valuable and would benefit more ratepayers by selling the land.

The lovely house at 40 Stuart St should remain as a buffer to the road traffic as removing it will destroy the heritage of the area. We do not require any more vacant land as the park area currently being used, has never been maintained (and still isn't). The only people I have seen maintaining the grass are residents who actually watered the lawn to keep it semi-usable, including the previous owners of No. 40.

Until a proper maintenance schedule is in force, please leave well alone, and do not spoil the ambience of the area. I have used this beach for over 60 years but am sick of the poor maintenance of the gardens and lawn, and especially the bindii.

We have the whole of little manly point park that is under-utilised. Clear out the shrubs and use the parkland already available. It is a complete waste of fund knocking down this house, just so a few residents can get their view back. There is already limited parking in the area.

## 5.4.2 Submissions outside the scope of the public hearing and categorisation

Submissions which are not related to the proposed categorisation or are relevant to the proposed amendments to the *Little Manly Coastline Management Plan* are listed below but are outside the scope of this report. Such submissions and comments include:

- ☐ make corrections to the classification of land at 34 and 36 Stuart Street from 'operational' to 'community'. Please be sure this is reflected in all documentation of the whole process, as well as in the new Little Manly Coastline Management Plan.

- ❑ why are the properties at 34 and 36 Stuart St not also included in the scope of this amendment in the Little Manly Coastline Action Plan?
- ❑ when and if No 38 becomes available for sale the price would be over the top for purchase be Northern Beaches Council so Council should forget about purchasing in the future. It would be a very expensive block to turn into parkland & the money would be better used elsewhere where it would do more good for the complete Council area.
- ❑ I would also support installing exercise equipment in the top corner of the property (out of the way) near to Stuart Street.
- ❑ thank you for taking utmost care regarding pedestrian traffic in this area. There is a very sensitive intersection between Stuart and Addison where pedestrians do not have yet have the appropriate settings to be protected from traffic. There is a need for 2 crosswalk sections on that intersection. It is increasingly busy with pedestrians and cars are driving too fast. Thank you very much for your consideration.

These comments are addressed in a separate Community Engagement Report prepared by Northern Beaches Council.



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## 6 RECOMMENDATIONS

### 6.1 Consideration of submissions

The written and verbal submissions regarding the proposed categorisation of 40 Stuart Street as Park have been carefully considered and assessed below.

90% of people who made a submission about the proposed categorisation supported 40 Stuart Street in Manly being categorised as Park for reasons including:

- ☐ the local community has been waiting a long time for the land to become a park
- ☐ Council purchased the land specifically to add to Little Manly Beach Reserve
- ☐ it will increase the size of Little Manly Beach Reserve
- ☐ it will implement the long term vision and masterplan for Little Manly Beach Reserve
- ☐ it will return public access to public land from private use
- ☐ it will allow shared community use of the land
- ☐ the community supports it
- ☐ it will provide more space for passive recreation in Manly for locals, families, visitors
- ☐ it will allow public access to the harbour
- ☐ the Park category will match the categorisation of adjoining land as Park
- ☐ several people at the public hearing asked Council to “get on with it”.

8% of people who made a submission did not agree with 40 Stuart Street becoming a park and being categorised as Park for the following reasons:

- ☐ residents live in the house to be demolished
- ☐ Little Manly Beach Reserve is of adequate size. Adding 40 Stuart Street to the park will not make a significant difference to the park size
- ☐ the land was expensive to purchase for a park
- ☐ Council should sell the land and use the proceeds for other benefits to ratepayers
- ☐ the house should remain to act as a buffer to road traffic, and to retain local heritage
- ☐ Little Manly Beach Reserve is not well maintained by Council
- ☐ limited parking is available for users of the park.

As the land is already owned by Council and is classified as community land, and Council intends to implement the Little Manly Beach Reserve Masterplan with 40 Stuart Street as informal public parkland, the Park category is the most appropriate category for the land.

The guideline for categorisation of the Park category (Clause 104, *Local Government (General) Regulation 2005*) is:

*Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.*

As such, the Park category is the best fit of the five categories of community land under the *Local Government Act 1993* for the future use and management of 40 Stuart Street in Manly as an extension to Little Manly Beach Reserve.

## 6.2 Recommendations

Based on the representations to the public hearing on 12 August 2021 and written submissions made to Council by 18 August 2021, my recommendations to Northern Beaches Council are that Council:

1. Note the verbal and written submissions made in Section 5.
2. Categorise 40 Stuart Street in Manly as Park according to the proposed categorisation map which was publicly exhibited, as shown in Figure 8 below.

Figure 8 Recommended categorisation of 40 Stuart Street in Manly



## 6.3 Adoption of proposed categorisation

This public hearing report will be presented to Council for its information as part of its approval of the proposed categorisation of 40 Stuart Street in Manly.

Section 114 of the *Local Government (General) Regulation 2005* states that if Council receives any submission objecting to the proposed categorisation of land, and the Council adopts the categorisation without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the categorisation must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection. No alternative categorisations to Park were put forward by the community.

If Council intends to adopt the proposed categorisation, it must state the reasons why it did not make changes to categorisation in response to the objections received in its resolution to adopt the categorisation.

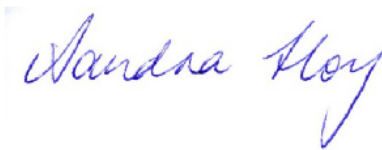
If Council adopts the proposed categorisation of 40 Stuart Street in Manly as Park, Council will update the *Little Manly Coastline Management Plan* and its Land Register to reflect the categorisation.

If Council decides to alter the proposed categorisation of 40 Stuart Street from the Park category considered at the public hearing, Council must hold a further public hearing (Section 40A(3) of the *Local Government Act 1993*).

## 6.4 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- ☐ send a copy of the public hearing report to the people who registered and/or attended the public hearing and/or made a written submission.
- ☐ keep a copy of the public hearing report for inspection at Council's Customer Service Centres and at Manly Library.
- ☐ post an electronic copy of the public hearing report on Council's website.



**Sandy Hoy**  
Director  
Parkland Planners

31 August 2021

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## Environmental Assessment

Under

### ***PART 5***

### ***ENVIRONMENTAL PLANNING & ASSESSMENT***

### ***ACT 1979***

**Notes:**

1. Ensure that all licenses and approvals are received prior to the undertaking of any works.
2. Ensure all mandatory sections are completed prior to signature.
3. Make sure to provide necessary supporting evidence where applicable.



**SECTION 1 - Details**

**(MANDATORY)**

PROPOSAL TITLE: Demolition of Premises at 40 Stuart Street, Manly

PROJECT OFFICER: Russell Jenkins

BUSINESS UNIT PROPOSING ACTIVITY: Parks and Recreation – Park Assets - Planning, Design & Delivery

**SECTION 2 - Applicability**

**(MANDATORY)**

Is the proposed work a routine activity?

*Where a routine activity is - simple, small-scale activities associated with regular (daily, weekly, monthly, etc.) and general upkeep or maintenance of a building, plant, or structure against normal wear and tear.*

**NO**

If **Yes**, activity can be undertaken without assessment but must be in line with relevant standards and assessment recorded in the appropriate location.

If **No** proceed to Section 3.

**Note 1:** must ensure “minimal” environmental impact by use of one of the following:

- Standard operating procedure;
- relevant Australian Standards;
- the Building Code of Australia;
- any relevant NSW Roads and Traffic Authority design guidelines;
- Ausspec;
- Northern Beaches Councils standard operating procedure;
- Northern Beaches Councils Pesticide notification plan;
- All product labels and warnings;
- Works that have previously been approved .

**Note 2:** If any Aboriginal cultural material or heritage constraints are found on any job site, all work should cease and the Office of Environment and Heritage and the Metropolitan Local Aboriginal Land Council notified immediately in accordance with the National Parks and Wildlife Act. An assessment can be undertaken by the Aboriginal Heritage Officer via Aboriginal Heritage Office.



**SECTION 3 - Background**

**(MANDATORY)**

*Please attach any additional information to support the assessment*

**DESCRIPTION OF ACTIVITY:**

Demolition of the building, structures and ancillary improvements at 40 Stuart Street, Manly and incorporating into the adjoining Little Manly Reserve parklands. The works will include landscaping, tree planting and installation of park furniture.

**TRIM FOLDER:**

PJ04343 - Projects - Significant - 02 - Project Design - Little Manly Beach Masterplan

**REASON FOR ACTIVITY:**

To deliver Little Manly Reserve Landscape Masterplan action item 40.

