

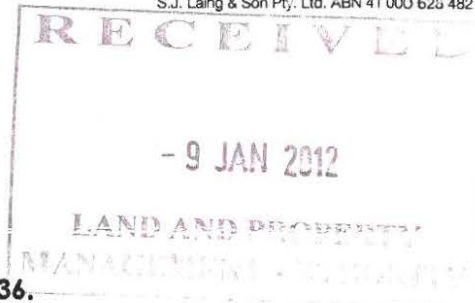
Raine & Horne Bondi Junction
17 Spring Street, Bondi Junction NSW 2022
PO Box 1450, Bondi Junction NSW 1355
DX 12038 Bondi Junction

Telephone (02) 8383 9999
Fax (02) 9369 4383
Email office@rhbjcc.com.au

Raine & Horne Coogee/Clovelly
167 Arden Street, Coogee NSW 2034
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This business is independently owned and operated by the proprietor
S.J. Laing & Son Pty. Ltd. ABN 41 000 623 482



19 December 2011

Anthony Ryan
Group Leader Natural Resources and Property Services
Catchments & Lands Department of Primary Industries
Level 12
10 Valentine Avenue,
Parramatta, NSW 2124

Dear Anthony.

**Re: ACQUISITION OF LAND HELD UNDER LICENSE No. 301336.
YOUR REFERENCE – MN81R2781**

I refer to previous correspondence.

I act on behalf of The Trustees of the Roman Catholic Church for the Archdiocese of Sydney ("Church") as the Estate Manager for St. Patrick's Estate. On behalf of the Church I would like to apply to purchase the Crown land contained within License No. 301336 (a part of reserve R31732) Marine Parade, Manly (the Land). The Land is held under license No. 301336 and is 12.6 square metres in area. The Church is the owner of the adjoining lands (lots 2 and 3 in DP 8075).

Mr and Mrs Noel and Pauline Carroll hold lot 3 DP8075 (adjoining land) under Lease from the Church and occupy the Land pursuant to license 301336. Lot 3 DP8075 has a street address of 88 Bower Street, Manly. If the Church is able to purchase the Land from the Crown it will be consolidated within lot 3 DP8075 (under a new lot and DP reference) and included within the Lease to the Carrolls - or any future Lessee.

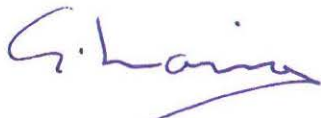
The Land comprised within license 301336 is a triangular slither of land that cuts into what would otherwise normally be considered the northern boundary or front garden area of 88 Bower Street, Manly (as per diagram attached). It would be practical and in our view sensible to have the Land consolidated within 88 Bower Street as this would ensure its incorporation with 88 Bower Street on an ongoing basis. 88 Bower Street would then have a consistent shape and subdivision pattern with adjoining lands to the east and west along Bower Street and Marine Parade. Maintenance obligations would pass to the Church and/or the Lessees of 88 Bower Street and as such the Land would no longer burden the Crown.

We have attached a diagram hatching the land the subject of letter. To the north of the land is a public pathway (known as Marine Parade) and then the ocean between Manly beach and Shelly Beach at Fairy Bower.

Could you please inform this office of what you would consider to be the next steps in a process to negotiate the acquisition of the Land?

If you have any questions please contact Geoff Laing of this office.

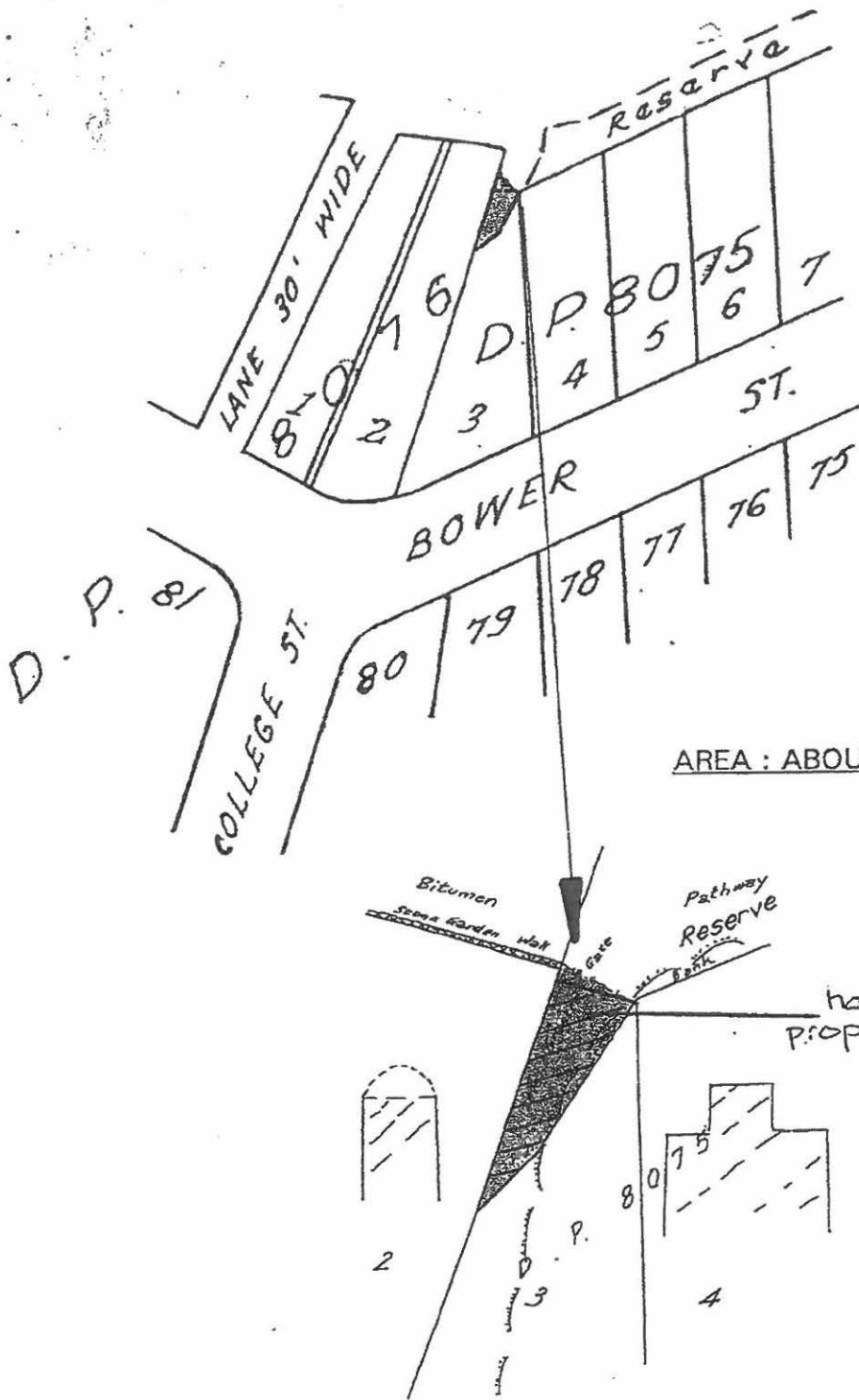
Yours faithfully,
S.J. LAING & SON PTY LTD T/A
RAINE & HORNE BONDI JUNCTION



GEOFF LAING
Director / CEO

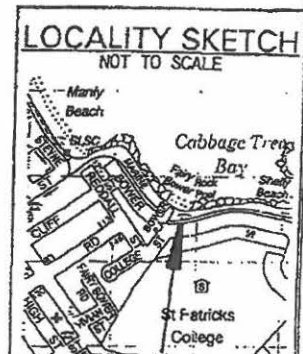
Direct Line : 8305 5013
Mobile : 0414 468 268
E-mail : glaing@rhbjcc.com.au
Encl.

SCHEDULE 3




AREA : ABOUT 12.6 metres square

hatched area for proposed acquisition



AREA SUBJECT TO LICENCE

<p>DIAGRAM SHOWING</p> <p>LICENCE NO. : L201798 30133C</p> <p>HOLDER : Noel Leon CARROLL & Pauline Veronica CARROLL</p> <p>LOCATION : Part R3172, Manly</p>	<p>PARISH : Manly Cove</p> <p>COUNTY : Cumberland</p> <p>L.G.A. : Manly</p> <p>LAND DISTRICT : Metropolitan</p> <p>DISTRICT OFFICE : Sydney Metropolitan</p> <p>FILE NO. : MN 81 H 2781</p> <p>DATE PREPARED : 13/12/95</p> <p>COMPILED FROM : PO diagram</p>	 <p>LAND & WATER CONSERVATION</p>
<p>REDUCTION RATIO Not to Scale</p> <p>ALL MEASUREMENTS ARE IN METRES</p>		

RESERVE DETAILS

Account: 31732 Reserve Gazetted 10 Nov 1900		Status: CURRENT											
Shelley Beach (R31732) Reserve Trust		Office: Metropolitan											
General	Manag...	Purpose	Enquiry	Lot	Area	Refs	Steps	Notes	Text	Rel Acc	Warning	Class	Maint...
General	31732 RESERVE Metropolitan; Gazetted: 10-Nov-1900												
Location,Name	Location: MANLY; Name: SHELLEY BEACH RESERVE												
Purpose	1, 0, public recreation												
Management	Reserve Trust: Shelley Beach (R31732) Reserve Trust												
Warning													
Lot	1, Lot 7338 DP 1154560 Parish Manly Cove County Cumberland												
Area	4.191ha												
References	13, 13, Development MN94R120, Development MN94R120, Development 14/04080, Land Status 07/1879, Lease												
Steps	Latest Step: Ad Hoc File Notes/Ad Hoc File Notes/Record Ad Hoc File Note - 17-FEB-2012												
Notes	17-Feb-2012: Status Branch - Historical Notes - Vesting on Land in the Trustees under the Public Trusts Act 189												
Text	Native title has been extinguished in terms of Section 3 of the Public Trusts Act,1907 by Proclamation of 10.11.19												
Related Account	5, 465314 - Shelley Beach (R31732) Reserve Trust; F519829 - Shelley Beach (R31732) Reserve Trust; F51900												
Lot Status	Status not checked(1);												

Client: Shelley Beach (R31732) Reserve Trust		Status: CURRENT									
		Client Id : 1001107083									
General	Enquiry	Name_Address	Management	Reserves	Refs	Steps	Notes	Text	Finance	Rel Acc	Mainte...
General	Shelley Beach (R31732) Reserve Trust (RESERVE TRUST) Metropolitan; Established: 30-Jun-1995										
Management	Council: Manly Council										
Reserves	31732										
Previous Names											
Warning											
References	4, Development MN94R120, Lease MN90R11, Licence MN94R103, MN79R50										
Steps	Latest Step: Name & Address Maintenance/Name Maintenance/Automatic Change To Details Via Crrs Incl Abn, T										
Notes											
Service Address											
Mailing Address	Manly Council PO Box 82 MANLY NSW 2095										
Related Account	4, F519829 - Shelley Beach (R31732) Reserve Trust; F519003 - Shelley Beach (R31732) Reserve Trust; 46531										

LICENCE DETAILS

Account: 301336 Licence (General)		Tenure Status: CURRENT										
Holder: Noel Leon Carroll Off: Metropolitan (MN81H2781)		Financial Status: CURRENT										
General	Holder	Enquiry	Notes	Finance	Fin Events	Div / ...	Lot	Area	Purpose	Refs	Steps	Text
General	301336 LI NPU Metropolitan (MN81H2781) (Transferred); Start Date 25-Jul-1994											
Holder	2, Noel Leon Carroll, Pauline Veronica Carroll; Primary Residential 88 Bower St MANLY NSW 2095											
Warning												
Notes	24-Feb-2015: Call reference 176239 responded to on 24 Feb 2015 by Metropolitan Office see call reference 1											
Lot	2, Lot 3 DP 8075, Lot 7338 DP 1154560 Parish Manly Cove County Cumberland											
Area	12.6m2											
Purpose	1, beautification											
References	6, Holding File MN81H2781, Formerly PO 0301336 METROPOLITAN, Land Claim File N/A, Holding Id 47010301											
Text	Crown land adjoining Lot 3, D.P. 8075 known as 88 Bower Street, Manly, Parish Manly Cove, County Cumberland											
Steps	Latest Step: Ad Hoc File Notes/Ad Hoc File Notes/Record Ad Hoc File Note - 24-FEB-2015											
Clauses	Clause By Clause, 53 Clauses, 2 Schedule 2 entries											
Status Checks	Registered Holder: 13-Dec-1995 - Applicants are leasees only. Owner-The trustees of the Roman Catholic Chu											
Related Account	6, 6560 - William John Humel; R31732 - Shelley Beach (R31732) Reserve Trust; 495149 - CS; 508795 - The T											
LRB Details	No Diversions / Suppressions; -- No Notice Text; -- No Security Deposit; --											

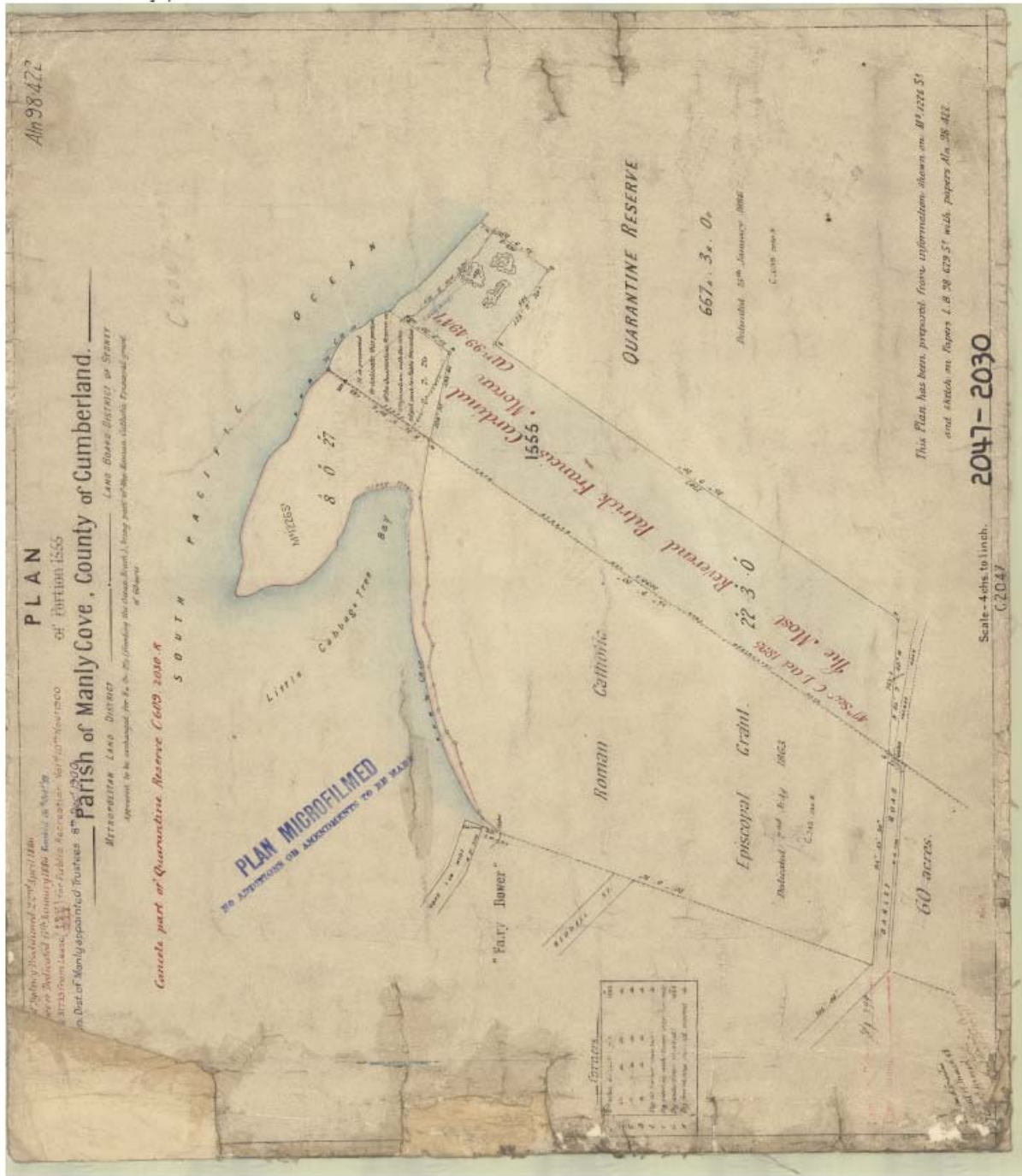
SALE ACCOUNT DETAILS

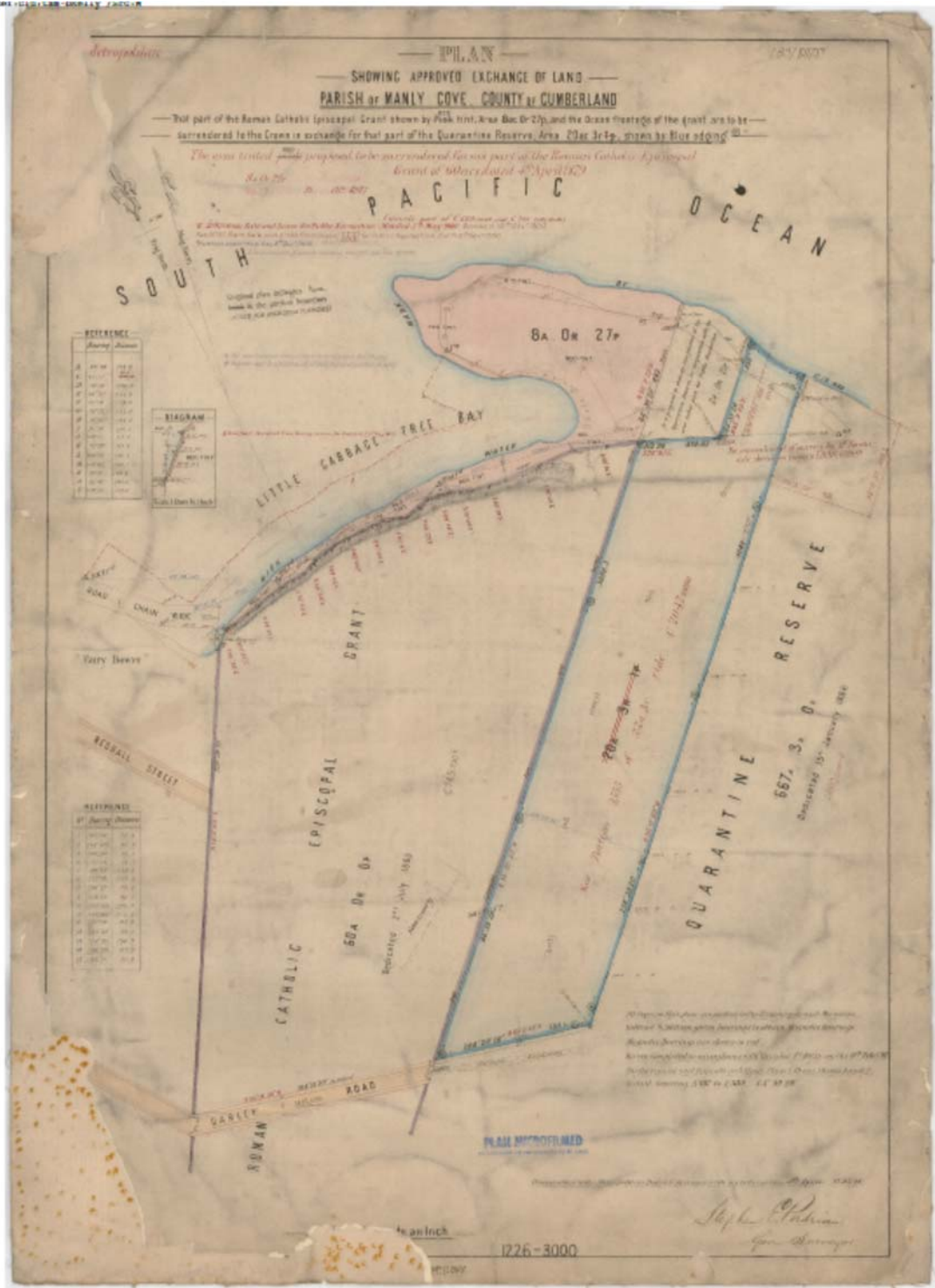
Account 508795; Sale(Non Subdivision) - Pt Lot 7338 DP154560, Manly (abt 12.6m2) | CURRENT; SAP Job No 9214645
 Agency: The Trustees of the Roman Catholic Church ; Office: Strategic S (12/08118) | Create Spatial Map Note in CRV 04-Dec-2012

