



## Attachments

## Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

**Monday 9 September 2013**

Commencing at 7.30pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:*

[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)

TABLE OF CONTENTS

Item Page No.

ENVIRONMENTAL SERVICES DIVISION

**Environmental Services Division Report No. 17**  
Re-zoning of Stuart Street, Manly

**AT2:** Submissions Matrix.....2

**AT3:** Office of Environment & Heritage Comments on Biodiversity & Aboriginal  
Cultural Heritage ..... 22

**AT4:** Office of Environment & Heritage Comments on Coastal Erosion..... 24

\*\*\*\*\* END OF ATTACHMENTS \*\*\*\*\*

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

1	MC/13/68862	<ul style="list-style-type: none"> <li>Lack of forward vision by disposing of Public Land (zoned for Public Recreation) for private residential development.</li> <li>Significant impact on future plans and once lost (as public land) impossible to regain.</li> </ul>	See Reports' Submissions Review.
2	MC/13/69500	<ul style="list-style-type: none"> <li>Disposal of Public Land that has been set aside by past generations for public use will be lost to private residential development.</li> <li>Failure to address an increasing demand for foreshore land for general health and outdoor recreation.</li> <li>Loss of space for launching and setting up boats, kayaks, wind surfers and the like.</li> <li>Increased pressure on other areas like East and West Esplanade beaches without the land available in Little Manly, resulting in traffic impacts and congested access to Manly's Eastern Hill including the Hospital including emergency vehicles.</li> </ul>	See Reports' Submissions Review.
3	MC/13/69515	<ul style="list-style-type: none"> <li>Disposal of Public Land (zoned for public recreation) lost to private residential development.</li> <li>Impact on the landscape and quality of life for future generations.</li> <li>Increasing demand for green spaces with increasing densities.</li> <li>The subject land has been set aside for 50 years as future park land for residents and visitors and is not just for a privileged few.</li> <li>Loss of green space for endangered Bandicoots.</li> </ul>	See Reports' Submissions Review.
4	MC/13/69561	<ul style="list-style-type: none"> <li>Disposal of Public Land (zoned for public recreation) lost to private residential development.</li> <li>Flats and large houses on the land would be an eyesore.</li> <li>Little Manly Beach allowed to be overrun by development.</li> <li>Loss of boat ramp.</li> </ul>	See Reports' Submissions Review. Development Standards are recommended in conjunction with zoning. Planning Proposal does not seek to remove boat ramp.
5	MC/13/69576	<ul style="list-style-type: none"> <li>Proposal reflects mismanagement of resources and erosion of local services that have taken much time to procure.</li> <li>Disposal of Public Land (zoned for public recreation) lost to private residential development.</li> <li>Increasing demand for green spaces with increasing densities and visitor numbers.</li> <li>The need is for public recreational space to support a beautiful harbour and not additional Residential space.</li> <li>Request detailed examination of money available; current and projected revenue streams; current total debt and repayment plans; repayment terms; and the community's wishes and priorities.</li> </ul>	See Reports' Submissions Review.  Detailed requests for budgetary information is beyond the scope of this report which essentially deals with zoning and LEP mapping.
6	MC/13/69701	<ul style="list-style-type: none"> <li>The land is considered community land that should be preserved for future generations.</li> <li>Foreshore land should be kept for all to enjoy including interstate and overseas visitors.</li> </ul>	See Reports' Submissions Review.
7	MC/13/69702	<ul style="list-style-type: none"> <li>Disposal of Public Land (zoned for public recreation) lost to private residential development.</li> </ul>	See Reports' Submissions Review.

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		<ul style="list-style-type: none"> <li>No community benefit with degradation and loss of natural resources for financial gain.</li> <li>Inconsistent with Little Manly Coastal Management Plan to 'increase public access to and community use of the foreshore of Little Manly'.</li> <li>Inconsistent with an agreement by Sydney Harbour Foreshores Councils 'Our Harbour' in which core issues included concern over privatization of harbour foreshore and the need for all spheres of government to 'seize every opportunity to increase the public ownership of foreshore land and progressively remove impediments to access to and from the water.'</li> </ul>	While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.
8	MC/13/70111	<ul style="list-style-type: none"> <li>The Planning Proposal overturns previous Council' shared work to create this foreshore land.</li> <li>Aboriginal and Heritage Assessment required.</li> <li>Boat Storage and watercraft staging area is the only access for boating, wind surfers and kayakers in North Harbour's.</li> <li>Disturbance to acid sulphate soils is a concern for development as land is at end of an old swamp.</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	See Reports' Submissions Review. In particular, the assessment of Heritage (including Aboriginal) and acid sulphate soils is recommended at DA stage. The adjoining boat ramp not altered or removed by the Planning Proposal.
9	MC/13/70114	<ul style="list-style-type: none"> <li>Proposal overturns previous Councils shared work to create this foreshore land.</li> <li>Boat Ramp is the only access for boat owners on the northern beaches and should be upgraded.</li> <li>Harbour foreshore access and recreational use are increasingly important as Sydney's population increases.</li> <li>Sydney Harbour Foreshores Councils agreement - 'Our Harbour' in which core issues included concern over privatization of harbour foreshore and the need to 'seize every opportunity to increase the public ownership of foreshore land'</li> <li>Little Manly Coastal Management Plan to 'increase public access to and community use of the foreshore of Little Manly'</li> <li>Councils Sea Level Rise study (Cardno 2008) notes the public liability Council will incur with increasing freak storms.</li> <li>Aboriginal and Heritage Assessment required.</li> <li>Disturbance to Acid Sulphate soils.</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	<p>See Reports' Submissions Review The adjoining boat ramp not altered or removed by the Planning Proposal.</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p> <p>Council's Risk Manager advises that any additional liability in relation to the rezoning would be negligible. The assessment of Heritage (including Aboriginal) and acid sulphate soils is recommended at DA stage.</p>
10	MC/13/70226	<ul style="list-style-type: none"> <li>Historic efforts to protect this valuable foreshore area for public space lost.</li> <li>Disposal of Public Land (zoned for public recreation) lost to private residential development.</li> <li>The land is, and should remain community land.</li> <li>The Proposal is retrograde and contrary to Council's own strategic goals.</li> </ul>	See Reports' Submissions Review.
11	MC/13/70227	<ul style="list-style-type: none"> <li>Need for park is increasing as reserve becomes more popular with young families.</li> </ul>	See Reports' Submissions Review.

## ATTACHMENT 2

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		<ul style="list-style-type: none"> <li>• Priority should be protecting the enjoyment of the foreshore.</li> <li>• Need to minimise disturbance for Little Fairy Penguins and Bandicoots.</li> </ul>	
12	MC/13/70247	<ul style="list-style-type: none"> <li>• Boat &amp; Kayak store immensely popular with long wait lists and Boat ramp is a great and unique asset for the whole of Manly.</li> <li>• Lack of community engagement.</li> <li>• Keep these beach properties as public recreation.</li> </ul>	See Reports' Submissions Review.
13	MC/13/70247	<ul style="list-style-type: none"> <li>• Council has sought to acquire land bordering Little Manly Beach for 50 years as beachside park land for public use and such efforts should not be overturned.</li> </ul>	See Reports' Submissions Review.
14	MC/13/70248	<ul style="list-style-type: none"> <li>• Disposal of Public Land (zoned for public recreation) lost to private residential development</li> <li>• Land is invaluable open space for all residents and visitors alike and proposal amounts to asset stripping that is considered short sighted.</li> <li>• As population pressures increase, public recreational spaces become increasingly important for health and vitality.</li> <li>• Pubic Reserve should be increased and facilities maintained</li> <li>• Environmental Impacts of more dwellings especially on Bandicoots and Penguins.</li> <li>• Potential storm damage concern querying Council dealings with future liabilities for damage to foreshore residences with rising sea levels and storms.</li> </ul>	See Reports' Submissions Review.
15	MC/13/70249	<ul style="list-style-type: none"> <li>• Impact of rezoning is a concern on users of the beach and park, including tourists.</li> <li>• Wildlife needs protection by this space but will be adversely impacted by development.</li> <li>• The Little Manly Reserve is not only an important green space but also one of the few on the Manly peninsula, as will as a key meeting point for visitors and residents, access point to harbour and is the original Village of Manly.</li> </ul>	See Reports' Submissions Review.
16	MC/13/70251	<ul style="list-style-type: none"> <li>• Loss of community land part of the foreshore park at Little Manly.</li> <li>• Reducing the land makes no provision for increasing future population demands for such areas.</li> <li>• As much of the eastern hill of Manly is already high rise and flats existing open space land should be increased not decreased by this retrograde decision.</li> </ul>	See Reports' Submissions Review.
17	MC/13/70254	<ul style="list-style-type: none"> <li>• Historic efforts to protect this valuable foreshore area for public space lost</li> <li>• Boat Ramp is the only access for boat owners on the northern beaches and should be upgraded.</li> <li>• Harbour foreshore access and recreational use are increasingly important as Sydney's population increases.</li> <li>• Sydney Harbour Foreshores Councils agreement - 'Our Harbour' in which core issues included concern over privatization of harbour foreshore and the need to 'seize every opportunity to increase the public ownership of foreshore land'.</li> <li>• Little Manly Coastal Management Plan to 'increase public access to and community use of the foreshore of Little Manly'.</li> <li>• Councils' Sea Level Rise study (Cardno 2008) notes the public liability Council will</li> </ul>	<p>See Reports' Submissions Review.</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p> <p>Council's Risk Manager advises that any</p>