**LOCATION:** *(include address and attach maps/ plans as appropriate)*

40 Stuart Street, Manly – Part of Little Manly Reserve

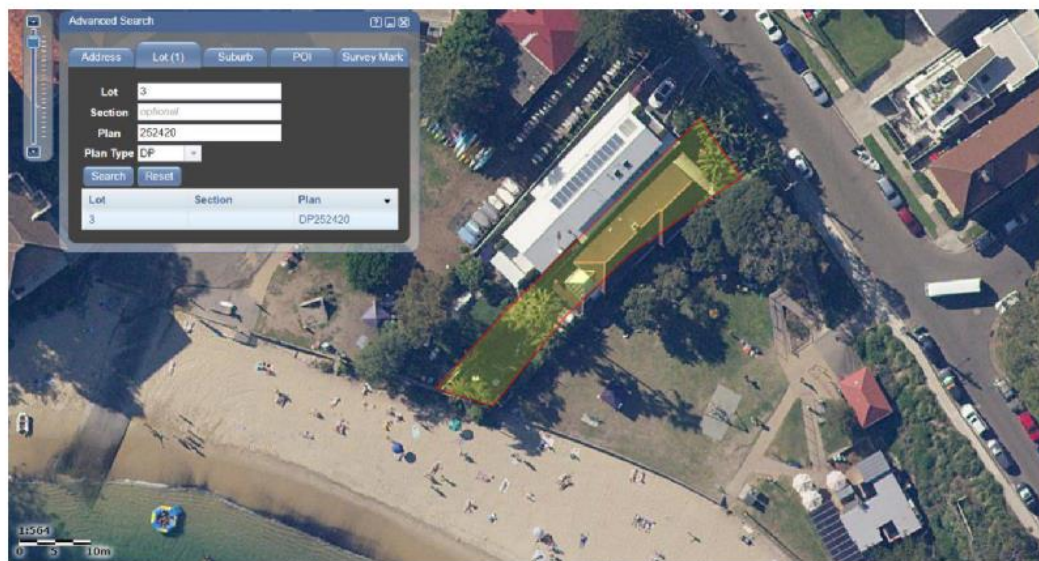
Lot 3 DP 252420

Area: 369.9 m<sup>2</sup>

**Asset Number:** BUI01287

**LAND OWNER:** Northern Beaches Council

**LAND ZONE:** RE1: Public Recreation



**TIMING AND DURATION OF WORKS:**

Council has budgeted to demolish 40 Stuart Street and convert it to park in the 2022/2023 financial year. Works are forecast to be completed by the end of 2022.

The proposed works will be undertaken during standard working hours according to NSW Environmental Protection Authority as follows:

- 7:00 am – 6:00 pm Monday to Friday –
- 8:00 am – 1:00 pm Saturday – no work to be undertaken with prior approval of Superintendent.
- No work on Sundays or Public Holidays

**APPROXIMATE COST:** \$ 100,000.00

Demolition of 40 Stuart Street, Manly

August 2021

3/23

**SECTION 3 continued (MANDATORY)**

*All Tables below **MUST** be completed*

**Table 1** will determine if the activity is Exempt Development. If the activity is Exempt Development then no further assessment is required.

<b>Table 1</b>			<b>Yes</b>	<b>No</b>
Q1	Is the activity listed as <b>Exempt Development?</b> (within SEPP Infrastructure 2007) If YES provide details below. For assistance please refer to a Principal Planner from the Development Assessment business unit.	<i>If YES, provide detail below and complete items 2 to 6 to determine if environmental assessment required</i>  <i>If NO Continue to Table 2</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>WHY IS ACTIVITY EXEMPT:</b> (provide details here of relevant section from exempt clauses and other relevant detail)				
<b>WILL THE ACTIVITY:</b>				
Q2	Involve the removal or damage to any remnant native vegetation or any construction works within Tree Protection Zones (under the drip line). <b>Note.</b> this excludes issues where there is a significant public risk posed from the vegetation. For assistance please see Natural Environment Officer in Bushland and Biodiversity team.	<i>If YES to any of these items, activity is not exempt continue to Table 2- Q7.</i>  <i>If all items are NO, complete Approvals and Licences and Certifications</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Q3	Involve construction within 40 metres of a waterway that will impact geomorphology, groundwater, water quality or appearance of the foreshore or waterway. <b>Note.</b> This excludes the removal of built up sediment and maintenance works within drainage channels to restore the channel. For assistance please talk to the Senior Environment Officer – Catchments in Environment & Sustainability.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Q4	Have a negative impact on amenity in the area either during or post works.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Q5	Be immediately adjacent to or within a Threatened Ecological Community. (Check SEA or for assistance please talk to the Natural Environment Officer in Bushland and Biodiversity team)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Q6	Disturb more than 40m <sup>2</sup> excluding man-made surfaces (eg/ road, sportsfield turf) and linear work such as trenching or kerb & gutter.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

..continue to next page for exempt development

### **Certification Exempt**

I certify that the proposed activity is exempt and will be undertaken in accordance with any relevant environmental controls, standards, procedures, etc. and that any other agency requirements will be met.

Executive Manager	Business Unit	Signature	Date
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**Note 1:** For EXEMPT Activities no further assessment is required. However, licenses or permits from other agencies may be required please complete section 4. If the activity is exempt the Executive Manager for the business unit of the proposal should complete the above certification.

**Note 2:** It is advisable that an informal impact assessment is undertaken as a risk management measure.

**Table 2** will determine if the activity is Permissible Without Consent. If the activity is Permissible Without Consent then no Development Application is required.

	Assessment	Description and References	Tick box
Q7	Permitted Without Consent	The activity is Permitted Without Consent. Assessment is via Part 5 of the EP&A Act 1979 and <b>Form 1 – Impact Assessment</b> is to be completed, and/or an REF prepared. List the relevant Clause from SEPP Infrastructure or the LEP that determined this outcome below. For assistance please refer to a Principal Planner from the Development Assessment business unit. - <b>SEPP (Infrastructure) 2007 - Clause 65 (3) (c).</b>	<input checked="" type="checkbox"/>
<p><b>Why is Activity Permitted Without Consent:</b> Division 12 Parks and other public reserves Clause 65 (3) (c) – allows for the demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area) to be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council.</p> <p>The installation of the park furniture is exempt development in accordance with the provisions of Clause 66 and Clause 20 - (General requirements for exempt development).</p> <p>The works are <b>not</b> within Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Part 3 Foreshores and Waterways Area Zone No W2—Environment Protection, notwithstanding such there are no inconsistencies with the objectives of this zone.</p>			
Q8	Permitted With Consent	The activity is Permitted With Consent – a Development Application to be prepared and lodged with Council under Part 4 of the EP&A Act.	<input type="checkbox"/>

### **SECTION 4 – Approvals from other Agencies**

**(MANDATORY)**

**Table 3** will identify what approvals, licenses and permits from other Agencies are required to undertake the proposed works. These approvals, permits and licenses MUST be obtained prior to the commencement

of works. In some instances the agencies may request an Environmental and/or Species Impact Statement prior to granting approval.

<b>Table 3</b>			
<b>Is the activity:</b>	<b>Approval required</b>		<b>If Yes</b>
	<b>YES</b>	<b>NO</b>	
Working within or impacting on Threatened Species/Populations and/or Threatened Ecological Communities and/or causing any possible damage to those threatened species or communities. For assistance check SEA or for assistance please talk to the Natural Environment Officer in Environment & Sustainability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Must complete an REF and depending on the assessment the proposed works may require a license from Office of Environment & Heritage (OEH).
Working near Aquatic Reserves, Aquatic Habitat or damaging any marine vegetation such as sea grass, mangroves, etc. For assistance please talk to the Senior Environment Officer in Environment & Sustainability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Permit from the Department of Primary Industries is required.
Dredging of water or banks of creeks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Permit from the Department of Primary Industries is required
Working within the 'place' of a Heritage Item identified under the NSW Heritage Act	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refer to Councils Heritage Officer
Working near known aboriginal relics, places, or potential Aboriginal relics or places – Check with the Aboriginal Heritage Office	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Must notify the Office of Environment and Heritage prior to commencing works
Working on vacant Crown Lands not under Council Control and/or Council not Trustee - check with the property office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permission must be sought from the Department of Primary Industries
Working on a Classified Roads – not under a current maintenance program	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approval required from NSW Roads and Maritime Services
If polluting a waterway ie. dewatering, herbicide application, etc	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Licence from the Office of Environment and Heritage
Check Dial Before You Dig to identify any services that may be impacted	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contact the relevant service authority
On the open coast or estuary. Assistance can be provided from the Coast & Catchments team in Environment & Climate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approval from the Office of Environment and Heritage may be required.
On land which is not owned or controlled by Council.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contact the landowner to obtain approval

**Certification Sections 1-4**

I certify that the above information in **Sections 1 to 4** is correct and I have endeavoured to clarify that all requirements have been met.

Russell Jenkins

Parks and Recreation



12/08/2021

**Project Officer**

**Business Unit**

**Signature**

**Date**

Demolition of 40 Stuart Street, Manly

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## SECTION 5 – Impact Assessment - Consideration of Impacts of the Activity

### Notes:

1. This form must be completed and evidence provided (you can refer to and attach additional documents to this assessment)
2. Assessment of all impacts must be provided; reason and justification for answers must be provided.
3. For all construction impacts of Minor or greater possible impacts, mitigation measures must be included and a final Impact determined. Additional information detailing justification and/or mitigation of the impact may need to be referenced, provided and attached to the assessment.
4. Possible impact is to be determined utilising the descriptions in the table below.
5. Construction impact - refer to all activities of undertaking the works, ongoing impacts, cumulative impacts, maintenance and permanent impacts.