General	Sale	Lots	Progress	Client	Enquiry	ALC/Acct	Steps	Refs	Finance	Fin Events	Text	Notes	Area
Report	General	SALE: Pt Lot 7338 DP154560, Manly (abt 12.6m2 held under LI 301336 attaching to Lot 3 DP8075): STRATEGI											
	Land	CROWN LAND SALE; Lot 7338 DP 1154560											
	Lots	Lot 7338 DP 1154560											
	Client	The Trustees of the Roman Catholic Church: C/- Raine & Horne PO Box 1450 BONDI JUNCTION NSW 1355											
	ALCs												
	References	1, Sale And Disposal File 12/08118											
	Text	Part Lot 7338 DP1154560 being Reserve 31732 for Public Recreation Notified 10 November 1900											
	Steps	Latest Step: Ad Hoc File Notes/Ad Hoc File Notes/Record Ad Hoc File Note - 05-DEC-2012											
	Notes	05-Dec-2012: I have spoken to Tony Sattler (ph 9939 1852 - mob 0424 545 861) Property Development Lawyer											
	Related Accounts	6, 301336 - Noel Leon Carroll; 495149 - CS; 534708 - Robinson Urban Planning Pty Ltd; 534709 - Robinson Ur											
	LRB Details	No Diversions / Suppressions; -- No Notice Text; -- No Security Deposit; --											
	Valuation	No area available; LGA = Manly ; Vacant CL rate (m2) for Manly = \$109.20											

PLANS

2047-2030





A174055 S.S.15.

DP 8075 (E)

PLAN

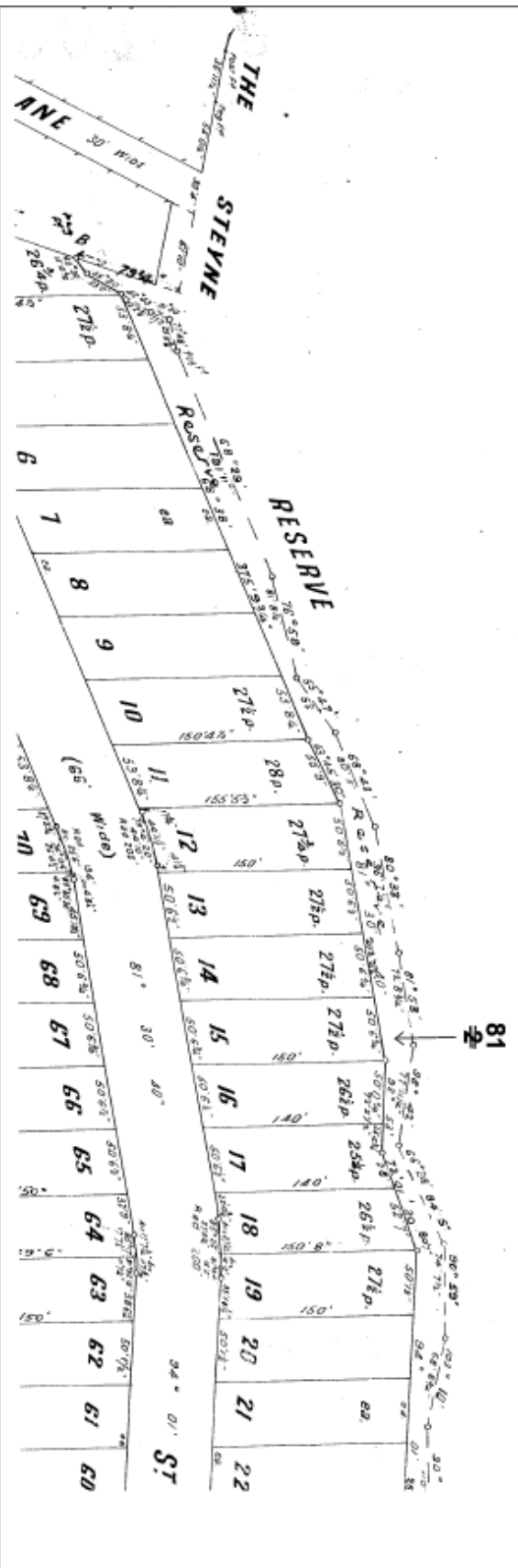
of part of subdivision

ST PATRICK'S COLLEGE

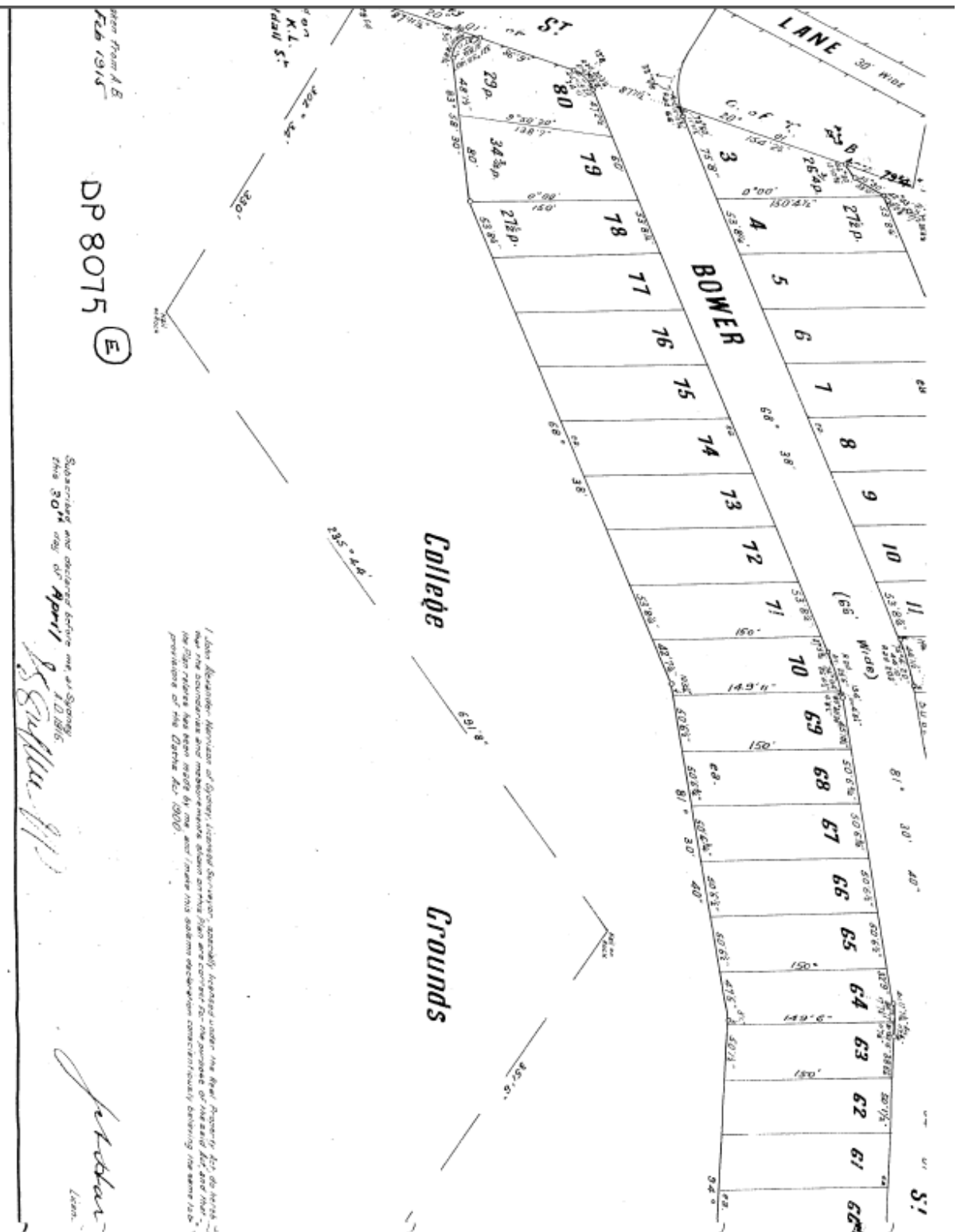
Part of land comprised in C of T
and Crown GE Vol. 1302 Fol. 1
Municipality of

Parish of Manly Cove County of

Scale: 100 feet to 1 inch

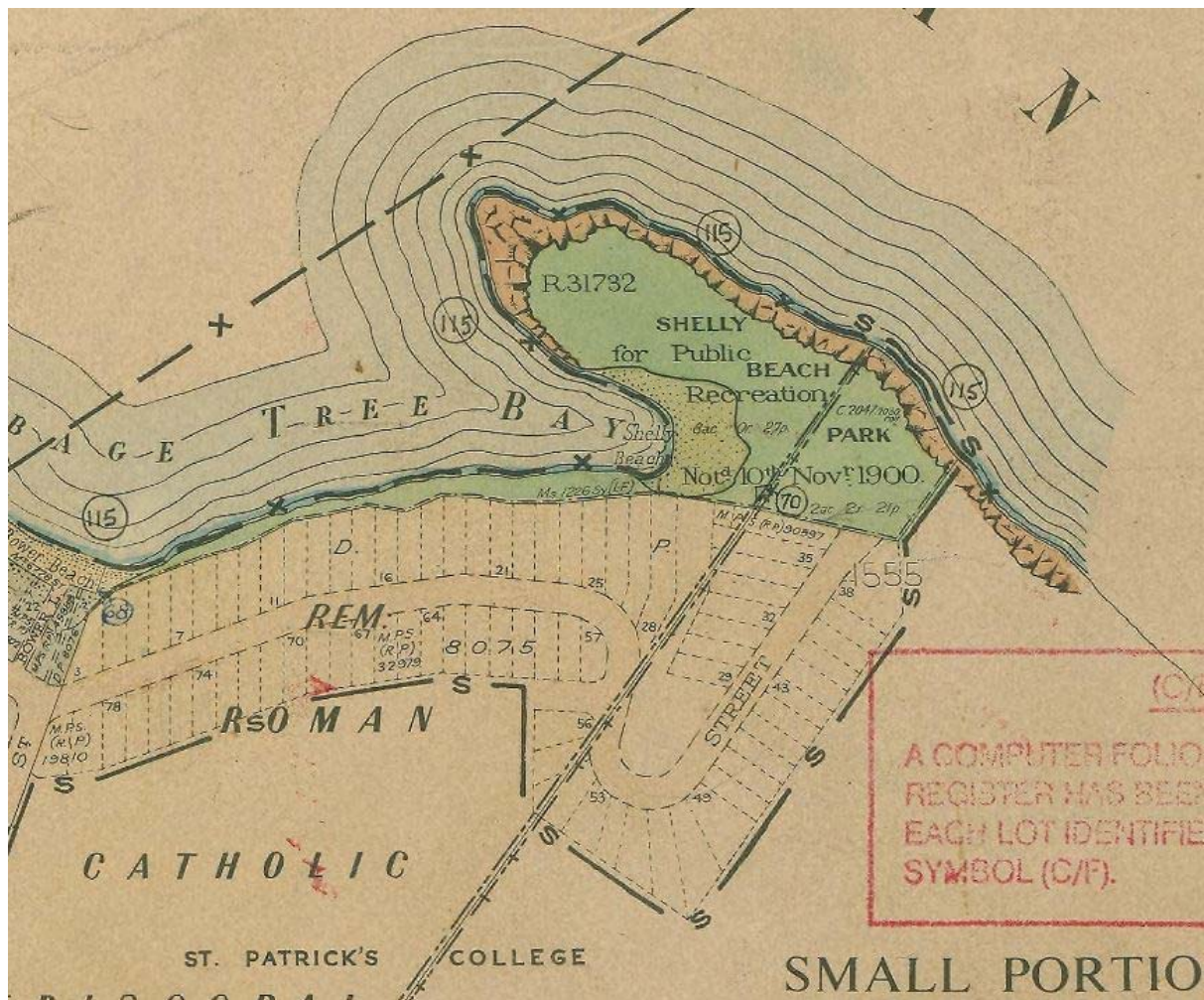


DP8075

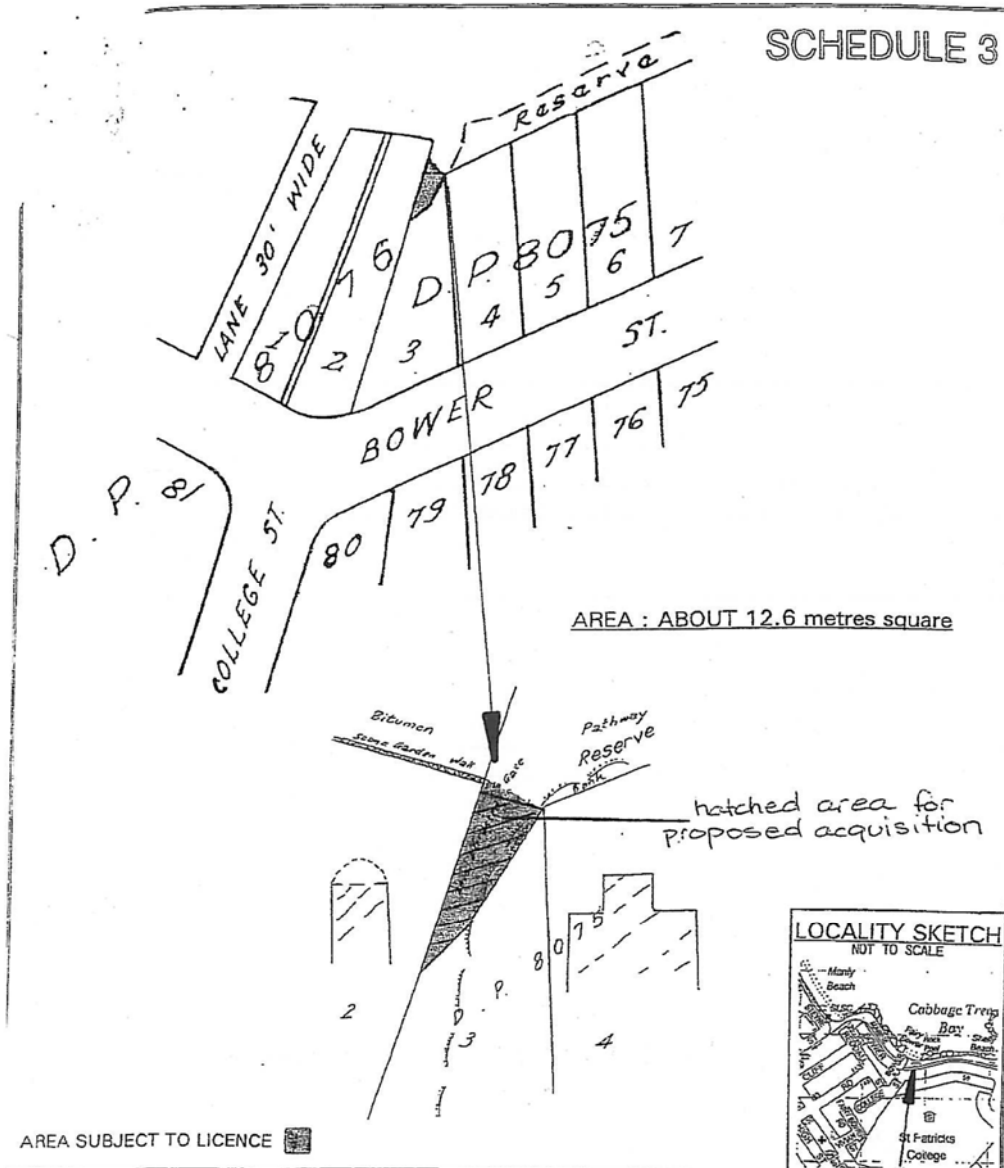



I, John Alexander Morrison of Sydney, Licensed Surveyor, solemnly depose under the Great Property Act, do hereby certify that the boundaries and measurements shown on this plan are correct to the best of my knowledge and belief, and that the provisions of the Great Property Act, 1908, have been complied with.

PARISH MAP OF MANLY COVE



SKETCH OF LICENCE 301336



<p>DIAGRAM SHOWING</p> <p>LICENCE NO. : 1201796 301336</p> <p>HOLDER : Noel Leon CARROLL & Pauline Veronica CARROLL</p> <p>LOCATION : Part R3172, Manly</p>	<p>PARISH : Manly Cove</p> <p>COUNTY : Cumberland</p> <p>L.G.A. : Manly</p> <p>LAND DISTRICT : Metropolitan</p> <p>DISTRICT OFFICE : Sydney Metropolitan</p>	 <p>LAND & WATER CONSERVATION</p>
<p>REDUCTION RATIO Not to Scale</p> <p>ALL MEASUREMENTS ARE IN METRES</p>	<p>FILE NO. : MN 81 H 2781</p> <p>DATE PREPARED : 13/12/95</p> <p>COMPILED FROM : PO diagram</p>	

COPY GAZETTE NOTICES

10 November 1900

8835

[4796] Department of Lands,
Sydney, 10th November, 1900.