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		<p>incur with increasing freak storms.</p> <ul style="list-style-type: none"> <li>• Aboriginal and Heritage Assessment required.</li> <li>• Reference made to Manly Penguin Recovery Plan 2000.</li> <li>• Disturbance to Acid Sulphate soils.</li> <li>• A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	<p>additional liability in relation to the rezoning would be negligible.</p> <p>The assessment of Heritage (including Aboriginal) and acid sulphate soils is recommended at DA stage.</p>
18	MC/13/70259	<ul style="list-style-type: none"> <li>• An increasing number of local families with young children increase the demand for beaches and parks like Little Manly.</li> <li>• The existing zoning is appropriate for current needs and demolition sought to make way for the public open space.</li> <li>• Not the time to reverse previous Council's shared work to create this foreshore land.</li> <li>• Importance of the kayak and boat facility for the recreation of the people of Sydney.</li> </ul>	See Reports' Submissions Review.
19	MC/13/70264	<ul style="list-style-type: none"> <li>• Foresight of H G Smith to set aside foreshore land in Fairlight should provide visionary insight into decisions in relation to Stuart Street land which has been earmarked for decades with 3 out of 4 blocks now acquired.</li> <li>• As population pressures increase, public recreational spaces become increasingly important.</li> <li>• A larger area of reserve adjacent the beach with some shady trees on this popular beach within walking distance of the Wharf would be a perpetual asset.</li> </ul>	See Reports' Submissions Review.
20	MC/13/70336	<ul style="list-style-type: none"> <li>• The land is zoned RE1 because it has been promised to community as open space some 50 years ago.</li> <li>• Loss of significant vision for economic gain.</li> <li>• Inadequate consultation.</li> <li>• Likely type of residential development excessive i.e. flats &amp; townhouses.</li> <li>• Adverse impact on 3 nests of endangered Little Penguins and long nosed bandicoots.</li> <li>• Contrary to key objectives of 'Sharing Sydney Harbour Access Plan' 2003.</li> </ul>	<p>See Reports' Submissions Review.</p> <p>The Planning Proposal incorporates new development standards as appropriate. The Access Plan 2003 provided the framework for various projects at Little Manly funded in 2004 that will remain.</p>
21	MC/13/70386	<ul style="list-style-type: none"> <li>• Historic efforts to protect this valuable foreshore area for public space would be lost.</li> <li>• Boat Ramp provides access for a broad range of uses.</li> <li>• To undo the foresight of previous Council's to secure the public space would be disgraceful as this type of land is extremely rare and important.</li> </ul>	<p>See Reports' Submissions Review.</p> <p>The adjoining boat ramp is not altered or removed by the Planning Proposal.</p>
22	MC/13/70392	<ul style="list-style-type: none"> <li>• Disposal of essential public land lost forever to private residential development considered a failure of Council and NSW.</li> <li>• Sydney Harbour Foreshores Councils agreement - 'Our Harbour' in which core issues included concern over privatization of harbour foreshore and the need to 'seize every opportunity to increase the public ownership of foreshore land'.</li> <li>• Little Manly Coastal Management Plan to 'increase public access to and community use of the foreshore of Little Manly'.</li> <li>• Councils Sea Level Rise study (Cardno 2008) notes the public liability Council will incur with increasing freak storms.</li> </ul>	<p>See Reports' Submissions Review</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p> <p>Council's Risk Manager advises that any additional liability in relation to the</p>

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		<ul style="list-style-type: none"> <li>Aboriginal/ Heritage and Acid Sulphate Soils Assessments required.</li> <li>Reference is made to Manly Penguin Recovery Plan 2000.</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> <li>Suggestion that project justified on budgetary grounds is questionable given apparent capacity for debt in other 80 million Manly 2015 plans.</li> </ul>	rezoning would be negligible.
23	MC/13/70410	<ul style="list-style-type: none"> <li>Council should not overturn historic efforts to create foreshore parkland.</li> <li>Sydney Harbour Foreshores Councils agreement - 'Our Harbour' in which core issues included concern over privatization of harbour foreshore and the need to 'seize every opportunity to increase the public ownership of foreshore land'.</li> <li>Little Manly Coastal Management Plan to 'increase public access to and community use of the foreshore of Little Manly'.</li> <li>Councils Sea Level Rise study (Cardno 2008) notes the public liability Council will incur with increasing freak storms.</li> <li>Aboriginal and Heritage Assessment required.</li> <li>Manly Penguin Recovery Plan 2000 ignored.</li> <li>Disturbance to Acid Sulphate soils.</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	<p>See Reports' Submissions Review</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p> <p>Council's Risk Manager advises that any additional liability in relation to the rezoning would be negligible.</p>
24	MC/13/70480	<ul style="list-style-type: none"> <li>Loss or limitations on boat ramp strongly opposed.</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp.
25	MC/13/70631	<ul style="list-style-type: none"> <li>Loss or limitations on boat ramp strongly opposed.</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp.
26	MC/13/70656	<ul style="list-style-type: none"> <li>Loss or limitations on boat ramp strongly opposed.</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp.
27	MC/13/70679	<ul style="list-style-type: none"> <li>Council should not overturn historic efforts to create foreshore parkland.</li> <li>Harbour foreshore access and recreational use is something for all to enjoy and should remain zoned public recreation.</li> </ul>	See Reports' Submissions Review.
28	MC/13/70727	<ul style="list-style-type: none"> <li>Loss or limitations on boat ramp strongly opposed.</li> <li>Council should not overturn historic efforts to create foreshore parkland.</li> <li>Harbour foreshore access and recreational use is something for all to enjoy.</li> <li>Proposal ignores 'Our Harbour Agreement; Little Manly Coastal Management Plan; Climate Change Actions for Manly LGA; Bandicoot Recovery Plan, Aboriginal and Heritage Assessment; Boat Storage and Watercraft staging area;</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	<p>See Reports' Submissions Review.</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p>
29	MC/13/70805	Inquiry only	Actioned
30	MC/13/70806	<ul style="list-style-type: none"> <li>Land to be rezoned was purchased as community land using residents rates and should not be rezoned for sale and development.</li> <li>No public benefit.</li> </ul>	See Reports' Submissions Review.