1 - Negligible	2 - Minor	3 - Moderate or Greater
Does not create a nuisance	Creates a temporary nuisance	Creates a continuous or ongoing nuisance
Impacts contained within work site	Impact short term/localised, for life of project	Impact ongoing/long term or widespread impact
No detectable/noticeable change	Measurable change/may be offensive	Obvious change/offensive
Complies with industry guidelines	Exceeds industry guidelines (minor)	Exceeds industry guidelines (major)
Reasonable inconvenience/financial loss	Sustained/short term inconvenience/financial loss	Unacceptable inconvenience/financial loss
Change but similar to original land use	Slight or temporary change to land use	Transforms a locality permanently
No damage to heritage items or native flora or fauna	Heritage items or native flora and fauna able to be repaired/rehabilitated	Permanent damage/loss of a heritage item/flora or fauna from an area
No foreseen increase to risk from natural hazards	Slight increase to risk from natural hazards	Major increase to risk from natural hazards
Waste disposed/recycled of at licensed waste facility or reused immediately	Waste stockpiled with end use unknown, potential for temporary impact to air, soil, water	Long term contamination of air, soil or water due to waste disposal
No remediation required following work to prevent/remove pollution	Minor /short term site remediation required at completion of work to prevent/remove pollution	Extensive site remediation required over extended timeframe to prevent/remove pollution (e.g. soil or water contamination, severe soil erosion, large scale revegetation)



**FORM 1 IMPACT ASSESSMENT – To address Clause 228 Factors from the EP&A Regulation 2000**

**FORM 1 - IMPACT ASSESSMENT**

	Description	Construction Impact			Mitigation Measures (detail measures)	Ongoing Impact		
A	<b>AIR QUALITY</b> <i>Dust generation from activities; Fumes and Odours or other air pollution from vehicles, equipment, machinery, materials etc; Other;</i>							
	<ul style="list-style-type: none"> <li>Dust generation from demolition activities</li> <li>Fumes from machinery</li> </ul>	1	2	3	<ul style="list-style-type: none"> <li>Employ dust minimisation methods including:</li> <li>Water dust suppression</li> <li>Avoid excessive moving of stockpiles (double handling)</li> <li>Cover stockpiles with either plastic, hessian or filter fabric, or spray.</li> <li>Sweep or hose down site on a regular basis and keep clean generally to prevent construction dust building up and causing issues on a windy day.</li> <li>Check weather forecast, avoid moving stockpiles on windy days, or hot dry days.</li> <li>Regular maintenance of machinery to avoid excessive emissions</li> <li>Demolition activities to be in accordance with approved CEMP.</li> </ul>	1	2	3
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	<b>ABORIGINAL &amp; NON INDIGENOUS HERITAGE</b> <i>Undertake a search to determine if the site has any Aboriginal or non-indigenous heritage significance.</i>							
	<ul style="list-style-type: none"> <li>There are no recorded AHIMS sites located within the site.</li> <li>Area mapped on SEA as Class 1 Very High Potential (Potential Areas). There are no identified AHILA or Aboriginal Sites in the vicinity of the work zone.</li> </ul>	1	2	3	<ul style="list-style-type: none"> <li>All contractors undertaking works on site should be briefed on the protection of Aboriginal heritage objects under the NPW Act, and the penalties for damage to these items</li> <li>Should an unexpected Aboriginal object be identified during construction, work in the immediate vicinity of the find is to stop and the area must be fenced off with suitable markers (star pickets, flagging or barrier mesh). The NBC Project Manager is to be notified. Engage an archaeologist to determine the significance of the find, and if required, determine the notification, consultation, and approval requirements. Works must not recommence until NBC has provided written approval to do so.</li> <li>If human remains are discovered, works should immediately cease, and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, the OEH may also be contacted at this time to assist in determining appropriate management.</li> </ul>	1	2	3
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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C	<b>NOISE AND VIBRATION</b>											
	<i>During construction phase; During works operation and maintenance;</i>											
Potential for minor noise impacts during the works, particularly to the café in proximity. These are anticipated to be minimal and short-term and may originate from:				1	2	3	Typical methods of noise reduction to be employed:			1	2	3
<ul style="list-style-type: none"> <li>Machinery during demolition activities.</li> <li>Small plant</li> <li>Hammering</li> <li>Concrete pumping for furniture pads</li> <li>Loading trucks</li> <li>Nail gun</li> <li>Positrack loaders</li> <li>Excavator</li> </ul>				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>Demolition activities to be in accordance with approved environmental management plan.</li> <li>Regular maintenance on machines</li> <li>Avoid over revving machines</li> <li>Avoid dropping objects from height</li> <li>Advise employees not to yell across the site</li> <li>Limit work to approved hours (normally 7am to 5pm)</li> <li>Limit noisy activities from 8am to 3pm where possible</li> </ul>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	<b>TRAFFIC AND ACCESS</b>											
	<i>Likely impacts resulting from the construction. Likely impacts resulting from operation/ongoing phases of the activity. Detail number and type of construction vehicles, number of heavy vehicle trips made to and from the site, disruption to traffic flow, partial or complete road closures.</i>											
<ul style="list-style-type: none"> <li>Access to 40 Stuart St and Little Manly Reserve and the proposed work area will be gained via the driveway entrance off Stuart Street. Access from the road reserve in front of the property will also be utilised. Frequency and duration of movements is anticipated to be of short duration and infrequent.</li> <li>The number of vehicle movements to and from the site, associated with the transportation of personnel and machinery will be low, infrequent and of short duration.</li> <li>There will be minor impacts to traffic flow and pedestrian movements. Disruptions will be short-term and impacts to the road infrastructure are not anticipated.</li> </ul>				1	2	3	<ul style="list-style-type: none"> <li>Appropriate signage will be erected informing the public of the temporarily changed traffic conditions and restricted access to Little Manly Reserve.</li> <li>Contractor to provide a Traffic Control Plan for approval by the Superintendent.</li> <li>Spotters to be used during vehicles and machinery movements across reserve.</li> </ul>			1	2	3
				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

E	<b>WATER QUALITY</b>								
	<p><i>During works: sedimentation of waterways, wetlands, storm water drain or groundwater.</i></p> <p><i>During works: polluting waterways or groundwater via site storage/use of chemicals, oils, fuels or other toxic substances</i></p> <p><i>Post works, increase in erosion and sedimentation, decrease in quality of stormwater runoff e.g. increased nutrient loadings.</i></p>								
	Run-off from site following demolition activities.	1	2	3	Methods employed to avoid polluting local water bodies or storm water system include:	1	2	3	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Approved environmental management plan in place.</li> <li>• Have approved sediment control plan in place.</li> <li>• All oils, fuels and chemicals are to be stored in a specified site compound area and banded using straw bales or other appropriate method. A spill kit is to be maintained on site at all times when machines are on site.</li> <li>• Regular maintenance of machinery.</li> <li>• Caution not to damage hydraulic hoses while using machines.</li> <li>• Create a banded area for re-fuelling or service of machines off the beach.</li> <li>• Avoid excessive moving of stockpiles (double handling)</li> <li>• Cover stockpiles either with plastic, hessian or filter fabric, or spray.</li> <li>• Hose site on a regular basis and keep clean generally.</li> <li>• Erect filter fabric barrier along lower side of works. Stop works during wet weather.</li> <li>• Use filter fabric or straw bales in storm water drains if required.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

F	<b>BIODIVERSITY/FLORA &amp; FAUNA</b> <i>Including likely impacts resulting from the construction and operation/ongoing phases of the project on native flora or fauna and ecosystem functions, including impact on threatened species, populations and threatened ecological communities. Consider if the site is being remediated under a Plan of Management or by a Bushcare group. A Test of Significance (5-part test) is to be provided if a threatened species, population or threatened ecological community is likely to be impacted. Refer to Appendix 1.</i>								
	<ul style="list-style-type: none"> <li>The foreshore of Little Manly Reserve is mapped as 'Terrestrial Biodiversity' in accordance with the Manly LEP 2013.</li> <li>Long-nosed bandicoots have been identified in the Bionet Atlas as being in proximity to the works.</li> <li>The work zone is 80 metres from an area mapped as potential habitat for the Little Penguin and 270 metres for area mapped as Penguin Critical Habitat B.</li> <li>The works do not require any trees to be removed.</li> <li>The proposed works are considered unlikely to impact on any flora and fauna.</li> </ul>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	<ul style="list-style-type: none"> <li>Before commencement of works, the work area should be checked daily for Little Penguins or Long-nosed bandicoots or evidence of such by the Project Superintendent and if found or identified, then advice is to be sought from the National Parks and Wildlife Service Duty Officer at OEH.</li> <li>Works will not occur after sunset to minimise any potential impacts to the nocturnal activities of the long-nosed bandicoots or penguins identified in the Bionet Atlas as being in proximity to the works.</li> <li>Trees near the work zone or storage compound will be protected in accordance with AS4970-2009.</li> <li>A CEMP will be prepared that will guide the demolition works and will be used as part of the site induction to familiarise all workers with the site environmental sensitivities.</li> </ul>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	
G	<b>SOILS, SPOIL AND WASTE</b> <i>Including waste that will be generated from the activities, its storage, location and methods of storage and disposal. Including pre, during and post works impacts such as erosion, acid sulphate soils, and contamination.</i>								
	<ul style="list-style-type: none"> <li>Works which may generate waste include:</li> <li>Demolition material – brick, concrete, roof tiles, glass etc</li> </ul> <p><b>Acid Sulphate Soils</b> In accordance with Clause 6.1 of the Manly LEP 2013, the work area is partially mapped as having Class 5 Acid Sulphate Soils (ASS). As part of the Little Manly Coastline Management Plan (Manly Council, 2004), soil cores were undertaken at Little Manly Reserve and no acid sulphate soils were detected.</p> <p><b>Contaminated Land – OEH</b> The works are in proximity to an area mapped as Contaminated Land however, previous geotechnical investigations in the work zone have not identified the presence of contaminated land.</p>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	<p>Methods of waste management to be adopted across the site are:</p> <ul style="list-style-type: none"> <li>Approved waste management plan in place.</li> <li>To re-use or recycle wherever possible and avoid sending material to landfill.</li> <li>Separate waste materials such as brick, timber, concrete, reinforcement etc. Waste to go to a recycling facility.</li> <li>Provide separate bin on site for food wrappings and scraps</li> <li>Storage of demolished materials in designated areas only (away from stormwater pits and drainage systems).</li> <li>Excavation activities not required.</li> <li>Removal of asbestos to be undertaken in accordance with NSW Code of Practice 'How to safely remove asbestos' August 2019.</li> </ul>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	