REVOCAION OF TEMPORARY RESERVES FROM
SALE AND LEASE.

IT is hereby notified, for public information, that His
Excellency the Lieutenant-Governor, with the advice of the
Executive Council, has been pleased to revoke, under the pro-
visions of the Crown Lands Acts, the temporary reserves from
sale and lease hereunder described, and they are hereby revoked
accordingly.

T. H. HASSALL.

EASTERN DIVISION.

METROPOLITAN LAND DISTRICT.

Reserve 30,975 from sale or lease for public recreation.
County of Cumberland, parish of Manly Cove, area 8 acres 27
perches, being that part of the Roman Catholic Episcopal
grant at Manly, acquired by exchange, and indicated on plan
catalogued Ms. 1,226 Sy.

The land referred to above was reserved from sale and lease
by operation under section 46, Crown Lands Act of 1889, and
such reservation was notified in the Government Gazette on 5th
May, 1900, as reserve 30,975, which notice is hereby also
revoked.

Reserve 31,732 from sale (31,733 from lease) for public
recreation, notified this day, is in lieu of above.
[Ms. 1900-3,984 Ind.]

[4800] Department of Lands,
Sydney, 10th November, 1900.

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Department of Lands,
Sydney, 10th November, 1900.

[4808]

RESERVES FROM SALE FOR PUBLIC RECREATION.

HIS Excellency the Lieutenant-Governor, with the advice of the Executive Council, directs it to be notified that, in pursuance of the provisions of the 101st section of the Crown Lands Act of 1884, the land hereunder described shall be reserved from sale pending determination of the portions to be set apart for public recreation, and is hereby reserved accordingly.

T. H. HASSALL.

EASTERN DIVISION.

LAND DISTRICT OF COOMA.

Within the Snowy River Gold-field.

No. 31,765. County of Wallace, parish of Bobandara, containing an area of 65 acres. The Crown Lands within the following boundaries: Commencing on the left bank of the Snowy River, at the west extremity of the south boundary of portion 29; and bounded thence by the south boundaries of that portion and of portion 59 bearing east, part of the west boundary of portion 58 south, and its south boundary east to the Snowy River aforesaid; and thence by that river downwards, to the point of commencement,—being portions 30 and 60, as shown on plans catalogued W. 406-1,604 and M. 23-1,834A.

Includes reserve 112 for camping, cancelled this day.
[Ms. 1900-7,811 Dep.]

METROPOLITAN LAND DISTRICT.

No. 31,732. County of Cumberland, parish of Manly Cove, containing an area of 10 acres 3 roods 8 perches. The Crown Lands within the following boundaries: Commencing on the high-water mark of the South Pacific Ocean, at the most northerly corner of the Roman Catholic Episcopal grant of 22 acres 3 roods, portion 1,555; and bounded thence by lines forming boundaries of that portion bearing south 35 degrees 9 minutes west 4 chains 6 links, and north 75 degrees 30 minutes west 4 chains 94 links; thence by lines bearing north 80 degrees 36 minutes west 3 chains 26 links, south 83 degrees 44 minutes west 3 chains 42 links, north 89 degrees 39 minutes west 1 chain 68 links, north 76 degrees 49 minutes west 1 chain 4 links, north 83 degrees 58 minutes west 1 chain 13 links, south 66 degrees 29 minutes west 1 chain 28 links, north 81 degrees 19 minutes west 1 chain 18 links, south 81 degrees 54 minutes west 1 chain 10 links, south 80 degrees 34 minutes west 1 chain 46 links, south 68 degrees 42 minutes west 1 chain 23 links, south 55 degrees 48 minutes west 79 links, south 76 degrees 59 minutes west 1 chain 24 links, south 68 degrees 30 minutes west 2 chains 91 links, south 77 degrees 47 minutes west 33 links, south 21 degrees 30 minutes west 26 links, south 42 degrees 43 minutes west 34 links, south 35 degrees 30 minutes west 59 links, south 46 degrees 30 minutes west 21 links, and north 20 degrees 1 minute east 12 links to the high-water mark of Little Cabbage Tree Bay; and thence by the high-water mark of Cabbage Tree Bay and of the South Pacific Ocean beforementioned, north-easterly, north-westerly and south-easterly, to the point of commencement,—as shown on plans catalogued C. 2,047-2,080 and Ms. 1,226 Sy.

Reserved from lease this day as No. 31,733.

The above is in lieu of reserve 30,975 from sale and lease for public recreation, notified 5th May, 1900, and revoked this day.
[Ms. 1900-3,984 Ind.]

[4812]

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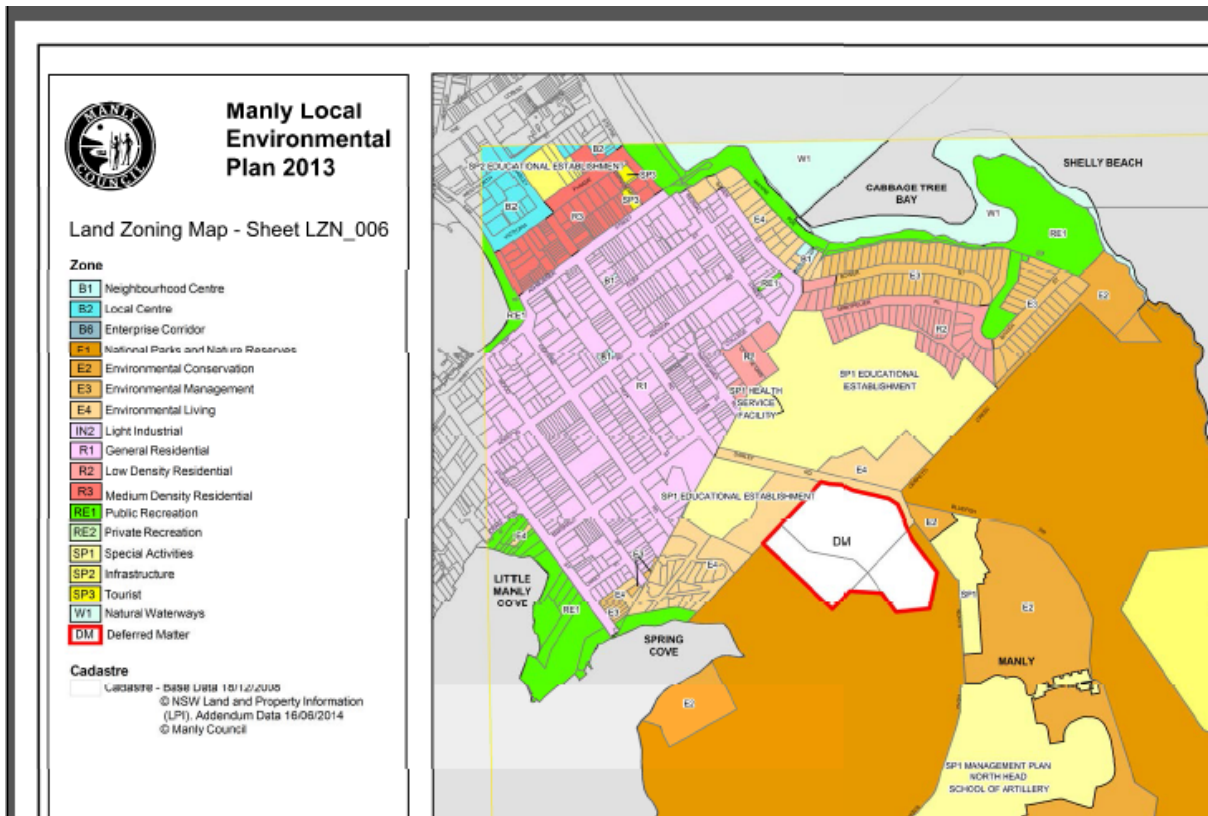
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ZONING MAP





TO	Belinda Kelly
FROM	Lauren McCowan
DATE	17 th December 2015
SUBJECT	Search – 111691 – Reserve 31732

Hi Belinda,

The boundary of Reserve 31732 as notified in Government Gazette 10th November 1900 includes part of that area currently held under Licence 301336 adjoining the North Western boundary of Lot 3 in DP 8075. That part is the strip along the North Western boundary of Lot 3 DP 8075 being an area of approximately 12.5m² within the licence area. Please note that the area of Licence 301336 currently captured on the DCDB is 43m², conflicting with the 12.6m² area description. Currently Reserve 31732 is captured incorrectly to include the whole of Lot 7338 DP 1154560. Please see Diagram A for the correct reserve boundary.

The part of the gazette notification of Reserve 31732 that defines the boundary for the part adjacent to Lot 3 DP 8075 is highlighted blue below.

minutes west 1 chain 24 links, south 68 degrees 30 minutes west 2 chains 91 links, south 77 degrees 47 minutes west 38 links, south 21 degrees 30 minutes west 26 links, south 42 degrees 43 minutes west 34 links, south 35 degrees 30 minutes west 50 links, south 46 degrees 30 minutes west 21 links, and north 20 degrees 1 minute east 12 links to the high-water mark of Little Cabbage Tree Bay; and thence by the high-water mark of Cabbage Tree Bay and of the South Pacific Ocean beforementioned, north-easterly, north-westerly and south-easterly, to the point of commencement,—as shown on plans catalogued C. 2,047–2,030 and Ms. 1,226 Sv.

Reserved from lease this day as No. 31,733.

The above is in lieu of reserve 30,975 from sale and lease for public recreation, notified 5th May, 1900, and revoked this day. [Ms. 1900-3,984 Ind.]

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The North Western boundary of Lot 3 DP 8075 forms part of the reserve boundary. From the north western point of Lot 3 DP 8075 the boundary of the reserve is defined as bearing “north 20 degrees 1 minute east 12 links (2.415m) to the high water mark..”, the boundary then follows the high water mark through the subject area, as shown in the diagram on Crown Plan 1226-3000.

The following documents are attached

- Extract from Crown Plan 1226-3000 showing Diagram and Reference to bearing and distances
- Deposited Plan 8057

Kind Regards,
Lauren McCowan
(02) 49205088






Diagram A - showing location of Reserve 31732 as notified in Government Gazette 10th November 1900

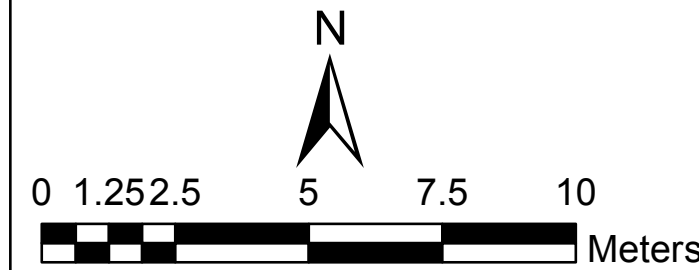
Status Branch Service Request No. 111691

L.G.A : Manly
LOCALITY: Manly
PARISH: Manly Cove
COUNTY: Cumberland
LAND DISTRICT: Metropolitan
LANDS OFFICE: Metropolitan

Base Map: Diagram in Crown Plan 1226-3000

Legend

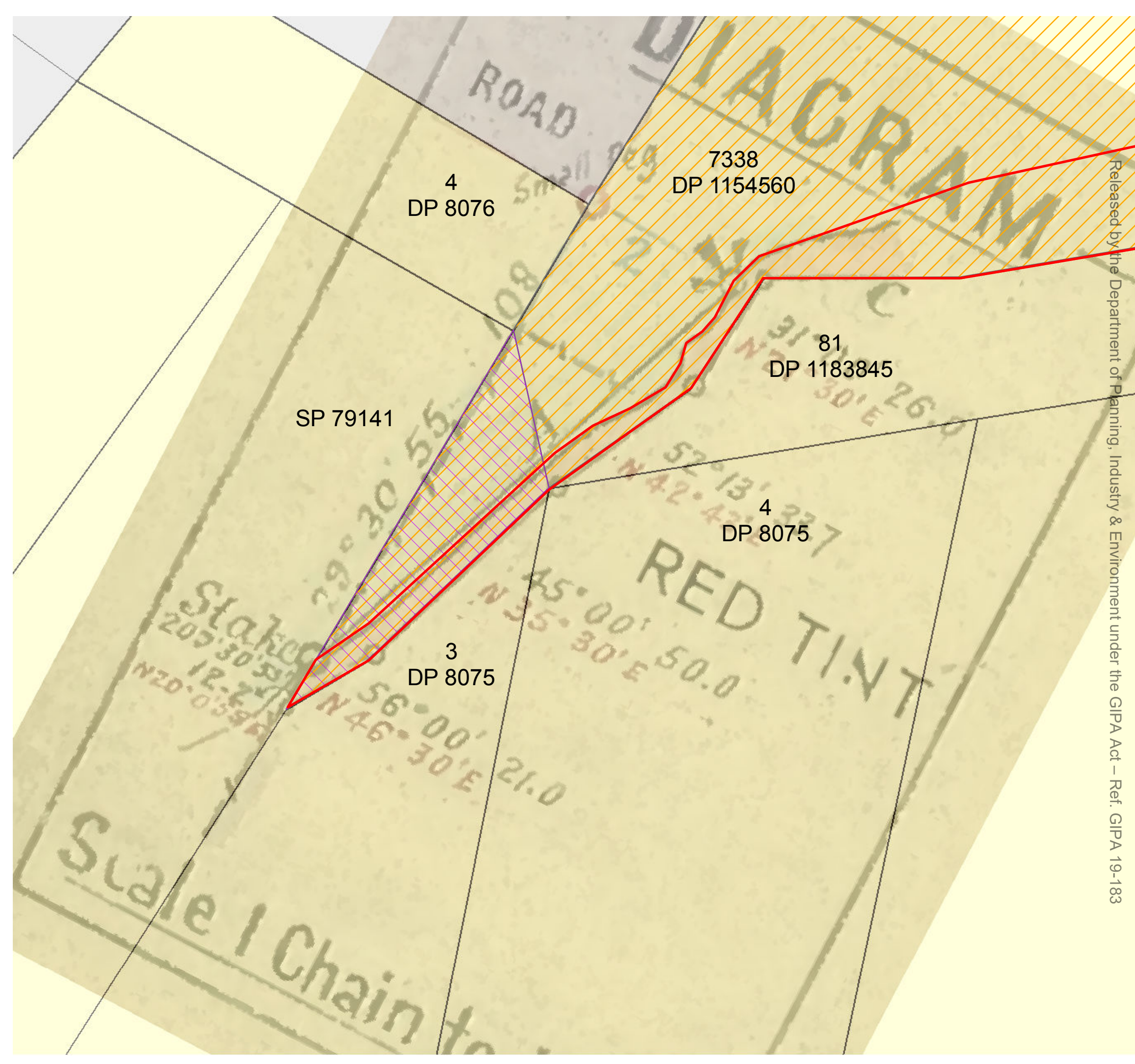
-  Lot
-  Reserve 31732 boundary
-  Road
-  Licence 301336
-  CrownAccount



Disclaimer:
The information contained in this map has been provided in good faith. Whilst all effort has been made to ensure the accuracy and completeness of this information, the data providers take no responsibility for errors or omissions nor any loss or damage that may result from the use of this information. Copyright: Dept. of Primary Industries - Lands 2015

Printed by Lauren McCowan
Date: 16th December 2015

Released by the Department of Planning, Industry & Environment under the GIPA Act - Ref. GIPA 19-183



— REFERENCE —

	Bearing	Distance
A	45° 25'	112.8
C	87° 17'	44.9 38.3
D	78° 00'	290.6
E	86° 29'	123.8
F	65° 18'	78.8
G	78° 12'	122.6
H	90° 04'	146.4
I	91° 24'	110.2
J	108° 11'	117.8
K	75° 59'	127.9
L	100° 32'	113.1
M	112° 41'	104.1
N	99° 51'	167.6
O	93° 14'	342.0
P	108° 54'	326.4

Metropolitan

— PLAN —

LB978075*

— SHOWING APPROVED EXCHANGE OF LAND —

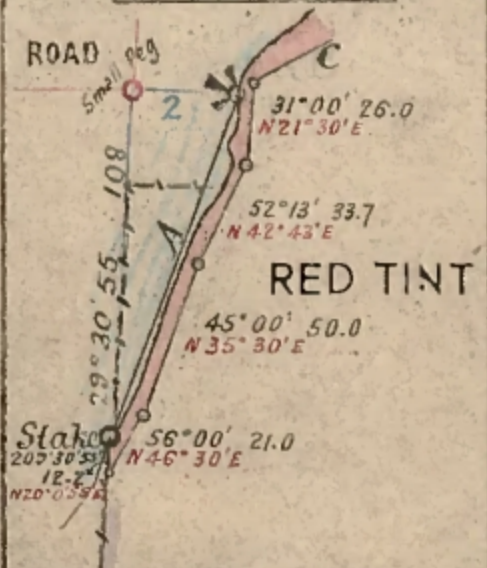
PARISH OF MANLY COVE, COUNTY OF CUMBERLAND

— That part of the Roman Catholic Episcopal Grant shown by Pink tint, Area 8ac 0r 27p, and the Ocean frontage of the Grant are to be —
 — surrendered to the Crown in exchange for that part of the Quarantine Reserve, Area 20ac 3r +p, shown by Blue edging. —

The area tinted ^{RED} pink proposal to be surrendered forms part of the Roman Catholic Episcopal Grant of 60acrs dated 4th April 1879

*His unauthorized occu
 Norgreens appⁿ for a boatsho*

— DIAGRAM —



Area 7ac 1r. Exempted from

Scale 1 Chain to 1 Inch

Released by the Department of Planning, Industry & Environment under the GIPA Act - Ref. GIPA 19-183

LITTLE

PLAN
of subdivision of

'S COLLEGE ESTATE

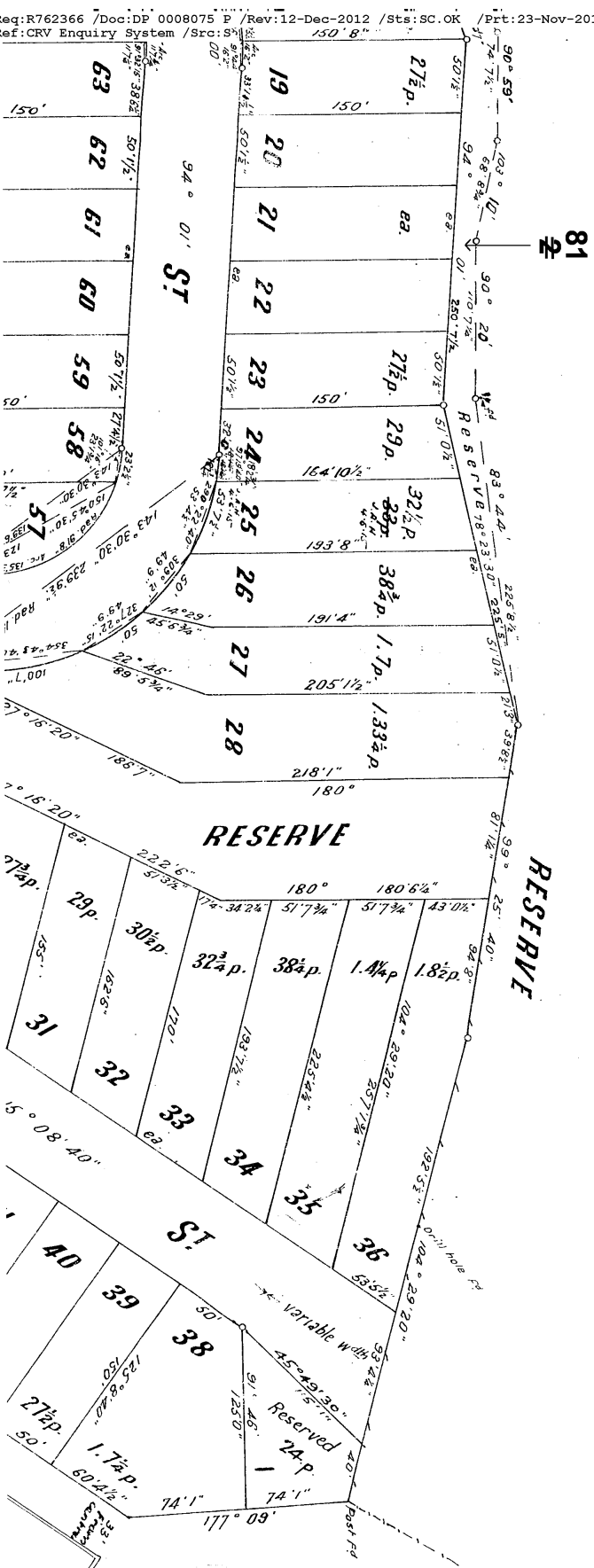
Comprised in C. of T. Vol. 1360 Fol. 2
in Ge. Vol. 1302 Fol. 32

City of Manly

County of Cumberland

Scale: 100 feet to 1 inch

DP.8075



A 174055 5.5.15.