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		<ul style="list-style-type: none"> <li>Debts to finance other projects (pool &amp; oval parking) render any debt incurred on Little Manly properties insignificant.</li> </ul>	
31	MC/13/70807	<ul style="list-style-type: none"> <li>Council should not overturn historic efforts to create foreshore parkland.</li> <li>Harbour foreshore access and recreational use is something for all to enjoy.</li> <li>Proposal ignores 'Our Harbour Agreement; Little Manly Coastal Management Plan; Climate Change Actions for Manly LGA; Bandicoot Recovery Plan, Aboriginal and Heritage Assessment; Boat Storage and Watercraft staging area; Acid Sulphate Soils</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	See Reports' Submissions Review. While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.
32	MC/13/70808	<ul style="list-style-type: none"> <li>Preservation of existing recreational areas sought to encourage and enable foreshore access</li> </ul>	See Reports' Submissions Review
33	MC/13/70809	<ul style="list-style-type: none"> <li>Contrary to community needs</li> <li>Council should not overturn historic efforts to create foreshore parkland</li> <li>Harbour foreshore access and recreational use is something for all to enjoy and particularly important due to increasing population in Sydney</li> <li>Proposal ignores 'Our Harbour Agreement; Little Manly Coastal Management Plan; Bandicoot Recovery Plan, Aboriginal and Heritage Assessment; Boat Storage and Watercraft staging area; acid sulphate soils</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	See Reports' Submissions Review  While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.
34	MC/13/70810	<ul style="list-style-type: none"> <li>Council should not overturn historic efforts to create foreshore parkland</li> <li>Harbour foreshore access and recreational use is something for all to enjoy and particularly important due to increasing population in Sydney</li> <li>Proposal ignores 'Our Harbour Agreement; Little Manly Coastal Management Plan; Bandicoot Recovery Plan, Aboriginal and Heritage Assessment; Boat Storage and Watercraft staging area; acid sulphate soils</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	See Reports' Submissions Review  While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.
35	MC/13/70830	<ul style="list-style-type: none"> <li>Council should not overturn historic efforts to create foreshore parkland.</li> <li>Harbour foreshore access and recreational use is something for all to enjoy.</li> <li>Extending Little Manly public space benefits Manly.</li> </ul>	See Reports' Submissions Review
36	MC/13/70833	<ul style="list-style-type: none"> <li>Land to be rezoned was purchased as community land using residents rates and should not be rezoned for sale and development.</li> <li>No public benefit.</li> <li>Debts to finance other projects (pool &amp; oval parking) render any debt incurred on Little Manly properties insignificant.</li> </ul>	See Reports' Submissions Review
37	MC/13/70838	<ul style="list-style-type: none"> <li>Council should not overturn historic efforts to create foreshore parkland.</li> <li>Harbour foreshore access and recreational use is something for all to enjoy and particularly important due to increasing population in Sydney.</li> </ul>	See Reports' Submissions Review  While Manly Council was a signatory to the original 'Our Harbour' Agreement' in



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		<ul style="list-style-type: none"> <li>Proposal ignores 'Our Harbour Agreement; Little Manly Coastal Management Plan; Bandicoot Recovery Plan, Aboriginal and Heritage Assessment; Boat Storage and Watercraft staging area; acid sulphate soils.</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	2001, it is not a party to the current Agreement as revised in 2011.
38	MC/13/71022	<ul style="list-style-type: none"> <li>Proposal only in interest of developers, raising revenue and potentially corrupt</li> <li>Proposal and consequences cannot be undone and are irrational.</li> <li>Proposal ignores 'Our Harbour Agreement; Little Manly Coastal Management Plan; Bandicoot Recovery Plan, Aboriginal and Heritage Assessment; Boat Storage and Watercraft staging area; acid sulphate soils.</li> <li>A public independent inquiry needs to be held before it is rezoned given that 36 Stuart Street was classified 'community' land in 2008.</li> </ul>	<p>See Reports' Submissions Review</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p>
39	MC/13/71117	<ul style="list-style-type: none"> <li>Request reconsideration of rezoning or alternative location for boat ramp as ramp is only direct access to harbour on Northern Beaches</li> </ul>	See Reports' Submissions Review
40	MC/13/71122	<ul style="list-style-type: none"> <li>Stuart Street land was classified 'community' land in 2008 which cannot be sold unless reclassified operational and cannot be reclassified from Community Land without a public exhibition after which a public meeting also has to be held.</li> <li>Lack of community consultation.</li> <li>Aboriginal Heritage and Heritage Building (34 Stuart) Assessment required prior to rezoning</li> <li>Assessment of Bandicoot and Penguin habitat required prior to rezoning.</li> <li>Assessment of Acid Sulphate Soils required prior to rezoning.</li> <li>The area is valuable foreshore and recreational area expressed in 'Sharing Sydney Harbour Access Plan 2003.</li> <li>The existing RE1 zone should remain as it adjoins the boat ramp and provides area for set up activities associated with the ramp as well as boat storage.</li> <li>Contrary to Councils vision statement 'Manly - where natural environmental and heritage sustain and complement a vibrant cosmopolitan and community lifestyle</li> <li>Monetary 'section 94' Contributions collected for acquisition of land at Little Manly for open space (\$1.3 million) must be used for this purpose. Accordingly the planning proposal (including omitting land from LEP acquisition map) is inconsistent with the Section 94 Plan</li> <li>Need for the Stuart Street land to be acquired for open space evident even after the gas works were restored for open space in the vicinity and more importantly beach reserve is a pressing need at present (more so that the gas works site on a hot summer day)</li> <li>Residents rates have been used to acquire Stuart Street properties for open space</li> <li>The proposed E4 zoning is not supported at it would permit flats and townhouses. Zone E3 should be used for single dwellings</li> <li>Rezoning not in best interest of community as open space at Little Manly much wanted by all and needed due to population grown and visitor increase as well as</li> </ul>	<p>See Reports' Submissions Review</p> <p>The assessment of Heritage (including Aboriginal) and acid sulphate soils is recommended at DA stage.</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p> <p>LEP Zone E4 Environmental Living is a NSW standard zone in which Residential Flat Buildings are mandated as permitted</p>

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		contributing to the unique foreshore attributes of Manly and Sydney's harbour prime asset	with consent.
41	MC/13/71252	see MC/13/71256	
42	MC/13/71254	see MC/13/71256	
43	MC/13/71256	<ul style="list-style-type: none"> <li>Disposal of Public Land (zoned for public recreation) lost to private development.</li> <li>Motive of financial gain are raised.</li> <li>Loss of Boat Ramp is a concern.</li> </ul>	See Reports' Submissions Review. Planning Proposal does not seek to remove boat ramp.
44	MC/13/71270	<ul style="list-style-type: none"> <li>Loss of land zoned for Recreation is a concern particularly where providing access to the water and community space for all to enjoy.</li> </ul>	See Reports' Submissions Review
45	MC/13/71282	<ul style="list-style-type: none"> <li>Loss of Boat Ramp</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp.
46	MC/13/71297	<ul style="list-style-type: none"> <li>A public foreshore park should be created on the land.</li> <li>Loss of increasingly rare public open space for both Manly and all Sydneysiders.</li> <li>The land serves as access point to beach and harbour for kayaks, paddleboards and small boats highlighting its significant active recreation purpose.</li> <li>Land will almost certainly not return to public with short term benefit against longer term loss by the community.</li> <li>Council should not overturn historic efforts to create foreshore parkland</li> <li>Fails to meet stated objectives of the planning proposal ie 'to ensure the zoning of certain lands in Stuart street reflect Council's local strategic and operational outcomes' eg 'Our Harbour' Agreement, Strategic Plan (to increase public access and community use of the foreshore of Little Manly)</li> <li>Lack of heritage assessment.</li> <li>Loss of Boat Ramp.</li> <li>Impact on Bandicoots and Little Penguins.</li> </ul>	<p>See Reports' Submissions Review.</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p> <p>Noted, Planning Proposal does not seek to remove boat ramp</p>
47	MC/13/71319	<ul style="list-style-type: none"> <li>Loss of Boat Ramp.</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp.
48	MC/13/71338	<ul style="list-style-type: none"> <li>Loss of Boat Ramp.</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp.
49	MC/13/71428	<ul style="list-style-type: none"> <li>Loss of Boat Ramp.</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp.
50	MC/13/71436	<ul style="list-style-type: none"> <li>The provision of open space at former gasworks site does not negate need for open space at Little Manly beach as gasworks is contaminated land, elevated and remote from beach. Since rehabilitation of the gasworks (starting 1988) the Little Manly zoning as open space has continued 25 years being chronologically independent.</li> <li>Justifications for proposal based on pressure on cash flow are baseless given Council's low debt service ratio. There is no evidence of financial hardship.</li> <li>Proposal does not justify rezoning 38 Stuart Street and no plan to acquire it, with no financial benefit to Council but considerable increase in property value to owners</li> <li>Open space zoning has been continuous since the 1940's and the proposal</li> </ul>	See Reports' Submissions Review