H	<b>CHEMICAL &amp; HAZARDOUS SUBSTANCES</b> <i>Including use and storage of chemicals including pesticides, fuel/oil, etc.</i>								
	<ul style="list-style-type: none"> <li>Potential for pollution of foreshore from chemical spills eg. Fuel or oil.</li> </ul>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	<ul style="list-style-type: none"> <li>All oils, fuels and chemicals are to be stored in a specified site compound area and banded using straw bales.</li> <li>A spill kit is to be maintained on site at all times when machines are on site.</li> <li>Carry associated Safety Data Sheets (SDS) for all chemicals on-site.</li> <li>Do not use any algaecides or chemicals that are labelled as 'harmful to marine life' or 'Class 9 Environmentally hazardous' as part of the proposed activities.</li> </ul>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	
J	<b>VISUAL IMPACTS</b> <i>Include details of existing conditions, likely impacts resulting from the construction and operation/ongoing phases of the activity.</i>								
	<ul style="list-style-type: none"> <li>The existing visual amenity of the study area is characterised by open space, the harbour and residential properties. Some minor visual impacts will result from the proposed works such as temporary fencing and machinery being placed within the designated work site and compound area. However, given the short duration of the proposed works, impacts to the visual amenity of the area from construction activities including the visual landscape of the foreshore are considered minimal.</li> </ul>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	<ul style="list-style-type: none"> <li>Notify community or neighbours where impacts are anticipated.</li> <li>Locate site compound discreetly so visual impacts are mitigated.</li> <li>Use NBC branded shade cloth wrap where appropriate.</li> </ul>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	



K

PUBLIC ACCESS & SAFETY									
Likely impacts resulting from the construction and operation/ongoing phases of the activity									
	<ul style="list-style-type: none"><li>Potential for conflict with plant, machinery and vehicular movements across reserve to worksite.</li><li>Potential risk to public during demolition activities.</li></ul>	1	2	3	<ul style="list-style-type: none"><li>Demolition works to be carried out in accordance with Australian Standard AS 2601—2001, The demolition of structures</li><li>Have an approved CEMP in place.</li><li>Implement approved fencing and security plan.</li><li>Emergency evacuation plan in place.</li><li>Traffic control plan in place.</li><li>Medical Centre and Hospital plan in place.</li><li>SWMS in place for Occupied Public Areas.</li><li>Notify neighbours of work commencing</li><li>Signage, spotters, traffic control and barricades where possible.</li><li>Educate demolition and construction team to be vigilant about the proximity of the public</li><li>Place high visibility cones/signs out</li><li>Appropriate controls in place to direct pedestrians safely around the work faces.</li><li>The site compound to be secured with temporary fencing and by lock and chain.</li><li>Any open excavations will require to be covered over safely.</li><li>Electrical leads not to be laid across reserve on ground. Use cordless tools where possible. Use lead stands if applicable.</li><li>All concreting will require set up of a pump at a safe location where concrete trucks can back up to the pump. The location will need to be a safe distance from the general public and need to avoid local traffic around the car park area.</li></ul>	1	2	3	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

L	<b>COMMUNITY AND SOCIO ECONOMIC IMPACT</b>									
	<i>Including likely impacts relating to the community and community facilities or services and financial or economic resulting from the construction and operation/ongoing phases of the activity</i>									
<ul style="list-style-type: none"> <li>Little Manly Reserve is a unique and iconic location on the Northern Beaches and the proposed works to have 40 Stuart St to be opened up as park will better facilitate that usage as well as recognising the needs of the local community who love the park. The work will better connect the foreshore park open space with the beach.</li> <li>There may be some short-term restrictions to sections of reserve whilst works are undertaken.</li> <li>Potential impact on playground</li> <li>Potential for community concerns</li> <li>The works will have a beneficial impact on socio-economic factors through creating a safe, accessible and usable environment for community members.</li> </ul>				1	2	3	<ul style="list-style-type: none"> <li>Works are forecast to be completed late 2022 so the park can be opened to the public for Summer.</li> <li>Access to the swimming enclosure is to be maintained at all times during the project.</li> <li>Access to the playground will be restricted at times throughout project duration to maintain public safety.</li> <li>Access to the amenities and kiosk to be maintained.</li> <li>New seating will be installed.</li> <li>Works deliver on actions in the Little Manly Reserve Landscape Masterplan and Council resolutions.</li> <li>NBC will notify residents, businesses, community groups and watercraft permit holders of the proposed works at least one month prior to commencement.</li> </ul>			
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I	<b>FLOODING &amp; HYDROLOGY</b>									
	<i>The proposal will not be impacted or exacerbate the impact of flooding. The proposal will not have a negative effect on the hydrology and/ or hydraulics of the site (including impacts on the natural environment)</i>									
<ul style="list-style-type: none"> <li>The site is not mapped as flood liable land</li> <li>The works will not have a negative effect on the hydrology and/ or hydraulics of the site (including impacts on the natural environment)</li> </ul>				1	2	3				
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M	<b>BUSH FIRE HAZARD</b>									
	<i>Is the land where the activity is proposed classed as Bushfire Prone Land? Include any requirements to mitigate bush fire hazards, does the proposal meet deemed to comply provisions.</i>									
<ul style="list-style-type: none"> <li>The land is not classed as bushfire prone land</li> </ul>				1	2	3	<ul style="list-style-type: none"> <li>All fire restrictions issued by RFS will be adhered to during construction period.</li> <li>Hot Work Permit to be in place when cutting reinforcement. Identify those general hot work and ignition controls required to be undertaken as part of the hot work</li> </ul>			
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N	<b>GEOTECHNICAL Risk</b>								
	<i>Does the location have any geotechnical instability, does the proposal meet Council Geotechnical Policy</i>								
	<ul style="list-style-type: none"> <li>The area is mapped as Area A3 in Manly DCP 2013 Schedule 1 Map C – Potential Landslip Hazard Areas with slope angle less than 5%.</li> </ul>	1	2	3	<ul style="list-style-type: none"> <li>No geotechnical risks expected.</li> <li>Excavation works not envisaged but will have temporary fencing around site and shoring will be used if required.</li> </ul>	1	2	3	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
O	<b>COAST AND ESTUARY</b>								
	<i>Is the land identified as affected by a coastal hazard? How will the works be impacted by coastal processes during construction or its lifetime? Coastal hazards/processes include beach erosion, shoreline recession, coastal inundation and tidal inundation which impact beaches and estuaries.</i>								
	<ul style="list-style-type: none"> <li>Potential for existing seawall to be impacted by storm surge.</li> </ul>	1	2	3	<ul style="list-style-type: none"> <li>The existing seawall at the rear of the property will not be included as part of the demolition works.</li> </ul>	1	2	3	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<b>P</b>													
<b>FUTURE LAND USE</b>													
<i>Include any impacts of the proposal on the future use of the land by Council or other bodies</i>													
<ul style="list-style-type: none"> <li>The works are approved in the adopted Little Manly Reserve Landscape Masterplan and are not likely to impact on the future use of the land by Council. The land is classified as Community Land and is expected to be categorised as 'Park' shortly.</li> </ul>				1	2	3	<ul style="list-style-type: none"> <li>The park will continue to remain as public recreational open space into the future.</li> </ul>				1	2	3
				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Q</b>													
<b>CUMULATIVE ENVIRONMENTAL IMPACTS</b>													
<i>Will cumulative effects of all above items during the activity, or other adjacent activities, result in greater cumulative effects on the environment</i>													
<ul style="list-style-type: none"> <li>Cumulative environmental impacts have been considered and the works will not have any negative impacts on heritage values, nor would it have any subsequent effects on land use planning on the local or regional scale. The works are likely to result in positive cumulative environmental impacts.</li> <li>Consideration has been given to Matters of National Environmental Significance under the environmental assessment provisions of the EPBC Act and assessed as having no impact.</li> </ul>				1	2	3	<p>The demolition of 40 Stuart Street Manly will lead to positive environmental impacts through the increase in tree canopy, reduction in hard surfaces leading to a decrease in urban heat and runoff into the stormwater system.</p> <p>The increase in open space will also provide more space for the users of Little Manly Beach which will lead to a more pleasurable visit</p>				1	2	3
				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FORM 2 Declarations**

**(MANDATORY)**

<b>Declarations</b>	<b>YES</b>	<b>NO</b>
Sustainability Principles have been applied to the assessment of Environmental, Social, and Economic factors of this project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
This Impact Assessment provides a true and fair review of the proposal in relation to its likely affects on the environment. It addresses, as best as possible, the impacts affecting or likely to affect the environment as a result of the activity. It provides sufficient information to determine whether this is likely to be a significant impact on the environment as a consequence of the activity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alternate methods, activities or designs been investigated for alternate method of delivery for all activities other than Level 1 Impacts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Consultation has been undertaken as per the Community Engagement Framework.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The implementation of the recommended mitigation measures will minimise the identified impacts/risks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All material supporting the assessment has been detailed in the assessment of the item above with a copy attached to this assessment, this is detailed in Addendum 1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A risk assessment will be undertaken to ensure that Work Health and Safety requirements are met on the site at all times.	<input checked="" type="checkbox"/>	<input type="checkbox"/>



**SECTION 6 – Determinations**

**(MANDATORY)**

Based on the assessment in Form 1 and 2 the assessment, tick one of the following that represents the results of the level of assessment undertaken:

- ☐ LEVEL 4: All items assessed as 1 Negligible Impact - **NO FURTHER ASSESSMENT REQUIRED - Proceed to Section 7**
- ☒ LEVEL 3: Some items assessed as 2 Minor Impact and others as 1 Negligible with proposed mitigation - **CURRENT ASSESSMENT ADEQUATE – Proceed to Section 7**
- ☐ LEVEL 2: Any item assessed as 3 Moderate or Greater Impact **and/or** any works occurring in Endangered Ecological Communities or impacting species as Scheduled in the Biodiversity Conservation Act – **REVIEW OF ENVIRONMENTAL FACTORS REQUIRED** addressing these issues and attach to this assessment. An REF requires approval from Executive Manager Environment and Climate or Delegate. - **Proceed to Section 7**
- ☐ LEVEL 1 – In the assessment numerous items are assessed as 3 Moderate or Greater Impact and deemed to have environmental **and/or** other impact determined as significant by any consent authority (including Council officers) as determined in Part 5 of the *Environmental Planning and Assessment Act 1979* (listed SECTION 4 – Approvals and Other Agencies) - **ENVIRONMENTAL and/or SPECIES IMPACT STATEMENT REQUIRED.** This requires a report to Council with concurrence of the relevant agency. No self-determination possible. For assistance please speak to a Principal Planner from the Development Assessment unit. - **Proceed to Section 7**

**SECTION 7 – Consultation**

**(MANDATORY)**

The level of consultation and engagement required is to be determined via the community engagement matrix (from Community Engagement Framework).  
<https://www.northernbeaches.nsw.gov.au/council/publications/policies/community-engagement-policy>

Outline what consultation has been undertaken.