DP 8015 (E)

PLAN

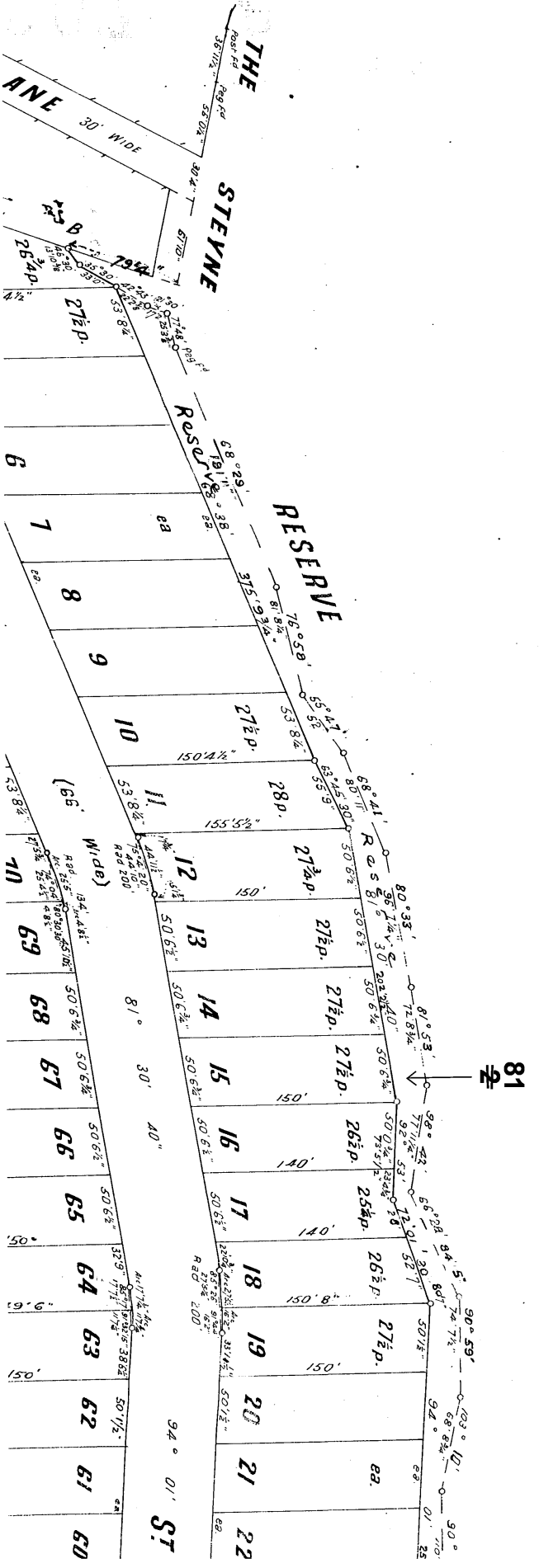
of part of subdivision

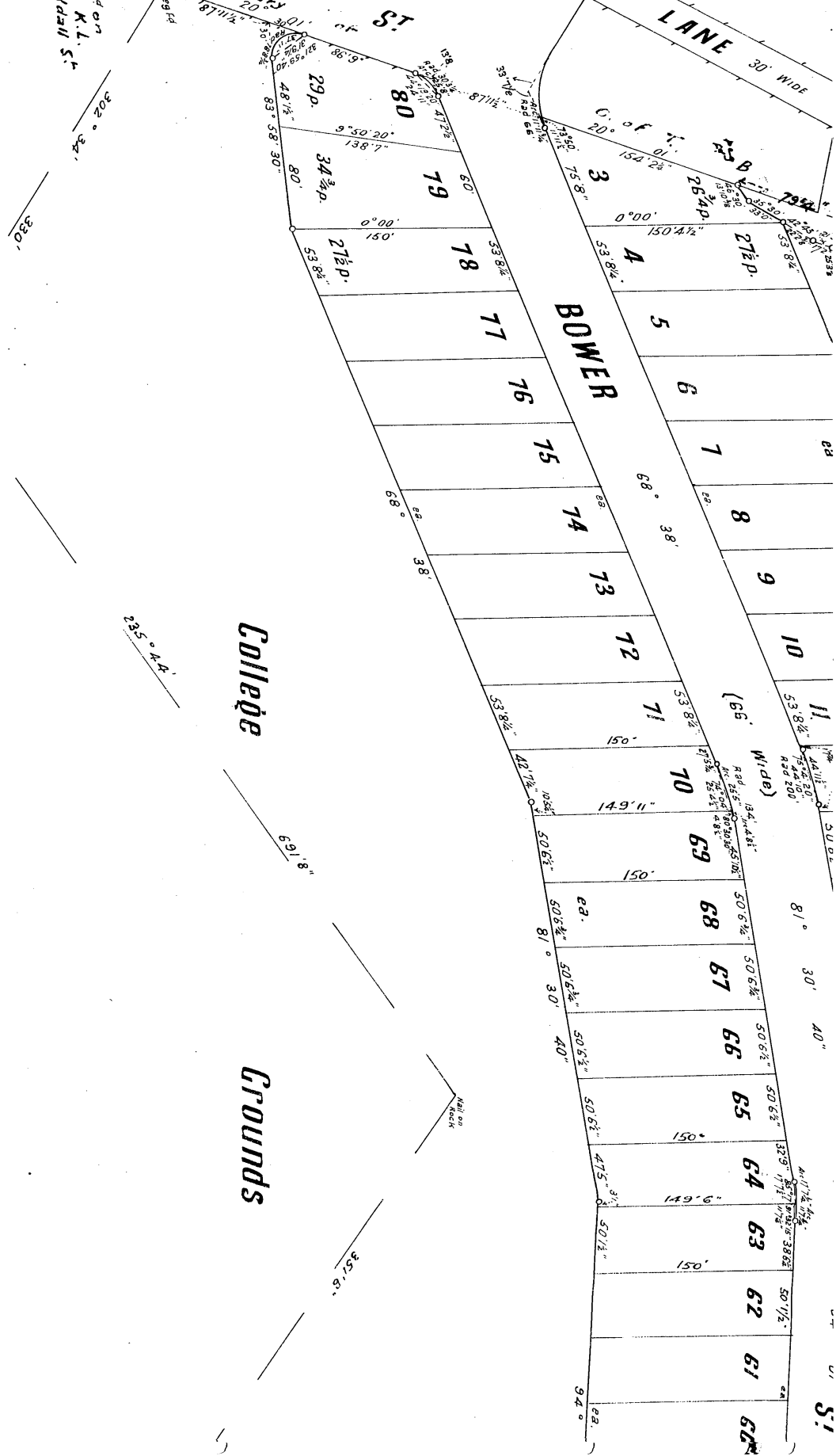
St PATRICK'S COLLEGE

Part of land comprised in C of T
and Crown Ge Vol. 1302 Fol. 130
Municipality of

Parish of Manly Cove County of

Scale: 100 feet to 1 inch





I, John Alexander Harrison of Sydney, Licensed Surveyor, specially licensed under the Real Property Act do hereby certify that the boundaries and measurements shown on this Plan are correct for the purpose of the said Act, and that the Plan relates has been made by me, and I make this solemn declaration conscientiously believing the same to be true in accordance with the provisions of the Oaths Act, 1900.

Subscribed and declared before me at Sydney
this 30th day of April 1916

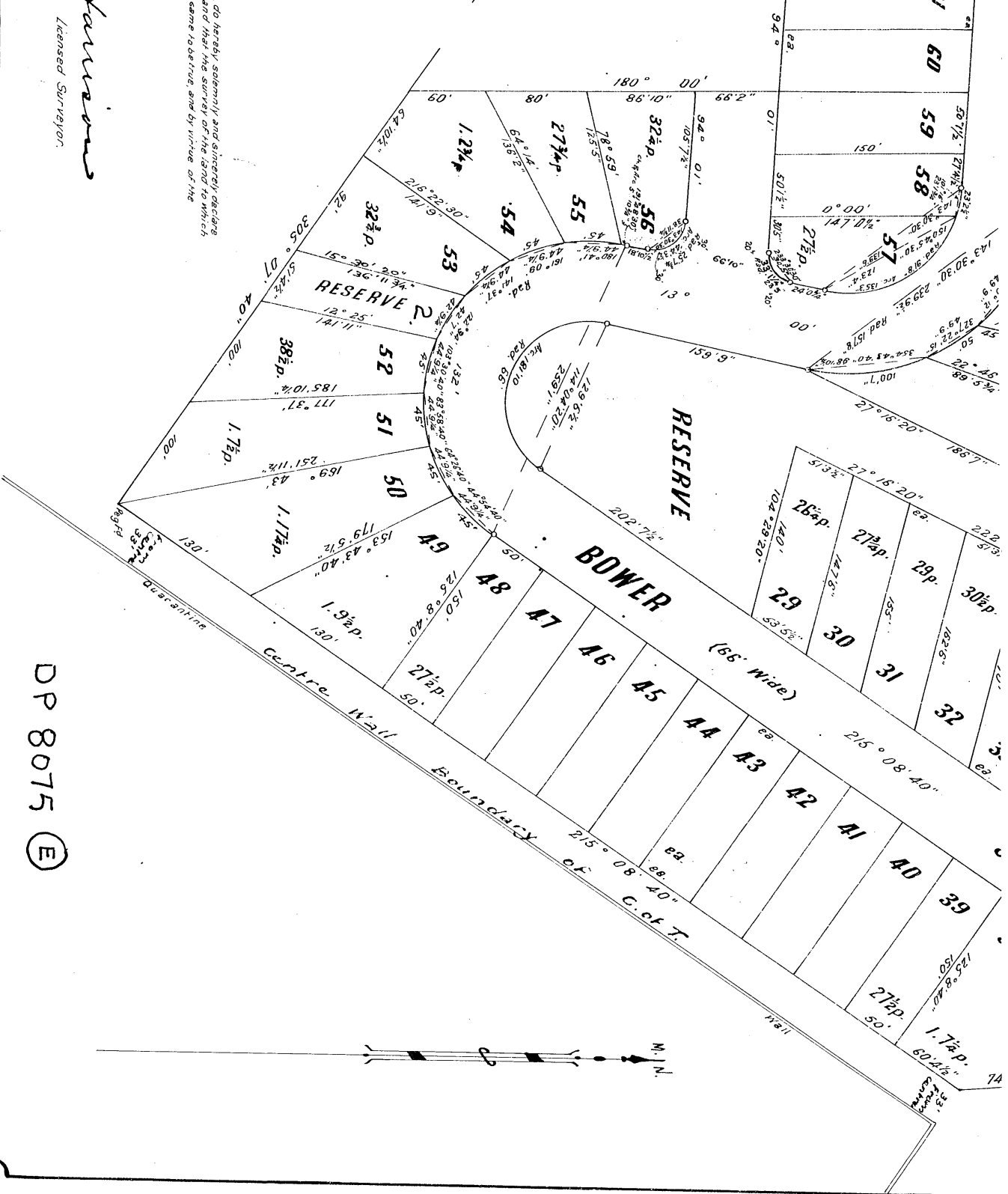
John Alexander Harrison
Licen.

DP 8075 (E)

Open from A.B.
Feb 1915

I do hereby solemnly and sincerely declare
and that the survey of the land to which
same is referred, and by virtue of the

Lawson
Licensed Surveyor



DP 8075 (E)

CONVERSION TABLE ADDED IN REGISTER GENERAL'S DEPARTMENT

DP 6075	FEET INCHES	METRES
1	1 3/4	0.35
1	1 7/8	0.49
1	1 7/4	0.49
1	6 3/4	0.76
3	3	0.91
3	1 1/2	0.105
4	6 1/4	1.435
5	1 3/4	1.625
5	10 3/4	1.795
6	7 1/4	2.015
7	7 1/4	2.25
10	1	3.075
10	5 1/4	3.18
11	7 1/4	3.535
11	7 1/2	3.545
11	7 3/4	3.55
11	11 3/4	3.645
11	11 3/4	3.658
13	6 3/8	4.252
13	10 3/8	4.57
16	2	4.93
16	17 2	5.23
17	7 1/2	5.37
17	7 3/4	5.38
11	11 1/4	5.465
19	1 1/4	5.485
19	1 3/4	5.495
20	6 3/4	6.095
21	3	6.475
21	3	6.725
22	0 3/4	6.78
22	7/8	6.92
22	1/2	6.92
22	1/2	7.085
23	2 1/2	7.075
23	4 3/4	7.13
24	0 3/4	7.335
24	11 3/4	7.995
25	3 3/4	7.715
25	1/2	7.715
25	7 3/4	7.815
25	7 3/4	7.825
27	4 1/2	8.345
27	5 1/4	8.365
27	5 3/4	8.375
27	9 1/4	8.465
27	9 1/4	8.465
28	1 1/2	9.135
28	5 1/4	9.225
28	5 1/4	9.245
30	4	9.26
30	5 1/4	9.27
31	6 1/4	9.66
31	9 1/4	9.685
31	9 1/4	9.695
32	9	10.09
32	9	10.09
33	1 1/4	10.24
33	7 1/2	10.25
33	7 1/2	10.325
33	11 1/2	10.35
34	2 1/4	10.72
34	2 1/4	10.72
36	11 1/2	11.265
36	6 1/4	11.555
36	8 1/2	11.6
36	8 3/4	11.605
36	11 3/4	11.68
36	8 1/2	12.105
39	8 1/2	12.19
40	-	12.19

CONVERSION TABLE ADDED IN REGISTER GENERAL'S DEPARTMENT

DP 6075	CONTINUED	FEET INCHES	METRES
41	9	12.725	
42	7 1/4	12.98	
42	7 1/4	13.06	
42	9 1/4	13.035	
42	10 1/2	13.07	
43	0 1/2	13.12	
44	-	13.41	
44	3 1/4	13.495	
44	3 1/4	13.495	
44	1 1/2	13.625	
44	11 1/2	13.705	
44	11 1/2	13.715	
45	-	13.86	
45	5 3/4	13.86	
45	6 3/4	13.685	
45	10 1/2	13.985	
47	2 1/2	14.395	
47	2 1/2	14.395	
48	1 1/2	15.165	
49	9	15.215	
49	11	15.215	
50	0 3/4	15.24	
50	1 1/2	15.26	
50	1 1/2	15.28	
50	4 1/2	15.335	
50	6 1/2	15.44	
50	7 1/2	15.44	
50	7 1/2	15.44	
50	8	15.445	
51	0 1/2	15.555	
51	3 1/2	15.635	
51	4 1/2	15.66	
51	7 3/4	15.805	
51	10 1/4	15.85	
52	7	15.025	
52	10 1/2	15.115	
53	4 1/2	16.27	
53	5 1/2	16.295	
53	7 1/2	16.345	
53	8 1/4	16.365	
53	1 1/8	16.395	
55	19	16.995	
56	0 1/2	17.08	
60	-	18.4	
60	4 1/2	18.44	
61	10	18.445	
62	6	19.05	
62	10 1/2	19.115	
64	-	20.17	
66	2	20.37	
66	10 3/4	20.95	
68	8 3/4	22.11	
72	8 3/4	22.11	
73	5 1/2	22.39	
74	1 1/2	22.98	
75	8	24.065	
77	6	23.62	
77	11 1/4	23.795	
80	7	24.365	
80	11 1/4	24.56	
81	1 1/4	24.665	
81	6 1/4	24.9	
84	5	25.73	
86	10	26.44	
86	11 1/4	26.465	
87	11 1/4	26.485	
87	11 1/2	26.815	
91	3 3/4	27.765	
92	-	28.04	
93	4 1/4	28.455	
93	8	28.55	
94	8	28.685	

CONVERSION TABLE ADDED IN REGISTER GENERAL'S DEPARTMENT

DP 6075	CONTINUED	FEET INCHES	METRES
96	7 1/4	29.445	
98	10 1/4	30.13	
98	10 1/2	30.135	
100	-	30.48	
100	7 1/2	30.66	
105	7 1/2	32.195	
110	1 1/4	32.715	
117	7 1/4	35.805	
123	4	37.59	
124	5	37.92	
125	5	38.1	
125	5	38.1	
130	-	39.625	
132	-	40.285	
133	-	41.225	
136	2	41.505	
136	11 3/4	41.75	
138	6	42.24	
139	6	42.52	
140	-	42.67	
141	1 1/2	43.205	
147	10 1/2	44.82	
147	1	44.85	
147	6	44.96	
149	6	45.57	
149	6	45.57	
149	11	45.695	
150	-	45.72	
150	1 1/2	45.895	
150	2 1/4	47.245	
155	5 1/2	47.385	
155	5 1/2	47.385	
157	8	48.055	
159	9	48.69	
162	6 1/2	49.53	
164	10 1/2	50.25	
170	5 1/2	51.7	
170	5 1/2	51.7	
181	10 1/4	55.42	
185	10 1/4	56.65	
186	7	56.87	
191	4	58.32	
192	11	58.56	
193	7 1/2	59.08	
193	8	59.03	
200	2 1/2	60.96	
202	1 1/2	61.63	
202	7 1/2	61.76	
205	1 1/2	62.52	
218	4	63.47	
218	4	64.4	
222	1 1/2	64.95	
225	4 1/2	68.69	
225	4 1/2	68.71	
225	6 1/2	68.8	
229	9 1/2	73.09	
230	7 1/2	76.39	
231	11 1/2	78.38	
234	1 3/4	79.97	
330	-	100.58	
351	6 3/4	107.14	
375	9 3/4	114.55	
691	8 1/2	210.82	
1129	6 1/2	244.8	
1227	1 3/4	688	

CONVERSION TABLE ADDED IN REGISTER GENERAL'S DEPARTMENT

DP 6075	CONTINUED	AC	RD	P	SO	M
-	-	24	1/4	607		
-	-	28	1/4	638.6		
-	-	28	1/4	658.9		
-	-	28	3/4	676.4		
-	-	27	1/2	699.6		
-	-	27	6/5	699.3		
-	-	27	3/4	701.9		
-	-	28		708.2		
-	-	29	1/2	733.5		
-	-	30	1/2	711.4		
-	-	32	1/2	822		
-	-	32	3/4	828.3		
-	-	38	3/4	878.9		
-	-	38	1/4	967.5		
-	-	38	1/2	973.8		
-	-	38	3/4	980.1		
-	-	1	2 1/4	1081		
-	-	1	7 1/4	1189		
-	-	1	7 1/4	1195		
-	-	1	7 1/2	1201		
-	-	1	9 1/2	1227		
-	-	1	1 1/2	1252		
-	-	1	1 3/4	1448		
-	-	1	3/4	1853		



Department of
Primary Industries
Lands

Date: 14 January 2016
Reference: 12/08118

The General Manager
Manly Shire Council
PO Box 82
MANLY NSW 1655

Dear Sir/Madam

Subject: Proposed Sale of Crown land at Manly - Crown lands licence 301336

DPI-Lands are currently investigating the sale of a small parcel of Crown land at Manly being part of Lot 7338 DP1154560 consisting of an approximate area of 43m².