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

		<p>considered to go against 70 years of history.</p> <ul style="list-style-type: none"> <li>No evidence that proposal is the result of any strategic study or report and no report referenced in the Planning Proposal mentions the proposal.</li> <li>Other means of achieving the intended outcomes have not been adequately considered.</li> <li>Council resolved to create a 3m ROW over 38 Stuart Street knowing the owners would not agree to it. To present this ROW as a possible means to lessen the impact of the proposal is fraudulent.</li> <li>Contrary to Harbour SEPP principles and zone objectives. Provision of an uncertain ROW over public foreshores land being zone for residential development does not demonstrate an improvement to existing public access and amenity.</li> <li>Contrary to intent of Ministerial Direction 6.2 Reserving Land for Public Purposes</li> <li>Community Consultation under S57 EPA Act requested.</li> <li>Failure of proposal to mention considerations to close boat ramp at Council's Harbour Foreshores and Coastline management Committee (3 April 2012). Resolutions to retain dingy storage and access in the light of these considerations are found farcical.</li> </ul>	<p>It is considered reasonable for Council to pursue negotiations for access notwithstanding any lack of agreement with owners at this time.</p> <p>Ministerial Direction 6.2 is more concerned with the reservation of new lands for public purposes. Planning Proposal does not seek to remove boat ramp.</p>
51	MC/13/71454	<ul style="list-style-type: none"> <li>Outraged that Manly Council has voted to rezone &amp; sell community land and close the boat ramp.</li> <li>We opened our dive business in Manly due to an overwhelming demand from local residents and visitors.</li> <li>No boat ramp; no local dive boat pick-up and drop-off; no business.</li> <li>Closure of boat ramp will mean the closure of our business and hundreds of local people deprived of local access to Sydney Harbour</li> </ul>	<p>See Report's submission review. The amendment is for the rezoning of land. There is no proposal to remove the boat ramp or the dinghy storage.</p>
52	MC/13/71461	<ul style="list-style-type: none"> <li>Request that a public hearing be held.</li> </ul>	<p>See Reports' Submissions Review.</p>
53	MC/13/71467	<ul style="list-style-type: none"> <li>Object to the proposed closure of Little Manly Boat Ramp</li> <li>No right to sell community land and its environs without consultation with the community itself</li> <li>Boat ramp is not only for the community but the Emergency services as well.</li> <li>The area around the boat ramp belongs to the people and not to some bureaucrats.</li> </ul>	<p>See Report's Submissions Review. The amendment is for the rezoning of land. Selling of the land is not part of this proposal. There is no proposal to remove the boat ramp or the dinghy storage.</p>
54	MC/13/71496	<ul style="list-style-type: none"> <li>Opposed to rezoning and particularly the loss of Boat Ramp.</li> </ul>	<p>Noted, Planning Proposal does not seek to remove boat ramp.</p>
55	MC/13/71535	<ul style="list-style-type: none"> <li>Loss of Boat Ramp.</li> </ul>	<p>Noted, Planning Proposal does not seek to remove boat ramp.</p>
56	MC/13/71549	<ul style="list-style-type: none"> <li>Opposed to rezoning and particularly the loss of Boat Ramp.</li> </ul>	<p>Noted, Planning Proposal does not seek to remove boat ramp.</p>
57	MC/13/71568	<ul style="list-style-type: none"> <li>Opposed to rezoning and particularly the loss of Boat Ramp.</li> </ul>	<p>Noted, Planning Proposal does not seek to remove boat ramp.</p>
58	MC/13/71793	<ul style="list-style-type: none"> <li>Contrary to Community wishes, Councils own planning over 40 years and the</li> </ul>	<p>See Reports' Submissions Review.</p>

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

	& MC/13/72167	<p>desired direction for local and State planning.</p> <ul style="list-style-type: none"> <li>• Proposal triggered by the sale of land about one quarter the size of land being sold in this proposal.</li> <li>• Impact on rate revenue as a reason for proposal ill founded given Councils' very low level of borrowings.</li> <li>• Community expectation built up over many years in relation to persons who made zoning enquiries when purchasing in area, purchase of 34 &amp; 36 Stuart street in 1977 &amp; 1998 respectively for park; Section 94 contributions providing \$12mill (\$1mill collected) provides for purchase of 38 &amp; 40 Stuart Street; many resolutions of Council soundly confirming the open space zoning (omitted in Planning Proposal);</li> <li>• Architectural Plans to convert land into Park as resolved by Council;</li> <li>• Best use of area with regards to planning and other documents in relation to 'Our Harbour' Agreement (clause 3.1.5);</li> <li>• LEC judgments not disputing open space as ideal;</li> <li>• Councils funding reports in 2003 stated all Manly foreshore land identified for acquisition is of regional significance (as well as enormous local and environmental significance)</li> <li>• No real community consultations occurring as all previous consultations (2006 - 2012) focused on proceeding with zones to acquire land in private ownership and did not suggest rezoning and disposal of land already acquired</li> <li>• The protection of Community Land classification as resolved in 2008 is alleged to have been circumvented by Council. It is suggested that even once Council was aware that the land was not properly reclassified (after 3-4 years), Councillors and the public were not notified and no steps were taken to implement the reclassification to correct this situation.</li> <li>• Public Meeting sought as if the land had been properly reclassified as community land as had been the intention.</li> <li>• Minister for Planning and Infrastructure sought to hold public meeting if not agreed by Council.</li> </ul>	<p>Planning Proposal overrides earlier concept plans for redevelopment</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p> <p>Comments of LEC Assessor not made in context of this Planning Proposal and not relevant.</p>
59	MC/13/71796	<ul style="list-style-type: none"> <li>• Public foreshore land already in very short supply and such small precious remnants demand protection.</li> <li>• Loss of Boat Ramp.</li> <li>• Contrary to Ethical Charter – Sustainability Policy E40 regards equity and justice, respect and sustaining the environment.</li> <li>• Contrary to Council Policy 'F40. Foreshore – Foreshores – Public Right of Way – Ocean and harbour Policy' stating 'foreshores be available to the public as of right...'</li> </ul>	<p>See Reports' Submissions Review.</p> <p>Noted, Planning Proposal does not seek to remove boat ramp. In relation to Policy E40, Foreshore Building Line is currently under the LEP.</p>
60	MC/13/71918	<ul style="list-style-type: none"> <li>• Mismanagement of acquisition of 38 Stuart Street and overpriced purchase of 40 Stuart Street.</li> <li>• Dropping of original strategy by rezoning 34 and 36 to Residential is an about face and demands transparent disclosure of who and what drives proposal and Council to protect the public land and reclaim a reputation for community service.</li> </ul>	<p>See Reports' Submissions Review.</p>