The Little Manly Reserve Landscape Masterplan was adopted at the meeting of 26 November 2019.

The public consultation for this project was undertaken in two stages, with the first stage consisting of a scoping document to obtain comments and feedback on the important issues to the community, to initiate the development of a draft landscape masterplan. The second stage of consultation followed endorsement of the draft landscape masterplan for public exhibition at the 25 June 2019 Council meeting. This involved community and stakeholder engagement during the public exhibition of the draft Little Manly Reserves Landscape Masterplan from 12 July to 18 August 2019, consisting of an online platform with 1087 visits, two face to face information sessions, social media posts on Facebook and Instagram, print media in the Manly Daily, and electronic direct mail including newsletters.

**SECTION 8 – Requirements**

The Approval Panel may approve the proposal subject to the inclusion of the following requirements into the proposal and all requirements required within a Review of Environmental Factors.

Issue	Business Unit nominating requirement	Requirement

**SECTION 9 – Approval (If proposal permissible without consent)**

**(MANDATORY)**

**9.1 REVIEW OF ENVIRONMENTAL FACTORS**

Tick the option which accurately reflects the requirements of a Review of Environmental Factors for the proposal:

- ☒ A Review of Environmental factors is not required.
- ☐ A Review of Environmental factors is required and has been submitted and is attached, this has indicated that the impact is not significant subject to the inclusion of the stated mitigation measures and inclusion of any requirements detailed in section 8.
- ☐ A Review of Environmental factors has been submitted, it is considered that the overall impact on the environment is significant. The proposal should not proceed until an Environmental and/or Species Impact Statement is prepared and approved.

**9.2 IMPACT ASSESSMENT CONCLUSION**

The activity is Permitted Without Consent as determined and Approval is via Part 5 of the *EP&A Act 1979*. An Impact Assessment form has been completed and an REF submitted if required, the outcome of the assessment is that:

- ☒ In light of the impact assessment of the proposed activity, it is considered that the overall impact on the environment is not significant.
- ☐ In light of the impact assessment of the proposed activity, it is considered that the overall impact on the environment is substantial. However, the works are of positive nature and impacts will be minimised by mitigation activities and as a result the activity should proceed.
- ☐ In light of the impact assessment of the proposed activity, it is considered that the overall impact on the environment is significant. The proposal should not proceed until an Environmental and/or Species Impact Statement is prepared and approved.

I certify that the above information is correct with regards the need for an REF.

Russell Jenkins  
**Project Officer**

Parks and Recreation  
**Business**



**Signature**

12/08/2021  
**Date**

Demolition of 40 Stuart Street, Manly

August 2021

20/23

**9.3 APPROVAL PANEL SIGN- OFF**

**A. For proposal that are permitted without consent the following endorsement is required.**

The proposal has been assessed and can proceed as per the conclusion above, subject to the inclusion of the stated mitigation measures detailed in SECTION 8 and implementation of any requirements detailed in a Review of Environmental factors.

<b>Executive Manager</b>	<b>Business Unit</b>	<b>Signature</b>	<b>Date</b>
Steven Lawler	Parks & Recreation	<i>Steven Lawler</i>	14/09/2021

**B. For All Level 2 Section 6 proposals, concurrence from the Development Assessment Business Unit is required.**

The proposal is permissible as development without consent as outlined in Section 3 & 4 of this assessment.

☐

The works have not yet commenced and can proceed subject to the requirements detailed in this assessment (including Section 8).

☐

Additional Comments:

<b>Executive Manager Development Assessment</b>	<b>Business Unit</b>	<b>Signature</b>	<b>Date</b>

**APPENDIX 1****Biodiversity Conservation Act 2016 – Part 7 Division 1 Section 7.3**

7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats

(1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

- a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,
- b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
  - i. is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
  - ii. is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
- c) in relation to the habitat of a threatened species or ecological community:
  - i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
  - ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
  - iii. the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,
- d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),
- e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

(2) The Minister may, by order published in the Gazette with the concurrence of the Minister for Planning, issue guidelines relating to the determination of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Any such guidelines may include consideration of the implementation of strategies under the Biodiversity Conservation Program.



### **ADDENDUM 1**

Please list all attached information to support the Assessment

- Adopted Little Manly Reserve Landscape Masterplan 26 November 2019



Adopted\_Little\_Manly  
\_Reserve\_Landscape\_

- Minutes-ordinarycouncilmeeting-20191126



minutes-councilmeeti  
ng-20191126.pdf

- 2017/416233 - Little Manly Coastline Management Plan - Final Report – 2004



2017-416233-little-  
manly-coastline-man:

- Minutes-ordinarycouncilmeeting-20210223 - RECLASSIFICATION OF COUNCIL LAND AT 40 STUART STREET, MANLY



minutes-ordinarycou  
ncilmeeting-2021022

To be added - Outcome of Categorisation of 40 Stuart St following Council meeting 28 September 2021.

To be added – Demolition Hazmat Report expected in next 3 months



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## Community and Stakeholder Engagement Report

### Proposed amendment to Little Manly Coastline Management Plan (Categorisation of Community Land at 40 Stuart Street, Manly)

Impact level: 4

Consultation period: 7 July 2021 to 18 August 2021

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## 1. Summary

This report outlines the community and stakeholder engagement conducted from 7 July 2021 to 18 August 2021 as part of a proposal to categorise the Community Land at 40 Stuart Street, Manly as 'Park' and amend the Little Manly Coastline Management Plan.

This proposal looks to return the land to the community as public open space so it can be enjoyed for recreational activities.

The feedback indicated a high level of support for the proposal, with comments citing that this has been long-awaited by the community and the additional space will be enjoyed by locals, families, and visitors.

Respondents who did not support the proposal cited financial and parking issues.

Council used an independent consultancy (Parkland Planners) as part of this consultation to conduct a public hearing for the proposed categorisation of 40 Stuart Street, Manly.

### 1.1. Key outcomes



Total unique  
responses received<sup>1</sup>

71



How responses were  
received

Online Your Say submission

Submissions: 69

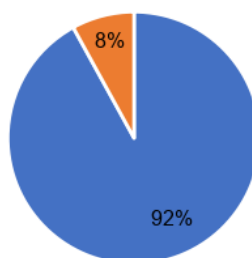
Email submissions

Received: 3



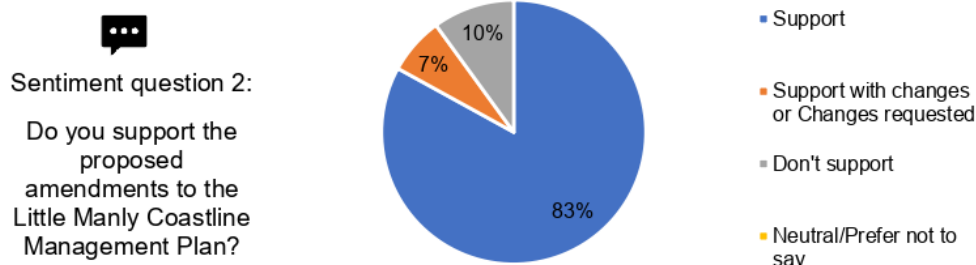
Sentiment question 1:


Do you agree with the  
proposal to categorise  
the Community Land  
at 40 Stuart Street,  
Manly as Park?







- Agree
- Don't agree
- Neutral/Prefer not to say

<sup>1</sup> One community member provided submissions both online and via email. This was counted as one unique response.



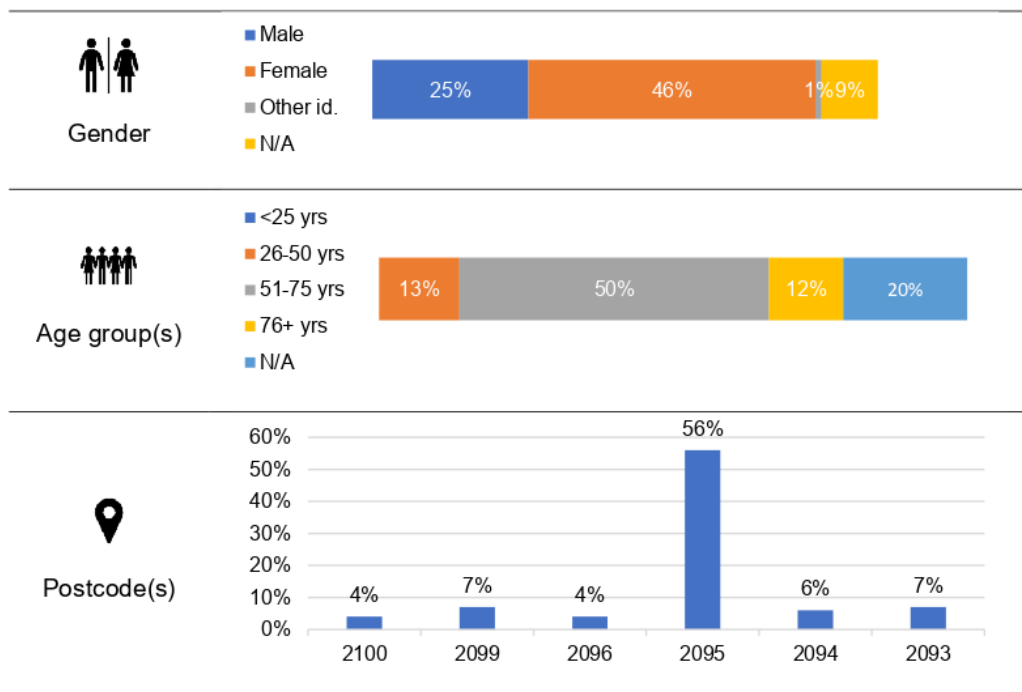
	Long-awaited	Enjoyment
	Public space	Parking
	Access	Cost
Feedback themes		