The land in question is subject to Crown lands licence 301336 for the purpose of beautification (refer to the area hatched in purple on Diagram A attached). Note that part of the Shelly Park Reserve will be affected by the proposed sale. The area affected is approximately 12.5m². Shelley Park Reserve Trust is currently managed by Manly Council and is outlined in red in Diagram A.

The request to purchase was received by the licensees Noel Leon and Pauline Veronica CARROLL on behalf of the registered holders of the adjoining land Lot 3 DP 8075 (The Trustees of the Roman Catholic Church for the Archdiocese of Sydney).

It should be noted that the land has been the subject of a Crown land tenure for the purposes of Occupation (private rockery, lawn & pathway) since the 1970s, and currently forms part of the northern lawn and walled garden enclosed within the residential property located at 88 Bower Street Manly. The area that is likely to form part of the Contract of Sale will be that area of lawn and garden defined by black hatching in Diagram B. This will be defined further by Plan of Subdivision of Lot 7338 creating two Lots (one lot being that area hatched black and the second the remainder of Lot 7338). Note that the proposed subdivision may be considered exempt from subdivision certificate under Section 23G(b) of the Conveyancing Act 1919.

The Department would appreciate Council's consideration to the proposed sale and advise whether Council may have any interests and/or objections to the sale of the subject area.

*If a reply is not received within the specified **40 day period from the date of this letter** it will be assumed that Council have no objections to the sale of the parcel in question.*

Should Council require additional time in which to consider its position in the matter please advise this office in that regard within the 40 day period. Should you require further information, I can be contacted at belinda.kelly@crowmland.nsw.gov.au or by telephone on 02 4925 4118.

Yours sincerely,

Belinda Kelly
Property Development Project Officer
DPI - Lands Newcastle

Diagram A

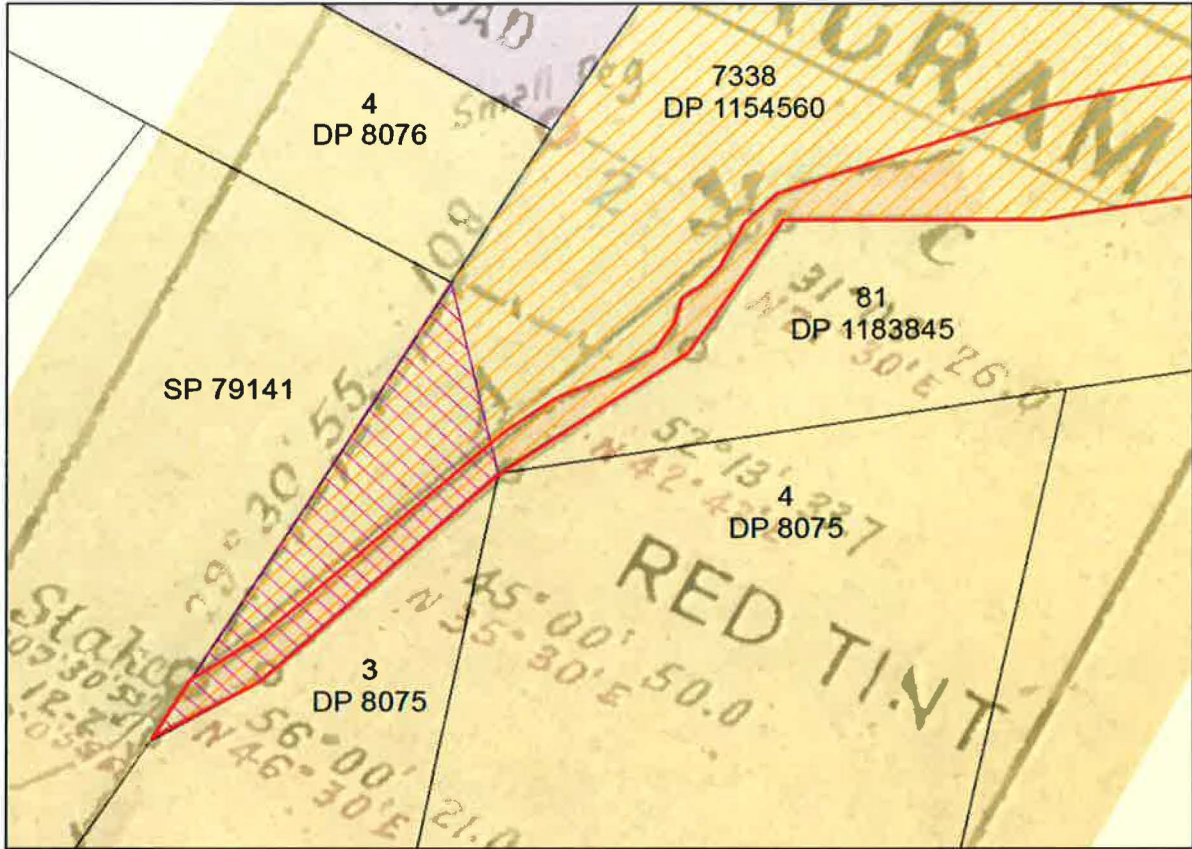


Diagram B



Brief – Approval to Sell Land by Direct Negotiation - Manly

Topic	Approval to sell part Lot 7338 DP 1154560 and part Lot 7336 DP 1153371 to The Trustees of the Roman Catholic Church for the Archdiocese of Sydney (“The Applicants”) by Direct Negotiation.
Critical date	N/A
Analysis	<p>Justification for Direct Dealing</p> <ul style="list-style-type: none"> The parcel of land is very small in size (12.6m² approximately), development as a standalone block is not feasible. The land is only of value to the adjoining freehold landholder. Access to the land is restricted to pedestrian access via Marine Parade (Oceanside Walkway) Manly (Refer to Attachment A, Diagrams 6 and 7).

Recommendations

It is recommended that the Deputy Director General – Lands, under delegation Level 1:

- Approve the sale of part Lot 7338 DP 1154560 and part Lot 7336 DP 1153371 (being that land identified in Attachment A – Diagrams 1 and 2, as land outlined in red and level with northern boundary of adjoining lot SP79141) by direct negotiation to The Trustees of the Roman Catholic Church for the Archdiocese of Sydney without Public Competition in accordance with section 34(1)(a) of the *Crown Lands Act 1989*.
- Approve the revocation of Reserve 31732 for Public Recreation notified 10 November 1900 in relation to the affected section of Lot 7338 DP 1154560 (being that land identified in Attachment A – Diagram 2, as land outlined in red and level with northern boundary of adjoining lot SP79141) in accordance with section 90 of the *Crown Lands Act 1989*.
- Approve the revocation of Reserve 1028748 for Surfing Recreation notified 24 September 2010 in relation to the affected section of Lot 7336 DP 1153371 (being that land identified in Attachment A – Diagram 1, as land outlined in red and level with northern boundary of adjoining lot SP79141) in accordance with section 90 of the *Crown Lands Act 1989*.

➔ Deputy Director General’s approval:		Date: 27/2/17
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Delegated officer under section 34 *Crown Lands Act 1989*; Delegation detail;

Consenting to the sale of Crown land on such terms and conditions as appropriate on behalf of the Crown, including the execution of the contract of sale and instruments of transfer. This includes the approval of compensation for the value of land compulsorily acquired from the Authority.	Section 34(1)(a)	Level 1
---	-------------------------	----------------

Delegated officer under section 90 *Crown Lands Act 1989*; Delegation detail;

The revocation of the whole or part of a reserve	Section 90 of the Crown Lands Act 1989	Level 1
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RM8 reference: DOC16/091301	Division/Branch: DoI Lands	Approving officer: Dennis Buttigieg, 0409 915 707	1
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Key reasons

The subject land is a small triangular area of Crown land. The Crown land concerned is currently gated and fenced in with the adjoining freehold land (Lot 3 DP 8075) and is in use as a backyard lawn area and garden.

The land has been held under a Crown Tenure by the various Lessees of the adjoining freehold land in the form of Permissive Occupancy and Licence since 1964 for the purpose of lawn area, footpath, rockery and beautification.

Development of the site as a standalone block is severely constrained due to its small size, it is considered to be only of value to the adjoining freehold land holder.

Subsequently, disposal by direct negotiation of this site is recommended.

Supporting analysis

The land will be sold at current market value as determined by a Registered Valuer commissioned by the Department of Industry (DoI) - Lands.

Statutory Land Value (SLV) is estimated to be \$63,000 - calculated on an area basis based on the SLV of the adjoining freehold land which is currently \$3,660,000 or \$5,037 per m².

The land is currently returning \$503.00 per annum from the rental of Licence 301336 - (minimum rent adjusted by CPI)



Correspondence was forwarded to Manly Council, as Trust Manager of the Shelly Beach Reserve Trust, advising the proposed sale (DOC16/007037). No comments were received by Council in relation to the matter.

In accordance with NSW Trade & Investment, Crown Lands Direct Negotiations Criteria 2015, the justification for Direct Negotiations with the Applicant is set out in Attachment B.

Departmental approvals

Comments:

Brief prepared by: Kerrie Brooks, A/g Property Development Project Officer (02) 6763 3018

Position	Signature	Date
Approving officer: David Baber, A/Manager Strategic Sales and Disposals 6883 3326		20/9/2016
Endorsing Officer: Dennis Buttigieg, Director Crown Property Services		26/9/2016

Background

Status of Land

Lot DP:	Part Lot 7338 DP 1154560 and Part Lot 7336 DP 1153371 located at Marine Parade, Manly
Parish:	Manly Cove
County:	Cumberland
LGA:	Manly Council
Total Area:	12.6m ² (approx.)
Crown Tenure:	Licence 301336 for purpose of Beautification
Reserve:	Part Reserve 31732 for public recreation, notified by Gazette 10 November 1900
Reserve Manager:	Manly Council – Shelley Beach Reserve Trust, notified by Gazette 30 June 1995 (Folio 3486)
Reserve:	Part Reserve 1028748 for surfing recreation, notified by Gazette 24 September 2010 (Folio 4667) Manly Freshwater National Surfing Reserve
Reserve Manager:	No Trust

Aboriginal Land Clams

There are no Aboriginal Land Claims registered in CLID as of 18 October 2016

Native Title

The subject land was reclaimed and the works constructed prior to 23 December 1996. The construction of works are regarded as a “public work” being both structures that are fixtures and major earthworks, consistent with definitions under sections 253 and 251D of the Commonwealth *Native Title Act 1993*.

Subsequently it is considered that Native Title over the site is extinguished pursuant to Part 2, Division 2B, section 23B(7)(b) (previous exclusive possession act) of the Commonwealth *Native Title Act 1993*.

Refer to Attachment F for more detail on Native Title.

Legal

Normal conveyance proposed.

Attachments

Attachment	Title
A	Diagram of land proposed for sale
B	Direct Negotiations Assessment
C	Report on the waiver of the need for a land assessment
D	Status Information

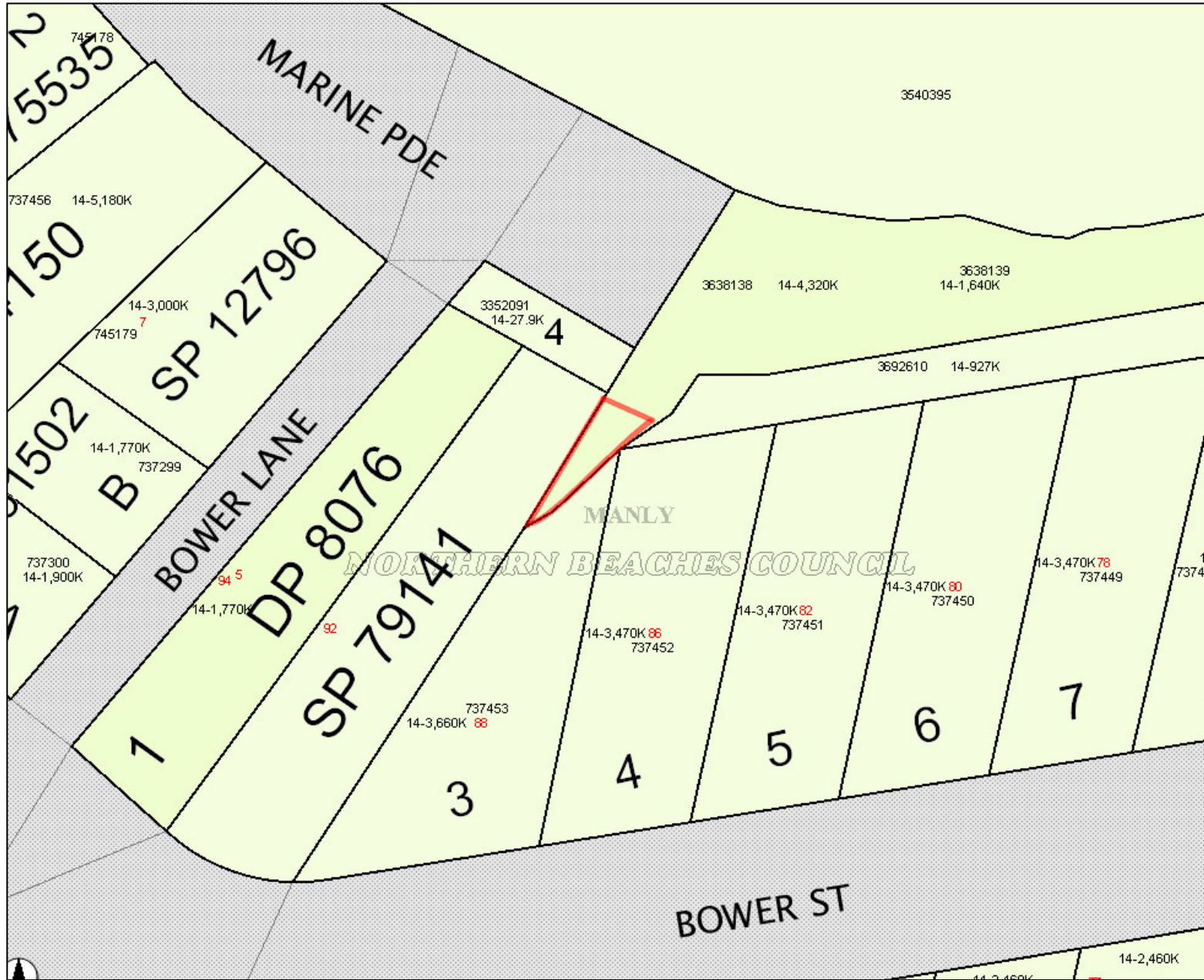
RM8 reference:
DOC16/091301

Division/Branch:
DoI Lands

Approving officer:
Dennis Buttigieg, 0409 915 707

E	Correspondence from Proponent
F	Native Title
G	Background & Sale Progression Steps