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

61	MC/13/71924	<ul style="list-style-type: none"> <li>• 34 and 36 Stuart Street acquired and zoned as Community Land in 2008 and to initiate rezoning to sell properties against a groundswell of opposition.</li> <li>• Lack of Consultation and full community consultation requested.</li> <li>• The subject land can be used to leverage Manly as a destination to live and visit by expanding the public area to realize good commercial and property value.</li> <li>• Once redeveloped all opportunity and advantage loss forever.</li> <li>• Impact on rate revenue as a reason for proposal ill founded as sale would merely move around 2.5% from non-current to current assets.</li> <li>• Small financial benefit of proposal does not weigh against alienation of residents and loss of community asset.</li> <li>• Other public spaces exist as more suitable for disposal and residential development.</li> </ul>	See Reports' Submissions Review.
62	MC/13/71934	<ul style="list-style-type: none"> <li>• Community property purchased using out rates and to be used for community benefit.</li> <li>• Area well utilised including all manner of users who contribute to local Council revenue.</li> <li>• Lack of public disclosure of financial modeling for proposal.</li> </ul>	See Reports' Submissions Review
63	MC/13/72172	<ul style="list-style-type: none"> <li>• Loss of boat ramp</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp
64	MC/13/72176	<ul style="list-style-type: none"> <li>• Unintended consequences of rezoning are significant impact on amenity and causing the boat ramp /beach access facility to become quite dangerous largely due to likely major congestion of activities in area.</li> <li>• Open space in vicinity of 34 Stuart Street most heavily used and critical public land in Little Manly given it supports safe beach access for extensive range of users of beach and boat ramp that cannot be relocated.</li> <li>• Compared to 40 Stuart Street, 34 &amp; 36 Stuart Street (or at least the part closest to the beach) should stay as public use due to their importance supporting the amenity of the amenity of the beach, boat ramp and harbour access.</li> </ul>	See Reports' Submissions Review  The adjoining boat ramp not altered or removed by the Planning Proposal.
65	MC/13/72180	<ul style="list-style-type: none"> <li>• 34 and 36 Stuart Street acquired and zoned as Community Land in 2008 and to initiate rezoning to sell properties against a groundswell of opposition.</li> <li>• Lack of Consultation and full community consultation requested.</li> <li>• The subject land can be used to leverage Manly as a destination to live and visit by expanding the public area to realize good commercial and property value.</li> <li>• Once redeveloped all opportunity and advantage loss forever.</li> <li>• Impact on rate revenue as a reason for proposal ill founded as sale would merely move around 2.5% from non-current to current assets.</li> <li>• Small financial benefit of proposal does not weigh against alienation of residents and loss of community asset.</li> <li>• Other public spaces exist as more suitable for disposal and residential development.</li> </ul>	See Reports' Submissions Review
66	MC/13/72183	<ul style="list-style-type: none"> <li>• This is community land and an increasingly popular beach, part of a vision of open</li> </ul>	See Reports' Submissions Review

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

		<p>space for successive Councils.</p> <ul style="list-style-type: none"> <li>• Contrary to own Strategic Goals and Plans, acting entirely for short term gain and not in community interest.</li> <li>• Classified as Community Land in 2008 requiring an independent inquiry be held before rezoning. Due process is to be followed.</li> </ul>	
67	MC/13/72220	<ul style="list-style-type: none"> <li>• Short term gain benefiting a few a the long term expense of every rate payer in Manly</li> <li>• Proposal openly defaces and corrodes Manly's reputation as a tourist destination for its beauty and accessibility of its beaches and coastline.</li> <li>• Concern is raised about a suggested lack of genuine consultation over changes in long term strategy and resolutions for establishing foreshore parkland. In this regard the Planning Proposal is said to have followed a party majority shift post 2012 elections without any indication in election promises. Also raised as a concern is the strict procedural rules and hostility in the meeting in which the Planning Proposal was initiated despite overwhelming opposition by community at this well attended meeting as well as in other submissions and petitions to Council.</li> <li>• Rationale for Planning Proposal flawed given Council's acceptable debt service ratio and losses of open space by selling 34 &amp; 36 Stuart Street to retain 40 Stuart Street in terms of the site areas involved. Also provision of open space at Manly Point in lieu of Little Manly flawed regards the nature and quality of these lands (former gasworks site on a cliff compared to beach foreshore property).</li> <li>• Questionable process not appearing to comply with relevant legislation regards classification as Community Land, incompetence in not properly recording the reclassification being used to justify further incompetence failing to comply with the relevant legislation regarding the current proposal.</li> <li>• An Environmental Assessment needs to be made prior to consideration of the rezoning.</li> <li>• Public meeting is required.</li> </ul>	See Reports' Submissions Review
68	MC/13/72238	<ul style="list-style-type: none"> <li>• Decision on proposal without public consultation addressing community concern both immoral and negligent.</li> <li>• Short term financial gain will lead to long term public loss.</li> <li>• Rezoning and sale with loose valuable public land for locals and visitors against 50 years of government support for preserving and expanding these lands.</li> <li>• Harbour/beach front land vital to health of community.</li> <li>• Councillors have an obligation not abstain from voting to represent community.</li> </ul>	See Reports' Submissions Review.
69	MC/13/72262	<ul style="list-style-type: none"> <li>• Opposed to rezoning and particularly the loss of Boat Ramp and the rezoning of an area that would lost to the community forever.</li> </ul>	See Reports' Submissions Review
70	MC/13/72264	<ul style="list-style-type: none"> <li>• Rezoning and disposal of Public Land that has been set aside by past generations for public use lost to private residential development and monetary gain</li> </ul>	See Reports' Submissions Review

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

		<ul style="list-style-type: none"> <li>Increasing demand for foreshore land for locals and visitors</li> </ul>	
71	MC/13/72267	<ul style="list-style-type: none"> <li>Opposed to rezoning and particularly the loss of Boat Ramp and the rezoning that would impact the Diving industry.</li> <li>Manly needs more parking and not more buildings.</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp
72	MC/13/72269	<ul style="list-style-type: none"> <li>Opposed to rezoning and particularly the loss of Boat Ramp and the rezoning of an important area of public access to the foreshore and harbour.</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp
73	MC/13/72270 (see also MC/13/96479)	<ul style="list-style-type: none"> <li>Rezoning shortsighted and would restrict access to foreshores valuable to locals and visitors.</li> <li>Council resolutions for ROW's for beach access and to retain the Dingy Storage facility is considered unsound and lacks basic common sense as a viable on-going concern if privately sold. Questions arise regards management, fee structures and opportunities of new land owners to overcharge forcing out users</li> <li>Failure to consult with the Club as a stakeholder with interests in accommodating outrigger in area to improve safer and earlier access in support of a local community club.</li> </ul>	See Reports' Submissions Review.
74	MC/13/72271	<ul style="list-style-type: none"> <li>Rezoning shortsighted and would restrict access to foreshores valuable to locals and visitors and puts the storage of canoes and boats at risk</li> <li>Council resolutions for ROW's for beach access and to retain the Dingy Storage facility 'as an on-going concern..' is flawed raising questions of management, fee structures and opportunities of new land owners to overcharge forcing out users.</li> </ul>	See Reports' Submissions Review.  The adjoining boat ramp not altered or removed by the Planning Proposal.
75	MC/13/72272	<ul style="list-style-type: none"> <li>Requests for Public Hearing</li> </ul> <p>See also MC/71122</p>	See Reports' Submissions Review.
76	MC/13/72286	<ul style="list-style-type: none"> <li>Due democratic process not followed and proposal opens Council to allegations of political expedience, favoritism and corruption.</li> <li>Proposal will deny residents what they have called for 40 years for greater public access to the beach and instead continue the clutter and over development of the foreshore.</li> <li>Council assured Resident in 1968 that the 4 houses along foreshore would be demolished and made into park land.</li> <li>Lack of commitment to demolish 40 Stuart Street and extend the grassed Reserve area.</li> <li>Little Manly Beach significant and popular attraction for local and visitors (former gasworks site less utilised).</li> </ul>	See Reports' Submissions Review.
77	MC/13/72291	<ul style="list-style-type: none"> <li>Opposed to rezoning and particularly the loss of Boat Ramp and apparent predetermined process and short term monetary motives.</li> </ul>	See Reports' Submissions Review
78	MC/13/72511	<ul style="list-style-type: none"> <li>Implore a return of the land to Little Manly Beach for public recreational purposed for future generations.</li> <li>Visionary capacity required rather than near sighted short term budgetary considerations.</li> </ul>	See Reports' Submissions Review
79	MC/13/72543	<ul style="list-style-type: none"> <li>Proposal will undo wisdom of previous Council's which respected the land as an asset for all Sydneysiders.</li> </ul>	See Reports' Submissions Review