## 1.2. How we engaged

	Visitors: 730	Visits: 1032	Av. time onsite: 1m24s
Have Your Say			
	Letterbox drop to parts of postcode 2095		Distribution: 145 letters
	Site signs: Yes		Number: 4 signs
Print media and collateral			
	Community Engagement (fortnightly) newsletter: 3 editions		Distribution: 20,000 subscribers
	Council (weekly) e-News: 2 editions		Distribution: 150,000 subscribers
	Stakeholder email: 2 emails		Distribution: 237
Electronic direct mail (EDM)			
	Online public hearing session (Teams) <sup>2</sup>		Attendance: 5
	Face-to-face sessions		

<sup>2</sup> The community members who attended the public hearing all provided an online submission as well.

### 1.3. Who responded<sup>3</sup>



## 2. Background

In 2019, we developed the Little Manly Reserves Landscape Masterplan to provide a long-term strategy for improvements to the reserves. An action was included in the masterplan that would see the property at 40 Stuart Street demolished and the land incorporated into the adjoining park (Little Manly Reserve). The first step toward this was the reclassification of the land as Community Land earlier this year.

It was then proposed to categorise the Community Land at 40 Stuart Street, Manly as Park and include the land in the Little Manly Coastline Management Plan 2004.

Our aim is to return the land to the community as public open space so it can be enjoyed for recreational activities.

Community Land is required to be categorised under the Local Government Act. The Park category has been identified as most appropriate to meet our objectives.

## 3. Engagement objectives

- Objective 1: build community and stakeholder awareness of participation activities (inform)
- Objective 2: provide accessible information so community and stakeholders can participate in a meaningful way (inform)

<sup>3</sup> Demographic data was gathered by request only. The data represented only includes those respondents who provided this detail.



- Objective 3: identify community and stakeholder concerns, local knowledge and values (consult)

#### 4. Engagement approach

Community and stakeholder engagement for this project was planned, implemented and reported in accordance with Council's [Community Engagement Matrix](#) (2017).

A project page<sup>4</sup> was established on our have your say platform with information provided in an accessible and easy to read format. The page included site plans and information about the categorisation process, as well as links to relevant Council documents and resolutions.

The project was primarily promoted through our regular email newsletter (EDM) channels.

Feedback was captured through an online comment form embedded onto the have your say project page. The form included a question that directly asked respondents for their level of support on the proposal.

An open-field comments box provided community members a space to explain or elaborate on their support, not support or neutral sentiment as well as any other feedback they wished to contribute.

Email and written comments were also invited. Contact details for the project manager were provided as a channel for the community to ask any questions about this project.

Local residents were invited to attend a public hearing on the proposed 'Park' categorisation of the land at 40 Stuart Street, Manly, in accordance with the Local Government Act 1993. Council used an independent facilitator (Parkland Planners) to conduct the public hearing.

Submissions were monitored as they were received to identify and respond to questions and requests for clarification. As a result, the amendments document was changed during the consultation period to reflect the current land classification status of 34 and 36 Stuart Street as being Community Land not Operational Land (as originally stated).

The proposed amendments relating to actions to acquire 40 Stuart Street were also removed from the exhibited documents as Council had already acquired that land.

#### 5. Findings<sup>5</sup>

The vast majority (92 percent) of people who made a submission agreed with the proposal to categorise the land at 40 Stuart Street, Manly as Park. Reasons included that it has been long-awaited by the local community as it will allow shared community use of the land, it will increase public access to the harbour, and will provide more passive recreation space for locals, families and visitors.

8 percent of people who made a submission did not agree with the proposal to categorise the land as Park citing the land is too expensive for use as a park, that this parcel of land will not make a significant difference to the size of the reserve, and concern that this proposal will increase the number of people who come to Little Manly and put even more pressure on parking in the area.

Further detail and recommendations are provided in the Parkland Planners produced Public Hearing and Submissions Report for the proposed categorisation 40 Stuart Street, Manly.

<sup>4</sup> <https://yoursay.northernbeaches.nsw.gov.au/proposed-amendment-little-manly-coastline-management-plan>

<sup>5</sup> Community and stakeholder views contained in this report do not necessarily reflect the views of the Northern Beaches Council or indicate a commitment to a particular course of action.

Issues raised during the public consultation are outlined in the table 1 below.

**Table 1:** Issues raised during community engagement

Issue	Council Response
Concern about eviction of current residents	Council has included a note on the lease since 2020 for 40 Stuart Street that it has been identified for demolition in the future. The lease expires in July 2022, at which point the site will be vacated and demolished. The existing tenant has been in occupation prior to 2020.
Loss of income to Council	While Council will lose the rental income from the property once it is vacated, the community benefit of the additional open space significantly outweighs the lost income.
The permanency of the classification and categorisation	The Local Government Act allows for the reclassification of land. There is a specified process that will require community engagement, public hearing and for Council to vote in favour of the proposition.
The café should be relocated to 40 Stuart Street.  The categorisation should allow for this.	This proposal to relocate the café was examined during the masterplan process and was found not to be feasible based on the high capital cost involved with the relocation with a low likelihood of an acceptable return on investment. There is a risk that the Development Application to use 40 Stuart Street would not be supported due to limited on street parking and close proximity to adjoining residence. The categorisation does not preclude the relocation from happening in the future.
This parcel of land will not make a significant difference to the size of the reserve. Council should sell the land and use the proceeds on other projects.	Council recognises the need for more public open space and this proposal provides an opportunity to do this.
40 Stuart Street provides an important buffer to traffic and noise and should be left in place.	The increase in traffic due to the demolition of 40 Stuart Street will be negligible.
Potential increase in the number of people who come to Little Manly resulting in pressure impacting availability of parking in the area.	It is unlikely that the increase in size of the park will result in a substantial increase in patronage. Instead, it is envisaged that extra space will provide less congestion for the current users.
Safety of pedestrians in Stuart Street	The Traffic Networks Team regularly monitors pedestrian and vehicle safety in eastern Manly and implements road safety measures where warranted.
Inclusion of exercise equipment in the top corner of the reserve.	There are no current plans to install fitness equipment at Little Manly Beach. The closest facilities of this nature are in East Esplanade Reserve, Manly approximately 500m away.

## Appendix 1 - Verbatim community and stakeholder responses\*

### Part A: Online submissions

Number	Comment <sup>6</sup>
1	The areas is a popular areas for families with young children and locals more amenities for their enjoyment would be worthwhile
2	The park at Little Manly is loved and used by increasing numbers of people each year, We need more space , so adding the land at 40 Stuart St to the park is a necessary and wise move. Also, it is the just and right thing to do , as 40 Stuart St was purchased by Council solely for the purpose of adding the land to the Little Manly park.
3	Yes we agree to the Community Land at 40 Stuart St being in the category of Park. It will increase the size of the existing park and it was bought for that purpose.  Yes, we support the proposed amendments to the Little Manly Coastline Management Plan when they state that 34,36 and 40 Stuart St are all Classified Community Land. The three foreshore properties, 34 36 and 40 Stuart St should be referred to as Community Classified Land throughout the Little Manly Coastline Management Plan 2021 to be presented to the Northern Beaches Council Councilors on September 28, 2021.
4	This is important public land, and should be part of the Little Manly Beach precinct. The beach is used by many locals and others - it is a popular friendly beach, much used by families. The house should simply not be in private hands.
5	Any plan to increase public land in Sydney, especially Manly, gets my full support
6	Encourage recreational and community shared spaces and support the health and well being for the community. For community to enjoy. So it can be enjoyed by the community as recreational space and return back to the community for shared use.
7	We have the whole of little manly point park that is under-utilised. Clear out the shrubs and use the parkland already available. It is a complete waste of fund knocking down this house, just so a few residents can get their view back. There is already limited parking in the area.
8	Yes, love emphasis on natural features , sandstone, playground upgrade, improved pedestrian access and not over developing. Also traffic calming important. Doesn't always feel safe near road with little kids.
9	The lovely house at 40 Stuart St should remain as a buffer to the road traffic as removing it will destroy the heritage of the area. We do not require any more vacant land as the park area currently being used, has never been maintained (and still isn't). The only people I have seen maintaining the grass are residents who actually watered the lawn to keep it semi-usable, including the previous owners of No. 40. Until a proper maintenance schedule is in force, please leave well alone, and do not spoil the ambience of the area. I have used this beach for over 60 years but am sick of the poor maintenance of the gardens and lawn, and especially the bindii.
10	My wife and I live on Osborne Rd. We regularly use Little Manly Beach and the associated small green area for family recreation activities. As a long term resident, I note that increasing numbers of people, including plenty of non Manly

\*Personal details and inappropriate language have been redacted where possible. Spelling and grammatical errors have been amended only where misinterpretation or offence may be caused.

<sup>6</sup> Some people only answered the sentiment question in the online submission form and did not provide further comments.