ATTACHMENT A – Diagram 1

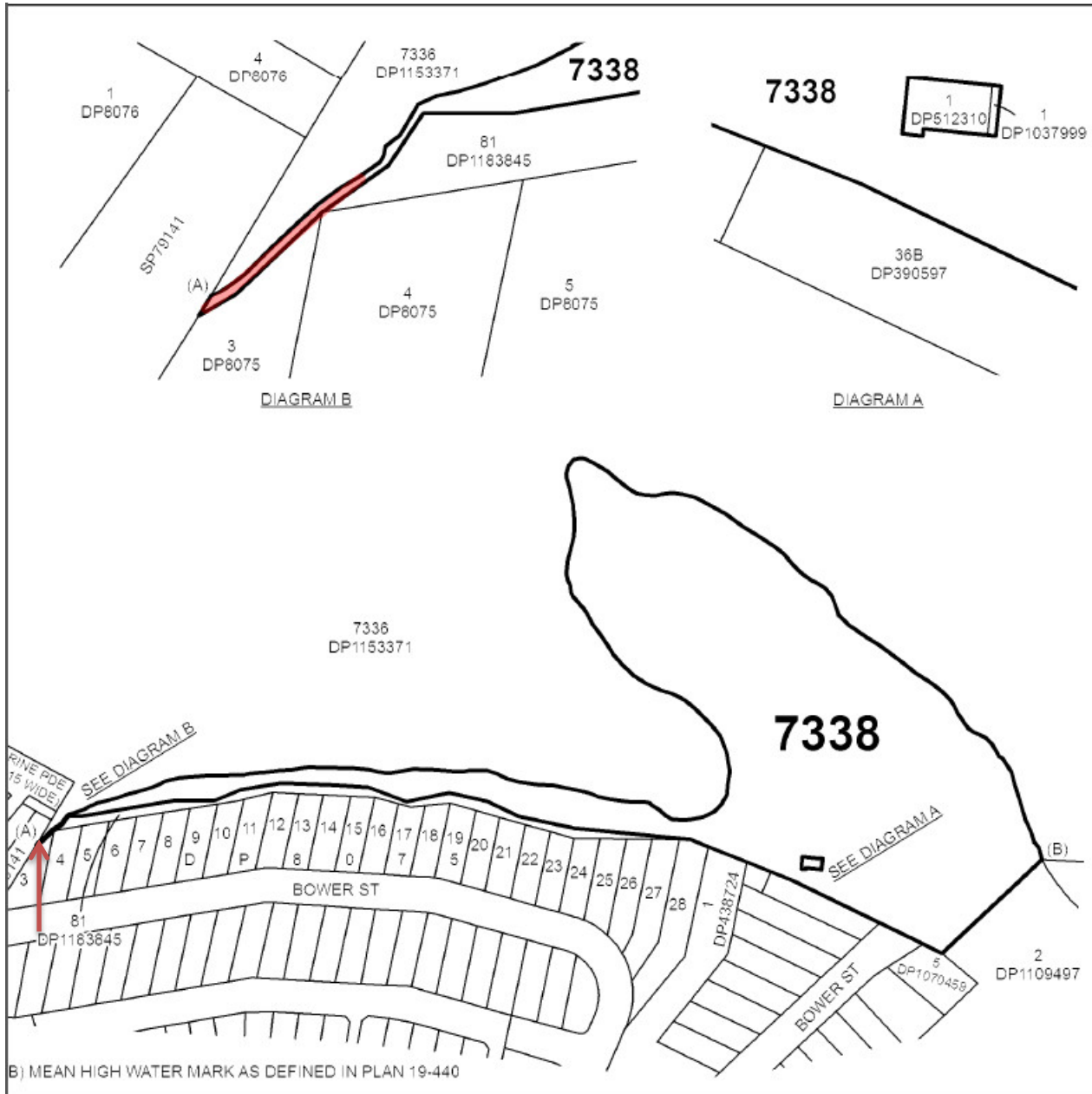


ATTACHMENT A – Diagram 2

DP1154560

Registered :  13-7-2010

Sheet ~~2~~ ³ of ~~2~~ ³ sheets



Released by the Department of Planning, Industry & Environment under the GIPA Act – Ref. GIPA 19-183


ATTACHMENT A – Diagram 3

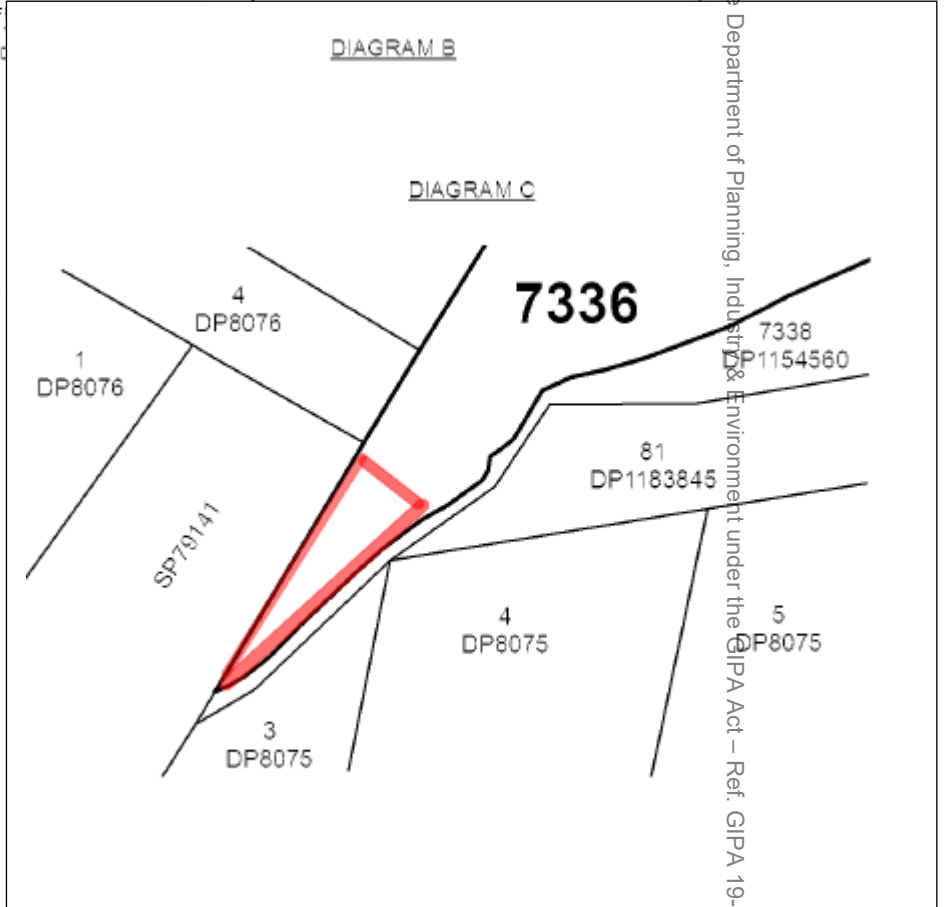


(A) - (B) IS A LINE 500 FT
 AN EXTENSION FROM THE
 CORNER OF LOT 2797 TO



DP 1153371

Registered :  9-6-2010



Released by the Department of Planning, Industry & Environment under the GIPA Act - Ref: GIPA 19-183

ATTACHMENT A – Diagram 4





ATTACHMENT A – Diagram 6



Street view of Bower Lane (Marine Parade End) – shows that vehicular access is restricted by bollards

Released by the Department of Planning, Industry & Environment under the GIPA Act – Ref: GIPA 19-183

ATTACHMENT A – Diagram 7



Released by the Department of Planning, Industry & Environment on 20/06/2019 under the provisions of the Information Access Act 2016 - Ref: GIPA 19-183

DIRECT NEGOTIATIONS – CROWN LANDS POLICY 2015

Direct negotiations with a proponent will only be considered when at least the answer to one or more of the criteria listed below is a yes.

Policy Criteria	Comment
a) The proposal is limited to an exchange of freehold land for Crown land.	NO
b) The proposal involves Crown land that is only of material benefit to the proponent.	YES –The land is very small in size and has been fenced and gated as a boundary with the adjoining freehold land.
c) The proposal involves Crown land that is of a value that is less than the anticipated cost of conducting a competitive process.	NO – An estimate of the market value of this land is in the vicinity of \$60,000
d) The proposal is for a lease and involves Crown land that commands an annual market rent that is less than the anticipated cost of conducting a competitive process.	NO
e) The proponent owns land abutting the relevant Crown land and is the only person who could feasibly use the Crown intended purpose.	YES – The Applicant owns adjoining freehold land Lot 3 DP 8075 The sale of the Crown land as a stand-alone parcel is not viable being approx. 12m2.
f) The proponent holds a current lease or licence of the relevant Crown land that has a significant unexpired term left to run and is looking to renegotiate the tenure conditions of the lease or licence.	NO
g) The proponent holds a perpetual lease.	NO
h) The proponent is a community service, charitable, non-profit making, sporting or recreational organisation that seeks to lease Crown land for a help or service facility of benefit to the general community, or to provide an active sporting, passive recreational or youth advancement facility.	NO
i) The proposal relates to an emergency situation to protect public health and safety, to mitigate damage to the environment or a serious legal or financial risk to Government.	NO
j) A previous competitive process failed to produce a successful proponent and it is considered that a repeat of that process will produce the same result.	NO
k) Both the proposal and its proponents satisfy the uniqueness test as detailed in the NSW Government’s Unsolicited Proposals – Guide for Submission and Assessment 2014.	NO

Additional Comments.

ICAC guidelines for managing risks in direct negotiations note that “As a general rule, direct negotiations should be avoided. However, there are scenarios where a competitive process may be possible but for various reasons may be so impractical or expensive that direct negotiations are the most acceptable way to fulfil a contract.” (Source: ICAC, Direct Negotiations, May 2006, p.14)

The following table addresses the ‘First Principles’ nominated by ICAC to guide the determination of whether to enter into direct negotiations:

First Principles	Crown Lands’ Assessment
Obtaining best value for money	A market value report will be commissioned by the Department by a Licensed Valuer and the affected sections of Lot 7338 DP 1154560 and Lot 7336 DP 1153371 will be sold at market value. All costs incurred in the progression of the sale will be sought from the Applicant.
Providing a fair chance to do business with government	The land is very small in size and is currently in use as a backyard lawn area and garden. It is fenced and gated as the boundary of the adjoining freehold land.
Demonstrating accountability and transparency	The sale process will be undertaken in accordance with Sale & Disposal Guidelines 2011 and the <i>Crown Lands Act 1989</i> .
Dealing with conflicts of interest	None have been identified.

ATTACHMENT C

REPORT ON THE WAIVER OF THE NEED FOR A LAND ASSESSMENT

Proposal: **Proposed Sale of Crown land.**

Parish: **Manly Cove**

County: **Cumberland**

Locality: **Manly**

Region: **Sydney**

Office: **Metropolitan**

Relevant Section of the *Crown Lands Act 1989*: Section 34 & 35

A. DETAILS OF THE PROPOSAL				
1. Name and address of applicant	Sale by Direct Negotiation to The Trustees of the Roman Catholic Church.			
2. Property description	Part Lot 7338 DP 1154560 and Part Lot 7336 DP 1153371			
3. Description of proposed action, use or development	Sale of land by Direct Negotiation under Section 34.			
4. Proposed tenure	Freehold.			
5. Existing structures if any	Footpath, garden, fencing, gate			
6. Adjoining/adjacent uses	Residential			
7. Native Title	Extinguished			
8. Aboriginal Land Claim	A check of CLID indicates that there are no Aboriginal Land Claims pertaining to the parcel of land as at 23 September 2016			
B. PLANNING ASSESSMENT DETAILS				
1. Local Council area	Manly Council			
2. Planning instrument and zoning	The Land is zoned as RE1 Public Recreation under Manly Local Environmental Plan 2013			
3. Planning requirements [Use a ✕ or ✓ as appropriate]	Exempt N/A	Permissible without consent N/A	Permissible with consent N/A	Prohibited N/A
4. If development consent is required, has an application been submitted to Lands for landowner's consent to lodge the application?	No consent required.			
5. Will an assessment of environmental effect be required?	Not applicable.			
6. What other approvals may be required?	No other approvals required.			
7. What other relevant authorities have been referenced?	Reserve Trust Manager - Manly Council			
C. CONSULTATION WITHIN NSW TRADE & INVESTMENT – CROWN LANDS				
a) Consultation has taken place with the following relevant program areas and branches of Crown Lands: Crown Lands - Metropolitan Office				
b) Does the proposal accord with relevant Crown lands policies? Yes, this land is not required for access to waterways, recreation scenic protection, re-vegetation or soil conservation purposes. The proposed sale complies with Departmental Business and Conservation policies in relation to the sale, lease, licence, reservation, dedication, etc, of Crown land.				
D. PUBLIC INTEREST				Yes/No
Whether it is in the public interest to waive the need for a Land Assessment.				

1. Best Practice in terms of efficiency of process and the minimisation of administration costs.		Yes
The land in question has no significant public recreation or environmental attributes and is currently licenced for beautification to the adjoining freehold land holders – in use as a backyard/garden area. A market value report will be commission by the Department by a Licensed Valuer and part Lot 7338 DP 1154560 and part Lot 7336 DP 1153371 will be sold at market value. Costs incurred towards the progression of the sale will be sought from the Applicant.		
2. The public will have an opportunity to comment on the proposed use of the land through similar land use study processes.		Yes
At the point of sale there will be adequate opportunity for public comment by way of the statutory 14 day advertisement process to permit objections to the proposed sale.		
E. PRINCIPLES OF CROWN LAND MANAGEMENT		Yes/No
Whether any waiver of the need for a Land Assessment would be consistent with the principles of Crown land management.		
a) That environmental protection principles be observed in relation to the management and administration of Crown land	Any environment value has been extinguished by the usage of the land as a backyard lawn/garden area. Existing Local Government, State and Federal environmental and cultural legislation and planning instruments are considered adequate to protect any existing conservation or cultural values on the site.	Yes
b) That the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible	There are no significant natural resources within the Crown land parcels.	Yes
c) That public use and enjoyment of appropriate Crown land be encouraged	The site is considered surplus to public and government requirements. The land adjoins the applicant's freehold land. Sale of the land will not restrict public access to the remainder of the crown land contained within Reserve 31732 for Public Recreation and Reserve 1028748 for surfing recreation. Even if ungated the land being a small triangular area of approx 12 metres square that does not lead anywhere offers no public amenity.	Yes
d) That where appropriate, multiple use of Crown land be encouraged	The potential for multiple uses of the land, if any ever existed, ceased with the enclosure of the land as a backyard area for the adjoining freehold land.	Yes
e) That where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity	Refer to E(a) & E(b)	Yes
f) That Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.	The land has been occupied by private persons since 1964 as a backyard/lawn/garden area. As such it is unlikely to be perceived as a public land use due to the long term occupation. The occupation does not impact on the public's use and enjoyment of the adjoining reserves	Yes
F. OTHER MATTERS – N/A		

RECOMMENDATION

It is recommended the Director Crown Property Services agrees to exercise delegation Level 2 under Section 35(2) of the *Crown Lands Act 1989* to waive the requirement for land assessment in respect of the proposed sale of Part of Lot 7338 DP 1154560 and Part Lot

7336 DP 1153371 (being that land identified in Attachment A – Diagrams 1 & 2, as land outlined in RED and level with northern boundary of adjoining lot SP79141) and in doing so is satisfied that it is in the public interest to exercise such delegation and that due regard has been given to the principles of Crown land management.

Prepared By: Kerrie Brooks
A/g Property Development Projects Officer
(02) 6763 3018