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

		<ul style="list-style-type: none"> <li>• Misguided and shortsighted proposal made on the basis of local power games, politicking and tit for tat reasoning.</li> <li>• Reserve already overdeveloped with grassed areas and trees removed, and commercial kiosk imposing on public use.</li> <li>• Lack of custodianship and public awareness demonstrated by the Planning Proposal.</li> </ul>	
80	MC/13/72575	<ul style="list-style-type: none"> <li>• Proposal against public interest, raises a paltry financial gain and will result in loss of a valuable asset to the community and beyond.</li> <li>• Need to look at ways to increase public land not reduce it and area should be preserve, protected and enhanced.</li> <li>• Proposal ignores significance of the area and circumvents long term planning</li> </ul>	See Reports' Submissions Review
81	MC/13/72579	<ul style="list-style-type: none"> <li>• Rezoning of the public reserve particularly at detriment of the many Manly residents living in units and consider the open space of Manly as their backyard.</li> <li>• Impact on boat storage and ramp facilities.</li> <li>• Impact on Wildlife.</li> </ul>	See Reports' Submissions Review.  The adjoining boat ramp not altered or removed by the Planning Proposal.
82	MC/13/72588	<ul style="list-style-type: none"> <li>• Resident has lauded and supported long terms strategy to eventually capture all of Little Manly beach for public use.</li> <li>• Mismanagement in acquisition of 38 Stuart Street and inflated purchase price for 40 Stuart Street. Proposal abandons everything that could be salvaged from that debacle.</li> <li>• Motives questioned and demands transparent disclosure.</li> <li>• Need to retain and preserve this part of harbour for enjoyment of generations and Council to reclaim a reputation for community service.</li> </ul>	See Reports' Submissions Review.
83	MC/13/72623 See also MC/13/71461	<ul style="list-style-type: none"> <li>• Request that a public hearing be held.</li> <li>• Community consultation has been neither adequate nor appropriate</li> <li>• The substantial public opposition to the proposal has been ignored by the Council</li> <li>• The stated rationale for the rezoning and sale is flawed.</li> <li>• The process is flawed and does not appear to comply with relevant legislation</li> <li>• Environmental Assessment needs to be made for long-nosed bandicoot and little penguin nests prior to rezoning.</li> <li>• Once sold to private ownership and then developed, this asset is gone forever.</li> </ul>	See Reports' Submissions Review.
84	MC/13/72638	<ul style="list-style-type: none"> <li>• Insufficient community consultation and need for a better honest explanation of the justification and outcomes of the proposal are required to address much mistrust of Council.</li> <li>• Council not honoring decisions which were made in the past to demolish houses and use area for public open space.</li> <li>• Not being responsible to the health and wellbeing of peoples' enjoyment of harbour.</li> </ul>	See Reports' Submissions Review.
85	MC/13/72640	<ul style="list-style-type: none"> <li>• Proposal is sad indictment of the vision of Manly Council and its management.</li> <li>• Lack of rational or substantiated public benefit.</li> <li>• Considerable loss of present and potential public amenity.</li> </ul>	See Reports' Submissions Review.



## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

		<ul style="list-style-type: none"> <li>Negates 50 years of planning and investment.</li> <li>Perception of personal and a political agenda of a self serving administration over public interest and those who would defend it.</li> <li>Manly's own 'Gezi Park and Taksim Square'.</li> </ul>	
86	MC/13/72654	<ul style="list-style-type: none"> <li>Community consultation politicized, ad hoc and inadequate regards Planning Proposal and the use of the land over many years. In particular given the Proposal is an outcome of a Mayor Minute by a Party majority and its strict procedural rules and hostility in the meeting in which the Planning Proposal was initiated despite overwhelming opposition by community at this well attended meeting.</li> <li>Proposal does not comply with section 55(2)(e) of the Environmental Planning and Assessment (EPA) Act 1979.</li> <li>Proposal does not recognize that over half the land to be rezoned is currently used for public recreation and access to Sydney Harbour and that this use will be reduced contrary to stated aims of the Sharing Sydney Harbour Access Plan 2003.</li> <li>Lack of consideration of Council's draft 'Strategic Plan for Maritime Infrastructure and Boat Storage' 2012 and the accompanying Baseline report in 2011 which recognize long wait lists for dinghy, kayak and row boat storage. In this regards the proposed prohibition of these facilities in the draft LEP Zone E4 is unacceptable.</li> <li>Lack of consultation with stakeholders or user groups.</li> <li>Limited consideration of implications of rezoning and residential development on heavily used and limited public facilities eg requirement for onsite parking in a new development likely to impact boat trailer parking and other impacts on the harbour access resources.</li> <li>In relation to proposed new development standards for rezoned land, the likelihood of site consolidation and excessive densities and impacts as are result are not taken into account.</li> <li>Expectations that new owners would continue to maintain the dinghy storage facility is considered a ludicrous proposition.</li> <li>Proposal contrary to zone objectives by dominating the natural and scenic qualities and negatively impacting the foreshore, and not encouraging re-vegetation and rehabilitation of the immediate foreshore.</li> <li>Maintaining existing zone for 38 Stuart Street will have no impact on these already improved private lands.</li> <li>Council's resolution that the 'Dinghy Storage facility...be retained as an ongoing concern' cannot assume that it will remain in the same location, with same capacity and amenity. Also, as the facility will be privately owned, access to facility would further alienate public owned land that will need to be leased to access the private facility</li> <li>A ROW 3m wide is not sufficient width for use of many current users and their watercraft (including diving equipment) and would exclude picnickers or small groups or families to congregate here with towel, umbrellas etc as currently occurs.</li> </ul>	<p>See Reports' Submissions Review.</p> <p>s.55(2)(e) of the EPA Act satisfied in the Determination of the Planning Proposal by the Gateway Panel.</p> <p>The Access Plan 2003 provided the framework for various projects including additional dinghy storage and other facilities at Little Manly funded in 2004 that will continue to exist.</p> <p>The adjoining boat ramp not altered or removed by the Planning Proposal.</p> <p>The Council's Heritage Committee is</p>

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

	<ul style="list-style-type: none"> <li>Farrel Memorial a barrier to useful sized public space if relocated.</li> <li>ROW at rear of 38 Stuart Street is not publically agreed by owners and its existence at rear of 34 and 36 as well as the boat store will reduce property value of any sale.</li> <li>Other options to pay debt on 40 Stuart Street should be considered.</li> <li>Proposed explanation and justification for amendment is not appropriate being based on the Mayoral Minute report being the personal view of the Mayor commencing 'In my view..'</li> <li>Open space at Little Manly Point not comparable with the Beach reserve and since improvements of the Point, Little Manly beach use has dramatically increased.</li> <li>Financial basis for proposal does not support proposal, the land should not be described as a 'revenue deficit asset' as revenue received from land is substantial and greater unexplored potential.</li> <li>The history and background in the Planning Proposal is inadequate particularly in relation to previous rezoning request for 38 &amp; 40 Stuart Street in 2000's and sale of 38 Stuart Street.</li> <li>Earlier community engagement in considering creation a new parkland including 34 and 36 Stuart Street was incomplete.</li> <li>Opportunity to raise revenue from the sale for commercial purposes (dinghy storage facility) would be better under the current zone with this facility remaining a permissible use.</li> <li>36 Stuart has been vacant since Council voted in 2008 to demolish the building and incorporate land into beach reserve. Requests to use the area by community groups ignored by Council.</li> <li>No strategic study or report supports the Proposal. Similarly, Councils resolutions to oppose rezoning in past, acquisition of 3 of the 4 properties and current use of 50% of land for public recreation (including vital public access and boat store) are strategic actions that do not support the current Planning Proposal.</li> <li>Inconsistent with objectives of the Sydney Metropolitan Strategy and 'undermined the achievement of its vision, land use, strategy, policies, outcomes and actions particularly regarding objective 9 to deliver accessible and adaptable recreation and open space.</li> <li>Net gain in terms of Sub Regional delivery of housing targets is only 2 houses. Increased need of recreation areas and harbour access expressed in the Strategy are not addressed.</li> <li>Does not support the Manly Strategic Plan Beyond 2023 with a narrow view of asset management and contrary to community opinion. Recurring theme of this Plan is pressure on the environment due to increased densities and a greater demand for parks etc.</li> <li>Little Manly Reserve Landscape Management Plan not supported by proposal.</li> <li>Proposal contradicts Sydney Harbour Regional Environmental Plan 2005 and clause 6.19 of the Manly LEP as it reduces open space and access to the harbour.</li> <li>Provisions at DA stage to protect Bandicoot habitat are inadequate.</li> <li>As Manly LEP 2013 zoned land RE1 in accordance with its intended use at the time</li> </ul>	<p>being separately consulted in relation to the Farrel Memorial in accordance with Council's resolution.</p> <p>Council has resolved to seek agreement of 38 Stuart St for a right of way.</p> <p>Council's resolution to proceed with the Planning Proposal was appropriately ratified.</p> <p>In relation to future proposed residential density, the amendment to the LEP Maps proposes 250sqm minimum lot size over the subject land.</p>
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## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