	<p>people, are making good use of Little Manly. More park space is urgently needed, and its taken a while.</p> <p>As an aside, I hope that Council will one day buy the adjacent monstrosity built privately some years ago. It was slack of the then Council, who, when given the opportunity, failed to seize the moment. Plenty of shame on Jean Hay and her ilk!</p>
11	Expansion of public open space is an advantage to the community
12	<p>I have seen many public spaces on the Harbour side in Manly be taken over by restaurants, shops &amp; bars over the years I have grown up &amp; lived on the Northern beaches...</p> <p>I agree &amp; would like to see this area changed to park, allowing more public space &amp; ensuring it is kept for community to use and allowing many rather than just few to enjoy an open, beautiful area &amp; coastline.</p>
13	<p>I note you have corrected the originally stated classification of land at 34 and 36 Stuart Street 'operational' to 'community'. Please be sure this is reflected in all documentation of the whole process, as well as the new Little Manly Coastline Management plan. Thank you.</p> <p>I agree with teh area being redefined as a 'Park'</p>
14	It's a terrific idea, well done Council.
15	I'd very much like to see this parcel of land (in fact the whole dune area) made public space. All beaches should be for that matter. A costly and lengthy plan but well worth it for the human and natural benefits it will bring in the form of outdoor recreational space.
16	We do not believe the change makes a significant difference to the Park area. The Council would have better use of funds by selling the land and using the money on other necessary activities. Our rates have jumped 25% this year and we need some control on the budget. This asset is valuable and would benefit more ratepayers by selling the land.
17	<p>I believe this property should never have been available as private land so close to a public beach .</p> <p>The community will benefit from the conversion proposed.</p>
18	<p>QUESTION:</p> <p>What happens after the 21 yeas or 30 years with Minister's consent as community reclassification to Park? I think this should be open space in perpetuity to remain as is with no intervention of new Councils in the future</p>
19	<p>It is a long awaited change that 40 stuart is officially integrated in the public park, as should all dwellings on the little manly beach front.</p> <p>Thank you for taking utmost care regarding pedestian traffic in this area. There is a very sensitive intersection between Stuart and Addison where pedestians do not have yet have the appropriate settings to be protected from traffic. There is a need for 2 crosswalk sections on that intersection. It is increasingly busy with pedestrians and cars are driving too fast.</p> <p>Thank you very much for yooor consideration.</p>
20	I am greatly in favour of this proposal to upgrade and increase public space around this beautiful area and increase the amount of natural environment
21	The proposal will result in much needed open space for community use,
22	I used to live near Little Manly Beach and was able to observe activities by families from all over Manly as well as Sydney. I taught my grandchildren how to swim there and had many picnics with friends as well; however, the park area is too small for people to enjoy this ideal family location. Even when this community beach was first planned many years ago, it was never to be occupied by private property. Little Many Beach should be shared by everyone!
23	I support increased public open space in urban areas adjacent to the harbour



	It is what the public want, only pity is that the Council can not purchase all properties, through resumption if necessary, so that all of the land area can be incorporated as Community land. Council and the fantastic Community group who let the fight to retain this site as Community land are to be congratulated on their decision to demolish No.40 Stuart Street and return this site to the Little Manly Coastline Management plan.
24	Change reference to community land and add lot 40 please. I lived in manly for most of my life, and plan to return.
25	I believe that the Community Land at 40 Stuart Street, Manly, should be categorised as Park. The intention of myself and many other community members is that this parcel at 40 Stuart Street should join the parcels of Community Land at 34 and 36 Stuart Street to form a Park that is available to all community members to share. The unification of these blocks is long overdue.
26	Keen for 40 Stuart to become Park in line with long term vision. Park space is desperately need in this part of Mably to help families enjoy Little Manly space.
27	Land for the enjoyment of all.
28	This land will be a wonderful addition to the Little Manly Reserve, allowing beautiful Sydney Harbour to be enjoyed by more than just a select few!  Please could you have your senior staff review the Plan as it incorrectly refers to 34 and 36 Stuart Street as Operational Land. The LEC Decision of 9/10/2013 clearly declares these properties to be Community Land. Eight years should be long enough to get this right!
29	The park at Little Manly is heavily patronised on weekends and public holidays. Most of the attendees seem to be residents of the Northern Beaches. The ferry day trippers seem to regard this beach as too far to walk to. During busy times, this park is a haven from the overcrowding in the Corso, main beach, East Esplanade and Shelley Beach sites. Therefore, I strong support the modest expansion of this park by changing the zoning of the council-owned 40 Stuart Street to the Park category. This will help preserve this valuable piece of land for current and future generations. It is also sensible as it helps to address the likely higher demand in future as a result of the inevitable growth in the population of the Northern Beaches.
30	<b>Submission to the consultation regarding the Proposed Amendments to the Little Manly Coastline Management Plan 2004.</b>  I agree that the Categorisation of 40 Stuart Street should be 'Park'.  I support this because Little Manly is very busy and popular and more space is needed for passive recreation. Little Manly is such a beautiful harbour beach and having the foreshore as 'Park' is a wonderful asset for the community. The beach is particularly popular with seniors and with families with small children and is visited by people from all over the Northern Beaches and actually from all over the World.  The community has been campaigning for this since 2005 and the plan for open space has been in place since the early 1950s when the Cumberland Plan designated the land as green open space.  <u>Incorrect Information</u>



	<p>I have looked at the two-page document called 'Proposed Amendments to the Little Manly Coastline Management Plan 2004' and found that, regrettably, it contains <u>incorrect information</u>.</p> <p>This document states that 34 and 36 Stuart St are classified as Operational Land. This is wrong. The classification of 34 and 36 Stuart St is <u>Community Land</u>.</p> <p>Even though the Little Manly Master Plan 2019 correctly shows 34 and 36 Stuart St as classified as Community Land, the Proposed Amendments to the Little Manly Coastline Management Plan 2004 refers to them as classified as Operational Land. This means the consultation information is incorrect, inconsistent and hence misleading and confusing to the community.</p> <p>The problem arises because the Little Manly Coastline Management Plan 2004 is old and has not been updated to incorporate the following event.</p> <p>In December 2012, Manly Council decided to sell 34 and 36 Stuart St despite the fact that this action was never in the Little Manly Coastline Management Plan 2004. This led on 9/10/2013 to the case in the Land and Environment Court of Save Little Manly Beach Foreshore Inc v Manly Council the judgement from which declared both 34 and 36 Stuart St are classified as Community Land.</p> <p>Quoting from the judgement, "Declaration that the respondent's land of 34 and 36 Stuart St, Manly is classified as Community under the Local Government Act 1993." Judge Biscoe.</p> <p>The document 'Proposed Amendments to the Little Manly Coastline Management Plan 2004' uses the wording of the classification of Operational Land in regards to 34 and 36 Stuart St. That Operational Land classification needs to be corrected to the Community Classification as declared in the judgement by the Land and Environment Court.</p> <p>The court case was in 2013 and Manly Council should have acknowledged the court decision and updated the Little Manly Coastline Management Plan 2004.</p> <p>So, it is not possible to sensibly or accurately amend the Little Manly Coastline Management Plan 2004 just for 40 Stuart St without making some other updates.</p> <p>One further detail is that the resolution of 26 Nov 2019 was not worded in accordance with the Local Government Act in relation to Community Land. Save Little Manly Beach Foreshore Inc sought legal advice on this. The follow up resolution of 23 Feb 2021 was worded correctly and replaces the resolution of 26 Nov 2019. So basically 40 is now reclassified (as is mentioned correctly on the consultation webpage) and that reclassification is not dependent on amending the Little Manly Coastline Management Plan 2004.</p> <p><u>Details of Incorrect Information</u></p> <p>The following sections of the 'Proposed Amendments to the Little Manly Coastline Management Plan 2004' are incorrect:</p> <ol style="list-style-type: none"> <li>1. The page numbering in columns 2 and 3 are all reversed except for page 77 / 108 and page 78 / 109.</li> </ol>
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	<p>2. PDF Page 45 Section 4.2 'Description: Land at 40 Stuart Street which is intended to comprise the western side of Little Manly Reserve.</p> <p>The wording western side is inaccurate since 34 and 36 are further to the West of 40. The wording implies the reserve ends at 40.</p> <p>3. PDF p 223 Terrestrial Issues – Action Plan</p> <p>'LOL2. Maintain the classification of Nos. 34 and 36 Stuart Street as operational until all or part of 38 Stuart Street, earmarked for acquisition, has been acquired. Once this property has been acquired the land be classified as Community Land.'</p> <p>34 AND 36 ARE NOT CLASSIFIED AS OPERATIONAL THEY ARE CLASSIFIED AS COMMUNITY LAND and the classification is no longer dependent on the acquisition of part or all of 38 because the court case has already designated 34 and 36 as being classified as Community Land.</p> <p>The following sections of the 'Little Manly Coastline Management Plan 2004' <u>Support Document</u> are also incorrect regarding 34 and 36 Stuart St:</p> <ol style="list-style-type: none"> <li>1. Page 15 Section 4.3 References to 34 and 36 Stuart St need to be corrected.</li> <li>2. Page 16 Section 4.4 References to 34 and 36 Stuart St need to be corrected.</li> <li>3. Page 17 Section 4.5.1 States that 36, 38 and 40 are 'open space to be acquired'. This is incorrect as 36 and 40 have now been acquired and 38 has been zoned E4 since 2014</li> <li>4. Page 77 Section 6.14.1 References to 34 and 36 Stuart St need to be corrected.</li> <li>5. Page 78 Section 6.14.2 References to 34 and 36 Stuart St need to be corrected.</li> <li>6. Appendix 2 34 and 36 Stuart St need to be shaded orange i.e. community land.</li> <li>7. Appendix 5 Needs to be updated for 34 and 36 Stuart St.</li> </ol> <p> Save Little Manly Beach Foreshore Inc 18 July 2021</p>
31	<p>Why are the properties at 34 and 36 Stuart St not also included in the scope of this amendment? Little Manly Coastline Action Plan</p>