Reviewed



David Baber
A/Manager, Strategic Sales and Disposals
Phone: (02) 6883 3326

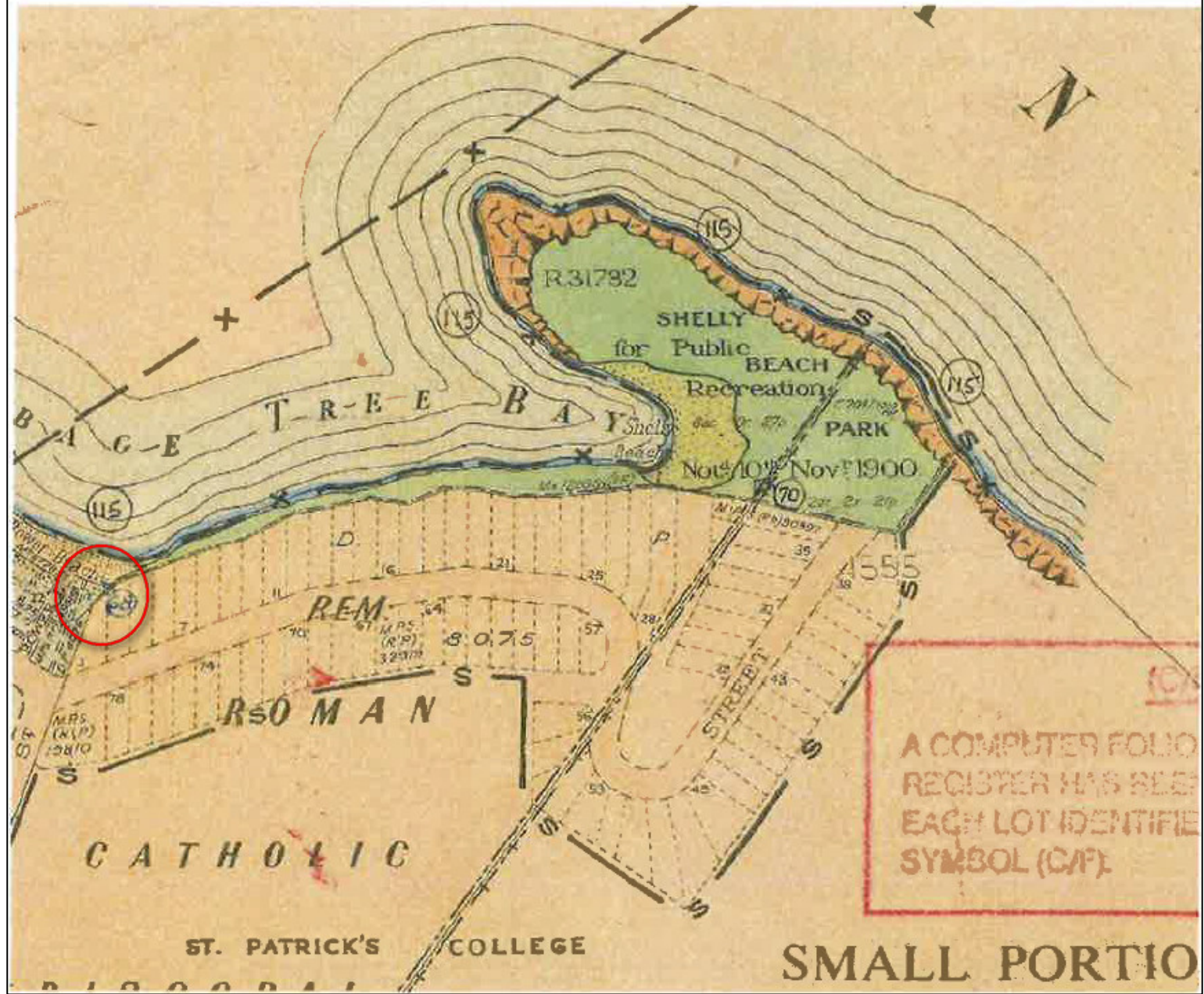
Approved 26 September 2016



Dennis Buttigieg
Director Crown Property Services

In accordance with s35 (2) of the Crown Lands Act 1989 - Delegation Level 2

PARISH MAP OF MANLY COVE





Manly Local Environmental Plan 2013

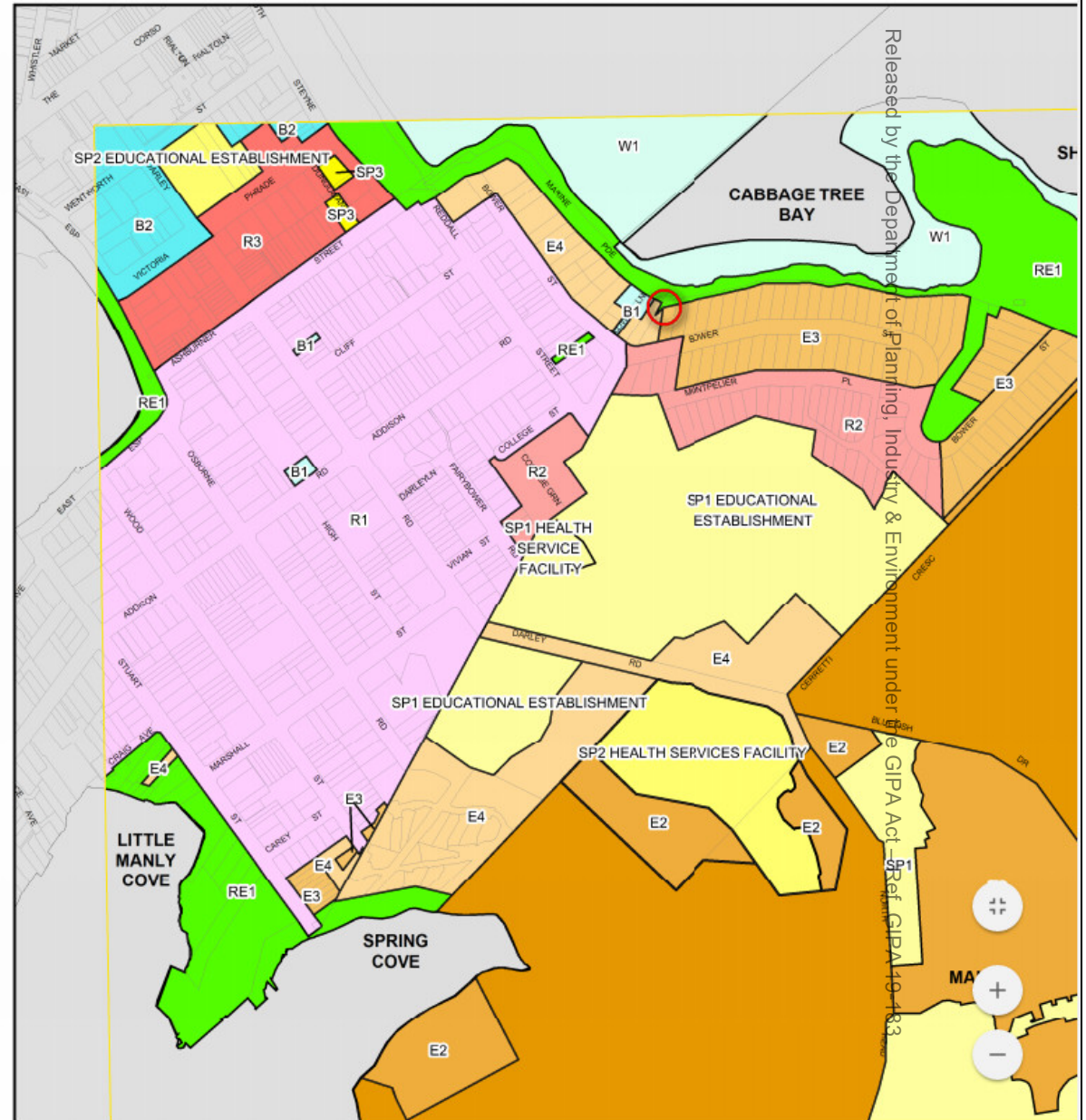
Land Zoning Map - Sheet LZN_006

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways

Cadastre

- Cadastre - Base Data 18/12/2008
- © NSW Land and Property Information (LPI). Addendum Data 16/06/2014
- © Manly Council



Raine&Horne.

RECEIVED

30 OCT 2012

 CROWN LANDS
BUSINESS CENTRE

19 October 2012

Paul Layt
Group Leader Commercial Section
Department of Primary Industries Catchments & Lands
PO Box 3935
PARRAMATTA NSW 2124

Attention: Kim Bourke

Dear Kim,

**RE: ACQUISITION OF LAND HELD UNDER LICENSE No. 301336.
YOUR REFERENCE – MN81R2781**

I refer to previous correspondence.

I act on behalf of The Trustees of the Roman Catholic Church for the Archdiocese of Sydney. On behalf of the Church I would like to apply to purchase the Crown land contained within License No. 301336 (a part of reserve R31732) Marine Parade, Manly (the 'Land' – see plan attached). The Land is held under license No. 301336 and is 12.6 square metres in area. The Church is the owner of the adjoining lands (lots 2 and 3 in DP 8075).

Mr and Mrs Noel and Pauline Carroll hold lot 3 DP8075 (adjoining land) under Lease from the Church and occupy the Land pursuant to license 301336. Lot 3 DP8075 has a street address of 88 Bower Street, Manly. If the Church is able to purchase the Land from the Crown it will be consolidated within lot 3 DP8075 (under a new lot and DP reference) and included within the Lease to the Carrolls - or any future Lessee.

The Land comprised within license 301336 is a triangular slither of land that cuts into what would otherwise normally be considered the northern boundary or front garden area of 88 Bower Street, Manly. It would be practical to have the Land consolidated within 88 Bower Street. 88 Bower Street would then have a consistent shape and subdivision pattern with adjoining lands to the east and west along Bower Street and Marine Parade. Maintenance obligations would pass to the Church and/or the Lessees and as such the Land would no longer burden the Crown.

We have attached a diagram hatching the land the subject of letter. To the north of the land is a public pathway (known as Marine Parade) and then the ocean between Manly beach and Shelly Beach at Fairy Bower.

We understand that a substantial amount of work goes into the assessment of proposed sales of Crown Land and that the potential for Native Title issues has to be resolved. We further understand that there would be ongoing fees to be met by the applicant for, amongst other things surveying, valuation and advertising.

Raine&Horne

Bondi Junction | Coogee/Cloudfly

17 Spring Street, Bondi Junction NSW 2022

PO Box 1450, Bondi Junction NSW 1355 T: 02 8383 9999 F: 02 9369 4383 Email: office@rnhjcc.com.au Web: rnhjcc.com.au

THIS BUSINESS IS INDEPENDENTLY OWNED AND OPERATED BY THE PROPRIETOR S.J. LAING & SON PTY. LTD. ABN 41 000 628 482

Raine&Horne.

Please consider this letter a formal application for the purchase of the land and could you provide us with an Account Number so that it can be quoted in future correspondence.

We enclose our cheque, by way of application fee in the amount of \$438.40.

Could you please inform this office of the next steps in the process to negotiate the purchase of the Land?

If you have any questions please contact Geoff Laing of this office.

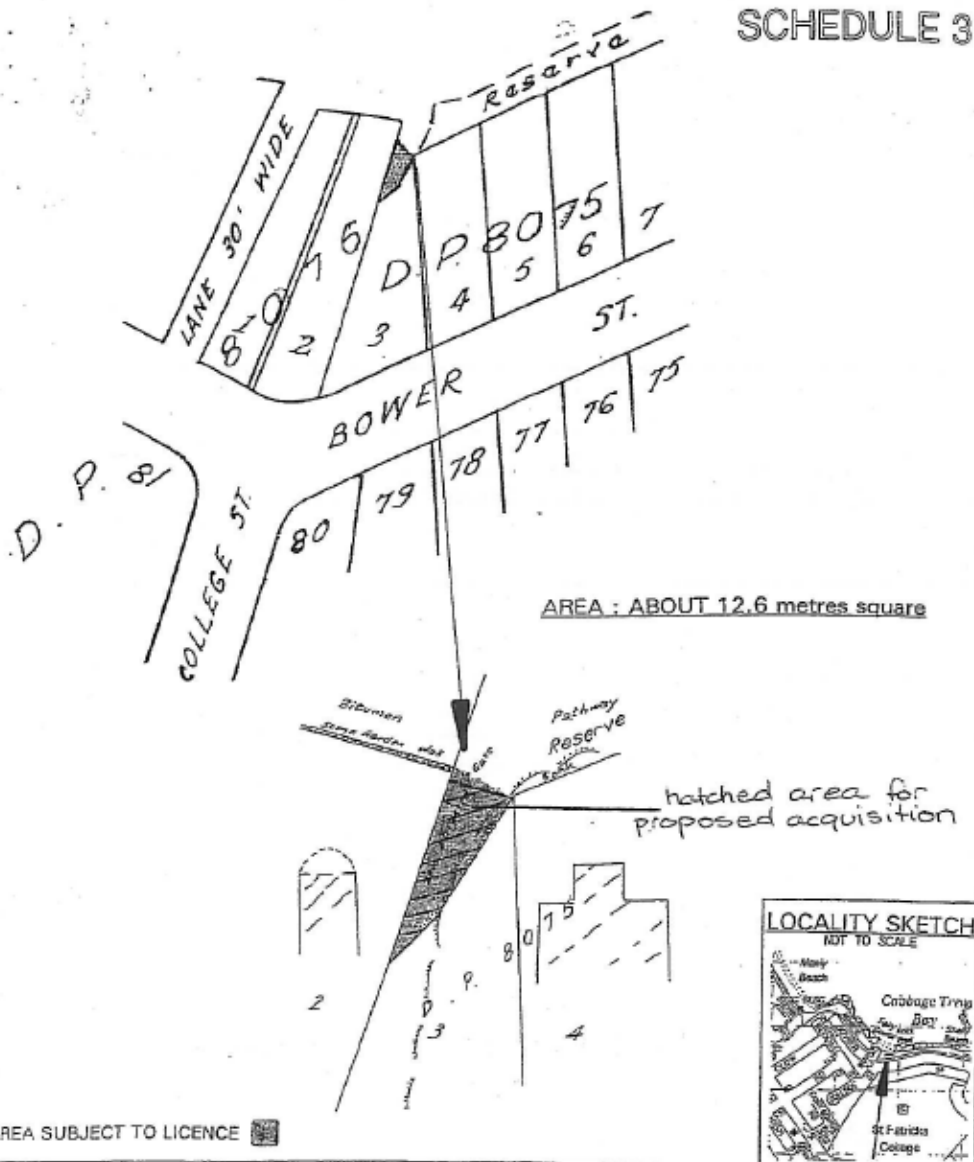
Yours faithfully,
S.J. LAING & SON PTY LTD T/AS
RAINE & HORNE BONDI JUNCTION & COOGEE/CLOVELLY



Geoff Laing
Director

Tel: (02) 8305 5013
Mobile: 0414 468 268
Email: glaing@rhbjcc.com.au

SCHEDULE 3



AREA SUBJECT TO LICENCE

DIAGRAM SHOWING

LICENCE NO. : ~~L201790~~ 30133C
 HOLDER : Noel Leon CARROLL & Pauline Veronica CARROLL
 LOCATION : Part R3172, Manly

REDUCTION RATIO Not to Scale
ALL MEASUREMENTS ARE IN METRES

PARISH : Manly Cove
 COUNTY : Cumberland
 L.G.A. : Manly
 LAND DISTRICT : Metropolitan
 DISTRICT OFFICE : Sydney Metropolitan

FILE NO. : MN 81 H 2781
 DATE PREPARED : 13/12/95
 COMPILED FROM : PO diagram



LAND & WATER
 CONSERVATION

ATTACHMENT F – Native Title

Following examination of historical survey plans, parish maps, aerial photography and office records the following view as to the extinguishment of Native title has been determined.

The Crown land in question is reclaimed foreshore land, the majority of which was originally below the mean high water mark. The land has been reclaimed to a depth of several metres with imported material associated with surrounding residential development, public foreshore improvements and works authorised by Crown tenures specific to the site since 1964 (these being tenures for private rockery, lawn, pathway and later beautification consistent with the reserve purpose).

The Crown land has been impacted on by the following works:

- Major earthworks consisting of levelled reclaimed land to a depth of several metres consisting of imported fill material supported (off site) by a concrete break wall.
- Concreted pathway and garden.

The land was reclaimed and the works constructed prior to 23 December 1996. The construction of the above mentioned works are regarded as a “public work” being both structures that are fixtures and major earthworks, consistent with definitions under s253 & 251D of the *Commonwealth Native Title Act, 1993* (CNTA).

Subsequently it is considered that Native Title over the site is extinguished pursuant to Part 2, Division 2B, Section 23B(7)(b) (previous exclusive possession act) of the *Commonwealth Native Title Act, 1993*.

This interpretation is consistent with other DoI Lands’ interpretations in relation to the effects of foreshore reclaimed lands on Native Title.

ATTACHMENT G – Background & Sale Progression Steps

Background

Noel and Pauline Carroll currently hold Licence 301336 over the subject land for the purpose of beautification. They lease the adjoining freehold land, Lot 3 DP 8075, from the Trustees of the Roman Catholic Church. Mr & Mrs Carroll approached the DoI Lands in relation to purchasing the land. They were advised that the registered owner of Lot 3 DP 8075 would be required to make application to purchase - The Trustees of the Roman Catholic Church have since expressed interest in the purchase of the land – refer to Attachment E.

The section of land has been continuously held under a Crown tenure since 1964 when a Permissive Occupancy was first issued for the purpose of occupation (private rockery, lawn and pathway).

Lot 7338 DP 1154560 is held under Reserve 31732 from Sale for public recreation, notified 10 November 1900 (Shelly Beach Reserve)

Lot 7336 DP 1153371 is held under Reserve 1028748 for surfing recreation notified 24 September 2010 Folio 4667 (Manly Freshwater National Surfing Reserve) and is reclaimed land being formerly below mean high water mark.

Proposed sale progression steps

- Director Crown Property Services approval to waive the requirement for land assessment under Section 35(2) of the *Crown Lands Act, 1989* (refer to Attachment C).
- The statutory advertising of the “intention to publish in the Government Gazette a notice revoking the reservation and allowing the subsequent sale, lease or exchange or otherwise deal with the land” as required under Section 90(2) and Section 34(3) of the *Crown Lands Act 1989*, and subsequent review of submission(s) ensuring no adverse effect on any party identified.
- Valuation of land to be undertaken by Registered Valuer.
- Survey Plan and Title Creation at proponent’s expense.
- Level 3 agreement to final purchase price and authorisation of Contract documents.

Brief – Approval to Sell Land by Direct Negotiation - Manly

Topic	Approval to sell part Lot 7338 DP 1154560 and part Lot 7336 DP 1153371 to The Trustees of the Roman Catholic Church for the Archdiocese of Sydney (“The Applicants”) by Direct Negotiation.
Critical date	N/A
Analysis	<p>Justification for Direct Dealing</p> <ul style="list-style-type: none"> The parcel of land is very small in size (12.6m² approximately), development as a standalone block is not feasible. The land is only of value to the adjoining freehold landholder. Access to the land is restricted to pedestrian access via Marine Parade (Oceanside Walkway) Manly (Refer to Attachment A, Diagrams 6 and 7).

Recommendations

It is recommended that the Deputy Director General – Lands, under delegation Level 1:

- Approve the sale of part Lot 7338 DP 1154560 and part Lot 7336 DP 1153371 (being that land identified in Attachment A – Diagrams 1 and 2, as land outlined in red and level with northern boundary of adjoining lot SP79141) by direct negotiation to The Trustees of the Roman Catholic Church for the Archdiocese of Sydney without Public Competition in accordance with section 34(1)(a) of the *Crown Lands Act 1989*.
- Approve the revocation of Reserve 31732 for Public Recreation notified 10 November 1900 in relation to the affected section of Lot 7338 DP 1154560 (being that land identified in Attachment A – Diagram 2, as land outlined in red and level with northern boundary of adjoining lot SP79141) in accordance with section 90 of the *Crown Lands Act 1989*.
- Approve the revocation of Reserve 1028748 for Surfing Recreation notified 24 September 2010 in relation to the affected section of Lot 7336 DP 1153371 (being that land identified in Attachment A – Diagram 1, as land outlined in red and level with northern boundary of adjoining lot SP79141) in accordance with section 90 of the *Crown Lands Act 1989*.

➔ Deputy Director General’s approval:		Date: 27/2/17
--	--	----------------------

Delegated officer under section 34 *Crown Lands Act 1989*; Delegation detail;

Consenting to the sale of Crown land on such terms and conditions as appropriate on behalf of the Crown, including the execution of the contract of sale and instruments of transfer. This includes the approval of compensation for the value of land compulsorily acquired from the Authority.	Section 34(1)(a)	Level 1
---	-------------------------	----------------

Delegated officer under section 90 *Crown Lands Act 1989*; Delegation detail;

The revocation of the whole or part of a reserve	Section 90 of the Crown Lands Act 1989	Level 1
--	---	----------------

RM8 reference: DOC16/091301	Division/Branch: DoI Lands	Approving officer: Dennis Buttigieg, 0409 915 707	1
---------------------------------------	--------------------------------------	---	----------

Key reasons

The subject land is a small triangular area of Crown land. The Crown land concerned is currently gated and fenced in with the adjoining freehold land (Lot 3 DP 8075) and is in use as a backyard lawn area and garden.

The land has been held under a Crown Tenure by the various Lessees of the adjoining freehold land in the form of Permissive Occupancy and Licence since 1964 for the purpose of lawn area, footpath, rockery and beautification.

Development of the site as a standalone block is severely constrained due to its small size, it is considered to be only of value to the adjoining freehold land holder.

Subsequently, disposal by direct negotiation of this site is recommended.

Supporting analysis

The land will be sold at current market value as determined by a Registered Valuer commissioned by the Department of Industry (DoI) - Lands.

Statutory Land Value (SLV) is estimated to be \$63,000 - calculated on an area basis based on the SLV of the adjoining freehold land which is currently \$3,660,000 or \$5,037 per m².

The land is currently returning \$503.00 per annum from the rental of Licence 301336 - (minimum rent adjusted by CPI)



Correspondence was forwarded to Manly Council, as Trust Manager of the Shelly Beach Reserve Trust, advising the proposed sale (DOC16/007037). No comments were received by Council in relation to the matter.

In accordance with NSW Trade & Investment, Crown Lands Direct Negotiations Criteria 2015, the justification for Direct Negotiations with the Applicant is set out in Attachment B.

Departmental approvals

Comments:

Brief prepared by: Kerrie Brooks, A/g Property Development Project Officer (02) 6763 3018

Position	Signature	Date
Approving officer: David Baber, A/Manager Strategic Sales and Disposals 6883 3326		20/9/2016
Endorsing Officer: Dennis Buttigieg, Director Crown Property Services		26/9/2016

Background

Status of Land

Lot DP:	Part Lot 7338 DP 1154560 and Part Lot 7336 DP 1153371 located at Marine Parade, Manly
Parish:	Manly Cove
County:	Cumberland
LGA:	Manly Council
Total Area:	12.6m ² (approx.)
Crown Tenure:	Licence 301336 for purpose of Beautification
Reserve:	Part Reserve 31732 for public recreation, notified by Gazette 10 November 1900
Reserve Manager:	Manly Council – Shelley Beach Reserve Trust, notified by Gazette 30 June 1995 (Folio 3486)
Reserve:	Part Reserve 1028748 for surfing recreation, notified by Gazette 24 September 2010 (Folio 4667) Manly Freshwater National Surfing Reserve
Reserve Manager:	No Trust

Aboriginal Land Clams

There are no Aboriginal Land Claims registered in CLID as of 18 October 2016

Native Title

The subject land was reclaimed and the works constructed prior to 23 December 1996. The construction of works are regarded as a “public work” being both structures that are fixtures and major earthworks, consistent with definitions under sections 253 and 251D of the Commonwealth *Native Title Act 1993*.