		<p>under extensive consultation, rezoning currently proposed inadequate when considering Ministerial Direction for reserving land for public purposes.</p> <ul style="list-style-type: none"> <li>• Effects of increasing storms (particularly the winter southerly storms) together with high tides, on the beach and the seawall currently protecting the properties.</li> <li>• Lack of considering social or economic impacts including the alienation of public foreshore land, consultation with stakeholders and communities of interest.</li> <li>• Department of Planning &amp; Infrastructure letter to Council in this matter confusing as it notes 'that Council no longer intends to acquire the land for Open Space' whereas the Council has already acquired the land some 25 years ago.</li> </ul>	<p>While 34 &amp; 36 Stuart Street are acquired by Council, the other site to be rezoned at 38 Stuart Street is not acquired. All three properties are no longer sought for publically owned open space under LEP Zone RE1 Public Recreation in the Planning Proposal.</p>
87	MC/13/72655	<ul style="list-style-type: none"> <li>• Land to be rezoned has been designated for Reserve since at least 1978 and the open space zoning maintained for 70 years and land acquired with strong community expectation that the land would be for Public Park.</li> <li>• Objection to lack of community consultations over land increasingly in community use with strong opposition already evidenced (petition, public meetings etc).</li> <li>• It is suggested Council may have a conflict of interest as both the consent authority and the proponent of the rezoning and sale of the land.</li> <li>• Windfall gain to owners of 38 Stuart Street is opposed without any benefit to the Community or Council in rezoning that property.</li> <li>• Impact on Bandicoots habitat and proximity to Penguin habitat without an environmental assessment.</li> </ul>	<p>See Reports' Submissions Review</p> <p>Declarations of Conflict of Interest are a separate matter to the Planning Proposal.</p> <p>38 Stuart Street is already redeveloped for residential purposes.</p>
88	MC/13/72658	<ul style="list-style-type: none"> <li>• Proposal does not recognize the importance of the subject land where demand increases with population growth, used by locals and visitors.</li> <li>• Council holds this land in trust for the public and nothing has changed for the bequest of 1977 and the purchase of 1998 to change the foreshore plan.</li> <li>• Does the bequest of 34 Stuart Street allow consideration of the Planning Proposal.</li> <li>• Proposal not supported in terms of 'Our Harbour Agreement; Little Manly Coastal Management Plan; Climate Change Actions for Manly; Bandicoot Recovery Plan, Aboriginal and Heritage Assessment; Boat Storage and Watercraft staging area; acid sulphate soils.</li> </ul>	<p>See Reports' Submissions Review</p> <p>While Manly Council was a signatory to the original 'Our Harbour' Agreement' in 2001, it is not a party to the current Agreement as revised in 2011.</p>
89	MC/13/72660	<ul style="list-style-type: none"> <li>• Impacts of proposal detrimental to area being a valuable attraction for residents and visitors for a wide range of recreational activities with beach access likely to be more difficult and congested.</li> <li>• Impacts on local wildlife including Penguin activity.</li> <li>• Proposal solely benefits developers and only provides a short term injection of cash that should not be supported along with other projects similarly of questionable purposes (new pool complex).</li> <li>• Private profit is being put before the community that Council represents.</li> </ul>	<p>See Reports' Submissions Review</p> <p>Consideration of other civic programs and plans are not relevant to this Planning Proposal.</p>

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

90	MC/13/72663	<ul style="list-style-type: none"> <li>Private profit is being put before the community that Council represents.</li> <li>Proposal contradicts Council Policy F40 requiring the whole of the foreshore be available to the public as of right ...'</li> <li>The land should be left for the public use of the thousands of taxpayers that use it annually, and to it really belongs.</li> </ul>	See Reports' Submissions Review With regards to Policy F40, Council's Foreshore Building Line is currently adopted under the Manly LEP 2013.
91	MC/13/72864	<ul style="list-style-type: none"> <li>Opposed to rezoning and particularly the loss of Boat Ramp and the lack of communication including registered users of the facilities in question</li> </ul>	Noted, Planning Proposal does not seek to remove boat ramp
92	MC/13/72877	<ul style="list-style-type: none"> <li>Proposal contrary to Planning Instruments.</li> <li>Adequacy of the Sea Wall to prevent coastal erosion and recession hazard.</li> <li>Planning Reforms (White Paper) indicate the E4 zone to be replaced with a residential zone and inadequate protection for local heritage items.</li> <li>Retaining existing zoning not in public interest given its importance as a tourist destination.</li> <li>Rezoning to fund 40 Stuart Street is considered unwarranted and that other funding options are available given regional values of land for environment and recreation purposes as well as an ongoing financial stream from leasing of the buildings.</li> </ul>	See Reports' Submissions Review.  The transition of existing LEP Zones in the new Planning System requires adequate environmental protections according to Council's submission on the White Paper.
93	MC/13/72888	<ul style="list-style-type: none"> <li>Value of the land to be rezoned is more than financial and any sale would be short sighted and irreversible.</li> <li>Proposal contrary to Councils obligation to look after the well-being of both the present and future community with more Reserves at Little Manly rather than more big houses. Land around St Particks Estate in Manly has already been decimated.</li> <li>Better legacy to keep beachside land at Little Manly than to undertake new pool complex in Balgowlah</li> </ul>	See Reports' Submissions Review.  Consideration of other civic programs and plans are not relevant to this Planning Proposal.
94	MC/13/72889	See MC/13/72176	
95	MC/13/72894	<ul style="list-style-type: none"> <li>Current zoning has planned open space for over 50 years and the land involved is a unique part of Manly for ratepayers and future generations that would be lost forever.</li> <li>The Planning Proposal is inappropriate as the area is always congested with cars and as increasing numbers of families visit Little Manly.</li> <li>Little Manly is part of the critical habitat for penguins and bandicoots who already struggle with urban community closing in on them.</li> </ul>	See Reports' Submissions Review
96	MC/13/72921	<ul style="list-style-type: none"> <li>Rezoning is contrary to decades of community aspirations.</li> <li>No financial reasons for the Planning Proposal are justifiable as it is other projects that are intended to push Manly into \$90mill debit.</li> <li>Failure to consider increasing demand for Open space with population growth.</li> <li>Decision should not be left with Council given its strong vested interest in the project as a Mayoral initiative.</li> </ul>	See Reports' Submissions Review. The Department's Authorisation for Council to exercise delegation in this matter is subject to compliance with Department Guidelines for preparing Planning Proposals and LEPs.
97	MC/13/72923	<ul style="list-style-type: none"> <li>Loss of 50 year vision to expand Little Manly Park.</li> <li>Loss of public amenity as a result of the Planning Proposal.</li> <li>Potential vested interest driving the proposal and probity issues for Council.</li> <li>Other less environmentally sensitive public land should be considered for disposal.</li> </ul>	See Reports' Submissions Review