	<p>Terrestrial Issues – Action Plan - Land Ownership and Logistics Recommendations / Strategies. Delete action LOL2, and replace with: 'LOL2. Maintain the classification of Nos. 34 and 36 Stuart Street as operational until all or part of 38 Stuart Street, earmarked for acquisition, has been acquired. Once this property has been acquired the land be classified as Community Land.'</p> <p>What is the justification for this? The wait may be forever and the community could be benefiting far more from its ownership of these properties.</p>
32	With the upgrade of the kiosk at Little Manly (which I agree with), it makes sense to have extra parkland so people can spread out more and enjoy the facilities. It also gives children more playing space while parents enjoy the kiosk. I support the move.
33	There is no sense in this proposal. You wish to destroy an existing house where people can live and replace it with grass for "recreational purposes". The area called Little Manly Reserve is adequate as it is.
34	Excellent idea to include this lot as part of the Little Manly Beach Park, which is well-used and could do with the extra space which this inclusion would result in. I believe the community needs this and agree that it should be reclassified and the plans moved forward as soon as possible.
35	I support the proposal to reclassify 40 Stuart street, Manly as Park and to return the land to the community as public open space so it can be enjoyed for recreational activities.
36	This matches the surrounding categorisation and is appropriate. Well done.
37	Foreshore land should be accessible to the public
38	At last this land will be part of the community park as has been envisaged for the last forty years. A really good idea that I totally support.
39	Categorising this land as a park is clearly in the interest of the community, as expressed by the engagement of the community in this matter. We fully support it.
40	The whole of the Little Manly beachfront was gazetted decades ago to become Open Space and park land for the benefit of the community and to enhance the beauty of the area. The demolition of 40 Stuart Street and park land to be developed will be a step in the right direction. The former Manly Council totally compromised Little Manly's Open Space beachfront when they allowed 38 Stuart Street become a private dwelling - against all the years of the community's hard work in campaigning for Open Space as was the govt mandate. The concept of more Open Space such as will occur with the demolition of 40 Stuart Street is truly welcomed by all - for general public use and enjoyment.
41	I would also support installing exercise equipment in the top corner of the property (out of the way) near to Stewart Street.
42	So many people, mostly families, enjoy the Little Manly beach space, particularly over the warmer months. I believe this extra park area will be wonderful for them.
43	It will be great to have some additional park/open space at Little Manly Beach. We live in a very dense area and within the residential areas there is really very little open space. This is not a large area but every little bit helps.
44	When & if No 38 becomes available for sale the price would be over the top for purchase be Northern Beaches Council so Council should forget about purchasing in the future. It would be a very expensive block to turn into parkland & the money would be better used elsewhere where it would do more good for the complete Council area.
45	It is the most common sense decision. Additional 'park' land has community and environmental benefit.

**Part B: Emailed submissions**

Number	Comment
1	<p>Hi,</p> <p>I'd like to register my support for the reclassification of 40 Stuart St to park.</p>
2	<ul style="list-style-type: none"> <li>• I understand the Classification of 34 and 36 Stuart Street has been changed to Community , as per the Land and Environment Court ruling.</li> <li>• The land and house 40 Stuart Street under the Council Motion by the Administrator was really the way to go, we still have a Café surrounded by toilets under your present system</li> <li>• Because it was voted to change by the Councillors doesn't mean it was a right decision.</li> <li>• We do need a Community Classification on the house and land, but how does that leave the house on 34 Stuart Street.</li> <li>• By demolishing the house on 40 Stuart Street this will leave just a sliver of land extra into the park and the loss of the value of house and land of approx 8 million dollars of community asset. This just doesn't sit well financially.</li> <li>• The Community Classification , which I understand there are now many subsections, should allow the inclusion of 40 of a Café System, separate change rooms and separate toilets, with no chance of a residential building on this land, followed by the removal of the hotch potch buildings on the knoll/hill and also the removal of the electricity sub station more than possible with todays electronic advancements.</li> </ul>
3	<p>Dear Michael Regan, Mayor and Ray Brownlee, CEO Northern Beaches Council,</p> <p>As [REDACTED] Save Little Manly Beach Foreshore Inc we demand that the Proposed Amendments to the Little Manly Coastline Management Plan be corrected.</p> <p>This document states that 34 and 36 Stuart St are Operational Land. This is wrong. They are both classified Community Land. The classification of 34 and 36 Stuart St is Community Land.</p> <p>This was established in the 9/10/2013 Judgement, Land and Environment Court NSW, Save Little Manly Beach Foreshore Inc v Manly Council.</p> <p>Quote, " Declaration that the respondent's land of 34 and 36 Stuart St, Manly is classified as Community under the Local Government Act 1993." Judge Briscoe.</p> <p>It is not everyday that a community group takes it's council to court to prevent their council from selling Community Land, and yet after Manly Council lost the case and was ordered to pay all costs Manly Council took no steps to up date the Little Manly Coastline Management Plan 2004 and neither has Northern Beaches Council since.</p>



SLMBFINC worked extremely hard for the past 16 years to save this Sydney Harbour Foreshore Beach for the Community. We are very angry that 34 and 36 Stuart St are incorrectly classified in these Proposed Amendments to the Coastline Management Plan 2004.

It is totally unacceptable.

We know that by putting incorrect information, as regards to the classification of 34 and 36 Stuart St, on the Council website that not only will the community be confused and misled but developers will start to make plans for developments on the land. Potentially also the owners of 38 Stuart St, zoned E4, will also be misled.



Amazingly, even though the Little Manly Master Plan 2019 correctly shows 34 and 36 Stuart St as Community Land, the Proposed Amendments to the Coastline Management Plan refers to them as Operational. This means the consultation information is incorrect.

This isn't the first time in this long process of acquiring Community Land at Little Manly Beach Foreshore that Councils both Manly Council and now unfortunately Northern Beaches Council have done the wrong thing.

***Council Non Actions list***

<b>Date</b>	<b>Council Motions</b>	<b>Council - inactions</b>	<b>Evidence</b>
070423	General Manager's Report - attempts to rezone 34, 36, 38 and 40 from Open space to Residential defeated (vote : unanimous 12 out of 12)		
070423	Council votes to buy No.38	<i>no bid put in at auction</i>	
080218	Council votes to compulsory acquire No.38	<i>no action taken.</i>	
080218	Council votes to demolish No.36	<i>no demolition carried out.</i>	
080218	Council votes to classify No.36 as community land	<i>not filed properly.</i>	
100627	Council controls won in Land & Environment Court for No.38 Stuart St	<i>removed by same Council</i>	



110202	<i>Aboriginal Bones - discovered by builders on No.38 new development. - Manly Daily</i>	<i>No stopping, never heard of again</i>	
111010	Closed Council meeting aims to spot rezone No.34,36,38,40 from open space to residential <i>Planning &amp; Strategy Division Report No. 18 in respect of Draft Manly Local Environmental Plan 2011</i>		
111017	Open Council rescinds motion to rezone 34, 36, 38 and 40 from Open Space to Residential - defeated (Vote: 6 to 4 out of 12)		
111212	Council votes to complete the park on 34 and 36	<i>no action taken.</i>	
120206	Council again votes to demolish 36	<i>no demolition carried out again</i>	
120402	Council votes to buy 40	<i>bought in Sept. After C'lrs Murphy and Burns override GM non-action</i>	
120716	Council engages 4 landscape architects for Little Manly Beach Park	<i>Never heard of again</i>	
121210	<b>Council votes to sell off Council reserve, 34 and 36 - passed (Vote : 4 to 3 out of 9 Councilors) (C &amp; J Griffin abstain)</b>		
121210	<b>Council votes to rezone Open space to Residential 34, 36, 38 - passed (Vote : 4 to 3 out of 9 Councilors) (C &amp; J Griffin abstain)</b>		
131009	<i>Save Little Manly Beach Foreshore Incorporated v Manly Council (No 2) [2013]</i>	<i>Council "sell off" stopped</i>	

		Council illegally tried to sell off community land.		
	<b>131009</b>	<i>Save Little Manly Beach Foreshore Incorporated v Manly Council (No 2) [2013] NSWLEC 156 Justice Biscoe at [37]</i> <i>"In March 2013 the Council changed the register to again show No 36 as operational land, notwithstanding that the comment remained on the register ( that is community land ). There is evidence that this change occurred on the instruction of the Council's Deputy General Manager because he understood that the community classification of No 36 was a mistake (for reasons not pressed in these proceedings)."</i>		
	<b>131209</b>	Council Spot rezones no.38, and rescinds rezoning of No.34 & 36 after Court Action (5to4) ( <b>J. Griffin</b> and C. Bingham support spot rezoning of No.38 from open space to residential. )		
	191126	NBC fails to include 40 Stuart St in first draft Little Manly Masterplan		
	210707	NBC states 34 and 36 are operational in proposed amendments to Little Manly Coastline Management Plan		
<p>This list of failures, particularly by Manly Council should explain why we are now so angry at what seems to be the last straw.</p> <p>It is outrageous that obstructions, such as not including 40 Stuart St in the first draft of the Little Manly Masterplan , are still occurring and we cannot believe the errors in the current Proposed Amendments.</p> <p>We therefore demand that the Proposed Amendments be corrected and uploaded to the Have Your Say page immediately. Not doing so makes a nonsense of the consultation process and would infuriate all of Manly, but especially all of those community members who have worked so hard to keep this iconic Sydney Harbour Foreshore Public.</p> <p>During the court case the interest was not just State-wide but Nation-wide.</p> <p>Australians believe their Sydney Harbour Foreshores are Public Lands.</p>				

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