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

		<ul style="list-style-type: none"> <li>Long term gain of valuable open space used by whole community outweighs the small, passing financial gain.</li> </ul>	
98	MC/13/72963	<ul style="list-style-type: none"> <li>Proposal is considered high handed, going against Council's own commitments to making the foreshore more publically accessible and will greatly impoverish the outdoor experience for locals and visitors.</li> <li>Existing public land should be preserved in times of increasing densities and health concerns - not decreased.</li> <li>A decision should be made in favor of the majority.</li> </ul>	See Reports' Submissions Review
99	MC/13/72028	<ul style="list-style-type: none"> <li>Land set aside by past generations for public use is short sighted and the wider benefit is sacrificed for the personal benefit of a few.</li> <li>Foreshore land is under increasing pressures to increase general health and outdoor recreation.</li> <li>Loss of space for launching boats, kayaks and setting up wind surfers. Increased pressure on East and West Esplanade beaches resulting in traffic impacts and congested access to eastern hill including the Hospital including emergency vehicles.</li> <li>Money should not be made selling off valuable community assets to fund grandiose schemes (Manly 2015 and swim /sport centre).</li> </ul>	<p>See Reports' Submissions Review</p> <p>The adjoining boat ramp not altered or removed by the Planning Proposal.</p> <p>Consideration of other civic programs and plans are not relevant to this Planning Proposal.</p>
100	MC/13/73037	<ul style="list-style-type: none"> <li>The land is zoned Community Land and a change to Operational Land which can then be sold requires public meetings and open disclosure. The proposal which purports to be Operational is against the Local Government Act. Reference made to Canada Bay Councils problem with selling community land.</li> <li>Users of the Dinghy (including Canoes) Storage facility have limited right of tenure and were not consulted on the Planning Proposal or on the likely removal of the facility by a new owner on a legal challenge.</li> <li>Party voting for proposal against overwhelming Community opposition to proposal.</li> <li>Previous adopted minutes to improve the subject land for Park are abandoned.</li> <li>Resolutions since 2008 to demolish 36 Stuart Street and incorporate into Park are put back by the Planning Proposal.</li> <li>Council's conflict of interest as the determining body of this LEP is a concern and requires an independent process involving the community being heard. Failure of Councillors for not declaring pecuniary or non-pecuniary interest as to be forwarded to the Department of Local Government.</li> <li>Local Precinct Groups appear to have referred to considerations of closing the boating launching ramp being concerned about another facility lost to the community.</li> </ul>	<p>See Reports' Submissions Review</p> <p>Planning Proposal overrides earlier concept plans for redevelopment.</p> <p>Declarations of any Conflict of Interest are a separate matter to the consideration of this Planning Proposal.</p> <p>No Local Precinct Group submissions received to the exhibition</p>
101	MC/13/73819	<ul style="list-style-type: none"> <li>Concern about changes to Little Manly park, dinghy storage and boat ramp.</li> </ul>	The adjoining boat ramp not altered or removed by the Planning Proposal and the dinghy storage is to be retained.
102	MC/13/74182	<ul style="list-style-type: none"> <li>Very popular with locals &amp; visitors.</li> <li>Population of Manly &amp; Sydney is growing – this land had been zoned for the time</li> </ul>	Late submission – See Report's Submissions Review

## ATTACHMENT 2

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Submissions Matrix

		<p>when it would be needed and the time is now.</p> <ul style="list-style-type: none"> <li>• Demolish the houses and turn into parkland – intention of the original zoning.</li> <li>• Idea that the boat storage and/or boat ramp could be negatively affected is outrageous.</li> <li>• To turn these properties over to developers will not be tolerated.</li> </ul>	
103	MC/13/74183	<ul style="list-style-type: none"> <li>• Loss of Community land that is prime waterfront land that should be shared by all including families with children to play and given the already high density.</li> <li>• Not representing the interests of constituency and current ratepayers.</li> </ul>	See Reports' Submissions Review
104	MC/13/77283 & MC/13/77177	<ul style="list-style-type: none"> <li>• Request consideration of subdividing off a portion across the foreshore frontage of 34 &amp; 36 Stuart Street to retain a foreshore ROW as public open space on this land and for the dingy storage to remain on 34 Stuart Street.</li> <li>• Request consideration of the subdivision of remaining residual combined lot areas following the proposed subdivision across the foreshore frontage of 34 &amp; 36 Stuart Street, suggesting that this would be the best outcome for the Council and the Community.</li> </ul>	As part of Councils resolution to zone the land it was also resolved to establish a ROW and to retain the dingy store as sought in this submission. The subdivisions proposed in this submission would have no impact on the zoning of the land sought in this Planning Proposal and may be separately progressed by Council if supported
105	MC/13/75306	<ul style="list-style-type: none"> <li>• Objects to selling properties and is concerned that more public recreation space is need and not less.</li> <li>• Impacts of view loss raised in relation to any future residential development</li> </ul>	See Reports' Submissions Review. Proposed development standards including a maximum building height would limit potential view loss.
106	MC/13/96479 (see also MC/13/72270)	<ul style="list-style-type: none"> <li>• Presents alternative use of sites. To retain existing dinghy and canoe storage</li> <li>• No 34 to be rented out as a house or for community use</li> <li>• Derelict house demolished and smaller structure built for storage needs for boating activities</li> <li>• Sale of No 40 and income from rents of storage structure and dingy/canoe structure</li> </ul>	Late submission. See Reports' Submissions Review.

## ATTACHMENT 3

### Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Office of Environment & Heritage Comments on Biodiversity & Aboriginal Cultural Heritage



Office of  
Environment  
& Heritage

Mr Paul Christmas  
Land Use Planning and Strategy Coordinator  
Manly Council  
PO Box 82  
MANLY NSW 1655

Our reference: DOC13/20755  
Contact: Liz Peterson 9995 6841



Dear Mr Christmas,

I refer to your letter received by the Office of Environment and Heritage on 10 May 2013, regarding the referral of a planning proposal for consultation purposes in relation to land at 34, 36 and 38 Stuart Street, Manly. OEH has reviewed the planning proposal and provides the following comments for Council's consideration.

#### Biodiversity

The subject site does not fall within Little Penguin Critical Habitat, and the proposed rezoning is unlikely to have any direct impact on this species.

The area is used by the endangered population of Long Nosed Bandicoots. The parkland adjoining 40 Stuart Street (Lot 1, DP 304765) supports several individuals, and it is probable that they use the lots being re-zoned to E4 Environmental Living for foraging and possibly nesting. OEH acknowledges that any future development of this site would be subject to an assessment of significance under the *Environmental Planning and Assessment Act 1979*.

#### Aboriginal Cultural Heritage

OEH notes that Manly Council has not considered Aboriginal cultural heritage in the planning proposal. OEH recommends that an assessment be undertaken to identify any Aboriginal cultural heritage constraints prior to rezoning. Please be aware that on the 1 February 2011, Aboriginal human remains were discovered at 38 Stuart Street and have been recorded as site #45-6-2973 on the Aboriginal Heritage Information Management System (AHIMS).

It was determined that the remains were not in-situ as it is believed that they were located within fill from a 1920's stormwater trench. Subsequently the remains were removed from the site however there is still a likelihood for additional Aboriginal human remains to be found in a similar context.

If Aboriginal objects, particularly human remains, are located on land at 34, 36 and 38 Stuart Street, it is OEH's preference that they remain undisturbed. If this is not possible, then an Aboriginal Heritage Impact Permit (AHIP) must be applied for.

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Level 7, 79 George Street, Parramatta NSW  
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### ATTACHMENT 3

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## Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly Office of Environment & Heritage Comments on Biodiversity & Aboriginal Cultural Heritage

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Page 2

Should you have any questions, or wish to follow up any matters raised in this correspondence, please contact Liz Peterson, Senior Regional Operations Officer, on 9995 6841.

Yours sincerely

*S. Harrison* 24/05/13

**SUSAN HARRISON**  
Manager Planning  
Regional Operations



ATTACHMENT 4

Environmental Services Division Report No. 17.DOC - Re-zoning of Stuart Street, Manly  
Office of Environment & Heritage Comments on Coastal Erosion



Office of  
Environment  
& Heritage

Our reference: DOC13/29376  
Contact: Liz Peterson 9995 6841

Mr Paul Christmas  
Land Use Planning and Strategy Coordinator  
Manly Council  
PO Box 82  
MANLY NSW 1655



Dear Mr Christmas,

I refer to your letter received by the Office of Environment and Heritage on 10 May 2013, regarding the referral of a planning proposal for consultation purposes in relation to land at 34, 36 and 38 Stuart Street, Manly to which OEH provided a response 24 May 2013 and subsequent request for advice regarding coastal hazard. OEH provides the following additional comments in relation to coastal hazard for Council's consideration.

The coastal hazards potentially affecting the subject site at Little Manly Beach are coastal erosion, long-term recession and coastal inundation from elevated ocean levels including astronomical tide, storm surge and wave setup and associated seawall wave overtopping discharges and propagation distances.

OEH considers these coastal hazards for present day and future conditions have been adequately assessed and presented in Manly Council's adopted report "*Identification of Coastal Hazard Risk Areas to Projected Sea Level Rise for the Manly Local Government Area*", November 2011.

Should you have any questions, or wish to follow up any matters raised in this correspondence, please contact Liz Peterson, Senior Regional Operations Officer, on 9995 6841.

Yours sincerely

*S. Harrison 20/06/13*

**SUSAN HARRISON**  
Senior Team Leader Planning  
Regional Operations, Greater Sydney  
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