Subsequently it is considered that Native Title over the site is extinguished pursuant to Part 2, Division 2B, section 23B(7)(b) (previous exclusive possession act) of the Commonwealth *Native Title Act 1993*.

Refer to Attachment F for more detail on Native Title.

Legal

Normal conveyance proposed.

Attachments

Attachment	Title
A	Diagram of land proposed for sale
B	Direct Negotiations Assessment
C	Report on the waiver of the need for a land assessment
D	Status Information

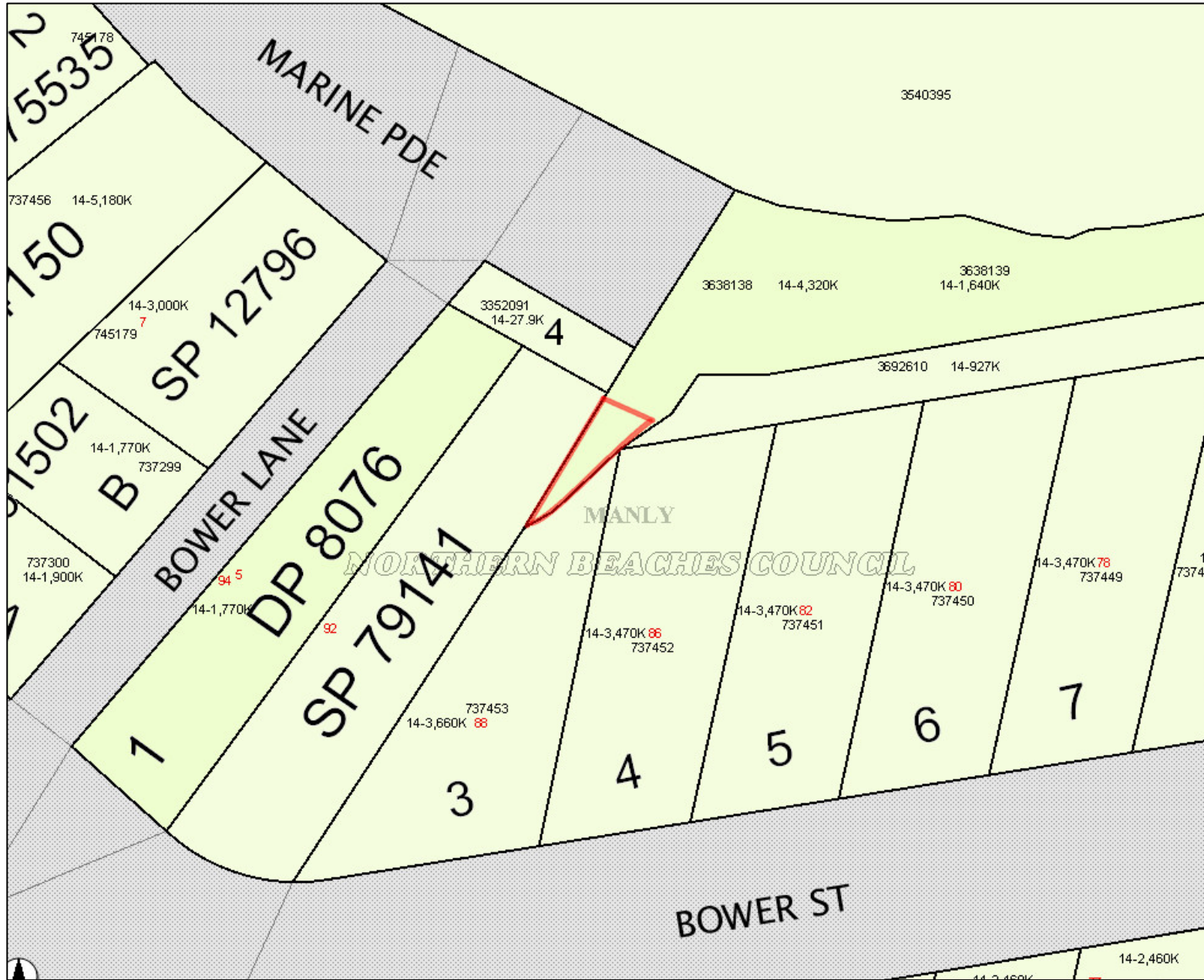
RM8 reference:
DOC16/091301

Division/Branch:
DoI Lands

Approving officer:
Dennis Buttigieg, 0409 915 707

E	Correspondence from Proponent
F	Native Title
G	Background & Sale Progression Steps

ATTACHMENT A – Diagram 1

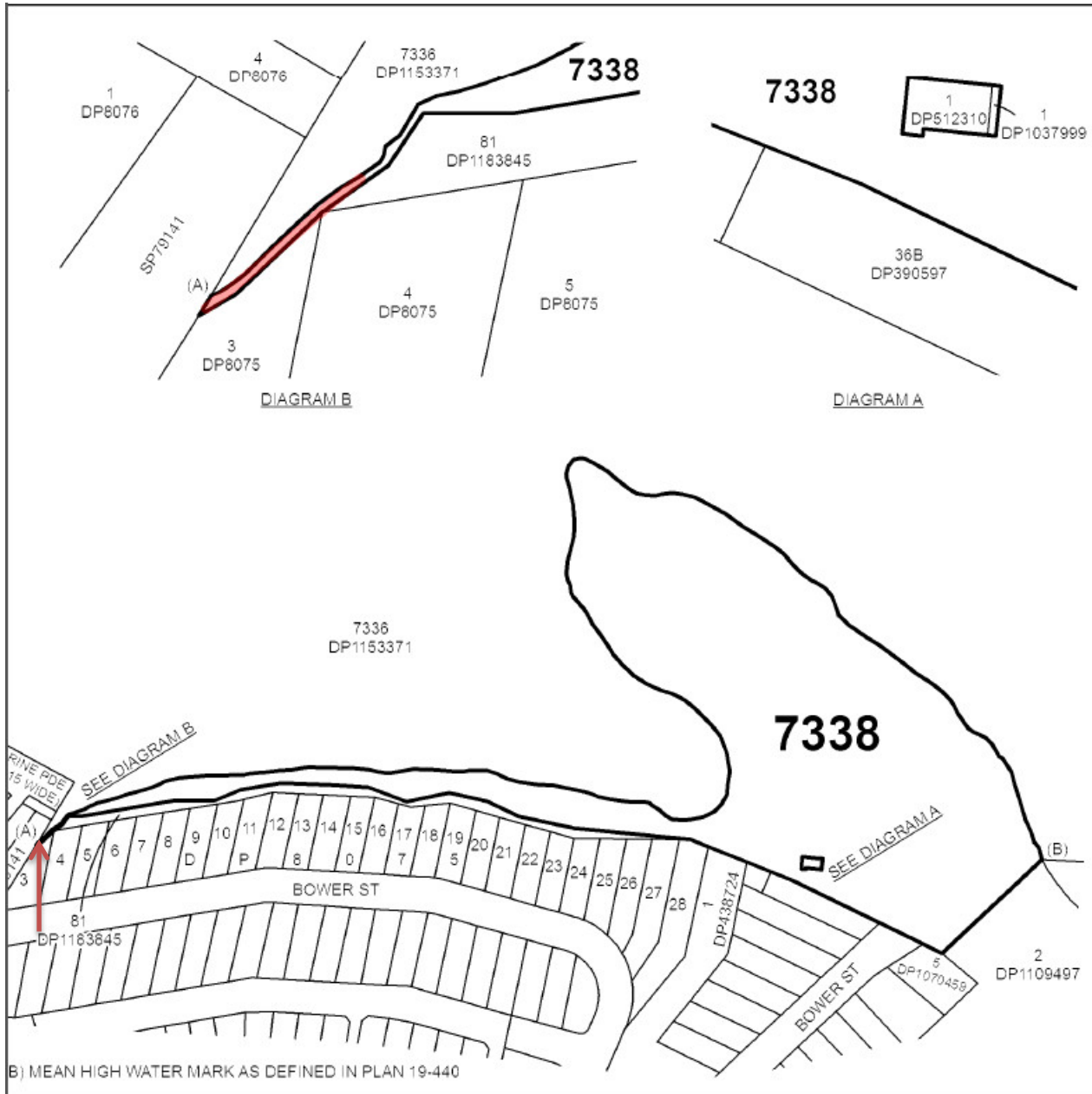


ATTACHMENT A – Diagram 2

DP1154560

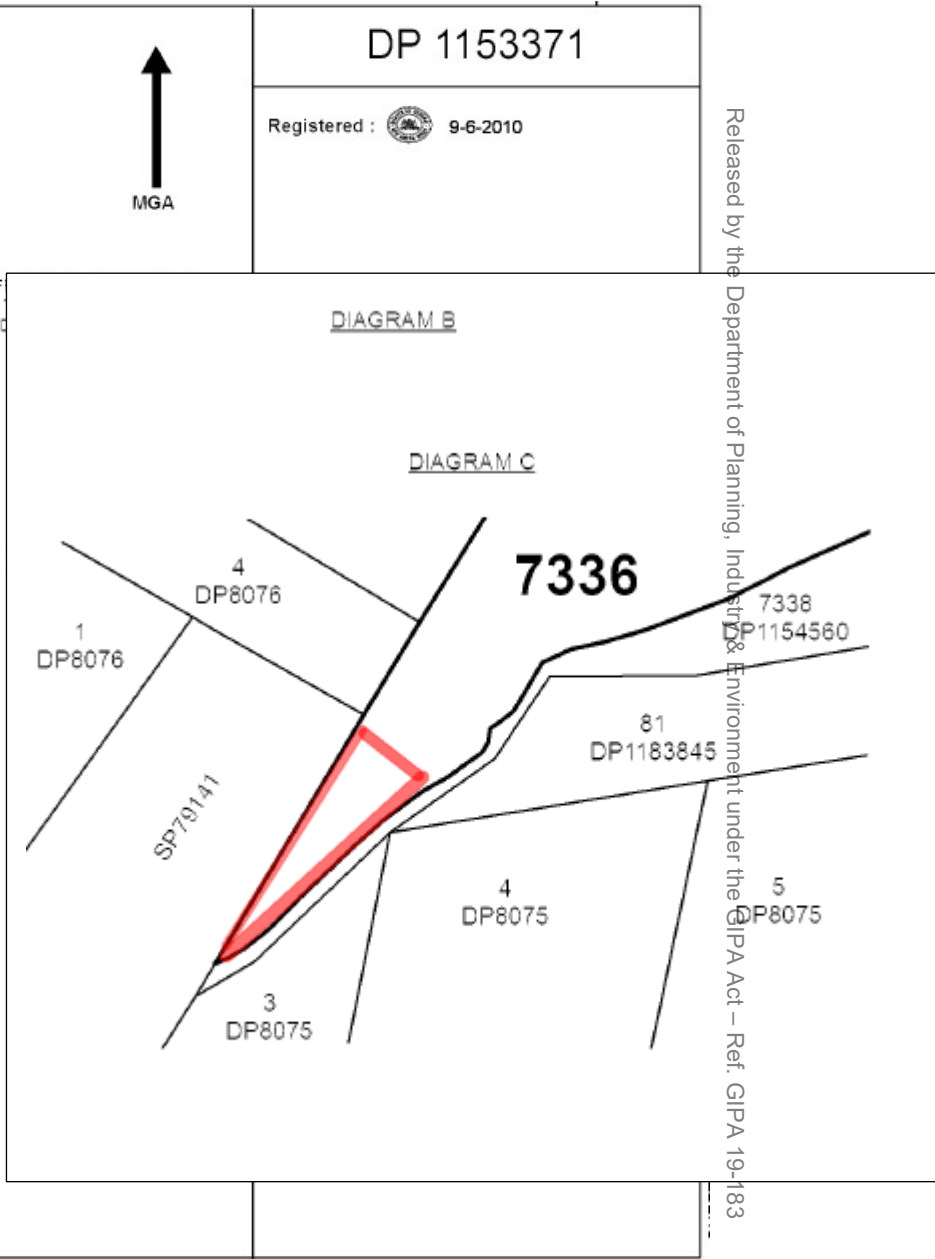
Registered :  13-7-2010

Sheet ~~2~~ ³ of ~~2~~ ³ sheets



Released by the Department of Planning, Industry & Environment under the GIPA Act – Ref. GIPA 19-183

ATTACHMENT A – Diagram 3







ATTACHMENT A – Diagram 6



Street view of Bower Lane (Marine Parade End) – shows that vehicular access is restricted by bollards

Released by the Department of Planning, Industry & Environment under the GIPA Act – Ref: GIPA 19-183

ATTACHMENT A – Diagram 7



Released by the Department of Planning, Industry & Environment on 20/06/2019 under the provisions of the Information Access Act 2009 - Ref: GIPA 19-183

DIRECT NEGOTIATIONS – CROWN LANDS POLICY 2015

Direct negotiations with a proponent will only be considered when at least the answer to one or more of the criteria listed below is a yes.

Policy Criteria	Comment
a) The proposal is limited to an exchange of freehold land for Crown land.	NO
b) The proposal involves Crown land that is only of material benefit to the proponent.	YES –The land is very small in size and has been fenced and gated as a boundary with the adjoining freehold land.
c) The proposal involves Crown land that is of a value that is less than the anticipated cost of conducting a competitive process.	NO – An estimate of the market value of this land is in the vicinity of \$60,000
d) The proposal is for a lease and involves Crown land that commands an annual market rent that is less than the anticipated cost of conducting a competitive process.	NO
e) The proponent owns land abutting the relevant Crown land and is the only person who could feasibly use the Crown intended purpose.	YES – The Applicant owns adjoining freehold land Lot 3 DP 8075 The sale of the Crown land as a stand-alone parcel is not viable being approx. 12m2.
f) The proponent holds a current lease or licence of the relevant Crown land that has a significant unexpired term left to run and is looking to renegotiate the tenure conditions of the lease or licence.	NO
g) The proponent holds a perpetual lease.	NO
h) The proponent is a community service, charitable, non-profit making, sporting or recreational organisation that seeks to lease Crown land for a help or service facility of benefit to the general community, or to provide an active sporting, passive recreational or youth advancement facility.	NO
i) The proposal relates to an emergency situation to protect public health and safety, to mitigate damage to the environment or a serious legal or financial risk to Government.	NO
j) A previous competitive process failed to produce a successful proponent and it is considered that a repeat of that process will produce the same result.	NO
k) Both the proposal and its proponents satisfy the uniqueness test as detailed in the NSW Government’s Unsolicited Proposals – Guide for Submission and Assessment 2014.	NO

Additional Comments.

ICAC guidelines for managing risks in direct negotiations note that “As a general rule, direct negotiations should be avoided. However, there are scenarios where a competitive process may be possible but for various reasons may be so impractical or expensive that direct negotiations are the most acceptable way to fulfil a contract.” (Source: ICAC, Direct Negotiations, May 2006, p.14)

The following table addresses the ‘First Principles’ nominated by ICAC to guide the determination of whether to enter into direct negotiations:

First Principles	Crown Lands’ Assessment
Obtaining best value for money	A market value report will be commissioned by the Department by a Licensed Valuer and the affected sections of Lot 7338 DP 1154560 and Lot 7336 DP 1153371 will be sold at market value. All costs incurred in the progression of the sale will be sought from the Applicant.
Providing a fair chance to do business with government	The land is very small in size and is currently in use as a backyard lawn area and garden. It is fenced and gated as the boundary of the adjoining freehold land.
Demonstrating accountability and transparency	The sale process will be undertaken in accordance with Sale & Disposal Guidelines 2011 and the <i>Crown Lands Act 1989</i> .
Dealing with conflicts of interest	None have been identified.

ATTACHMENT C

REPORT ON THE WAIVER OF THE NEED FOR A LAND ASSESSMENT

Proposal: **Proposed Sale of Crown land.**

Parish: **Manly Cove**

County: **Cumberland**

Locality: **Manly**

Region: **Sydney**

Office: **Metropolitan**

Relevant Section of the *Crown Lands Act 1989*: Section 34 & 35

A. DETAILS OF THE PROPOSAL				
1. Name and address of applicant	Sale by Direct Negotiation to The Trustees of the Roman Catholic Church.			
2. Property description	Part Lot 7338 DP 1154560 and Part Lot 7336 DP 1153371			
3. Description of proposed action, use or development	Sale of land by Direct Negotiation under Section 34.			
4. Proposed tenure	Freehold.			
5. Existing structures if any	Footpath, garden, fencing, gate			
6. Adjoining/adjacent uses	Residential			
7. Native Title	Extinguished			
8. Aboriginal Land Claim	A check of CLID indicates that there are no Aboriginal Land Claims pertaining to the parcel of land as at 23 September 2016			
B. PLANNING ASSESSMENT DETAILS				
1. Local Council area	Manly Council			
2. Planning instrument and zoning	The Land is zoned as RE1 Public Recreation under Manly Local Environmental Plan 2013			
3. Planning requirements [Use a ✕ or ✓ as appropriate]	Exempt N/A	Permissible without consent N/A	Permissible with consent N/A	Prohibited N/A
4. If development consent is required, has an application been submitted to Lands for landowner's consent to lodge the application?	No consent required.			
5. Will an assessment of environmental effect be required?	Not applicable.			
6. What other approvals may be required?	No other approvals required.			
7. What other relevant authorities have been referenced?	Reserve Trust Manager - Manly Council			
C. CONSULTATION WITHIN NSW TRADE & INVESTMENT – CROWN LANDS				
a) Consultation has taken place with the following relevant program areas and branches of Crown Lands: Crown Lands - Metropolitan Office				
b) Does the proposal accord with relevant Crown lands policies? Yes, this land is not required for access to waterways, recreation scenic protection, re-vegetation or soil conservation purposes. The proposed sale complies with Departmental Business and Conservation policies in relation to the sale, lease, licence, reservation, dedication, etc, of Crown land.				
D. PUBLIC INTEREST				Yes/No
Whether it is in the public interest to waive the need for a Land Assessment.				

1. Best Practice in terms of efficiency of process and the minimisation of administration costs.		Yes
The land in question has no significant public recreation or environmental attributes and is currently licenced for beautification to the adjoining freehold land holders – in use as a backyard/garden area. A market value report will be commission by the Department by a Licensed Valuer and part Lot 7338 DP 1154560 and part Lot 7336 DP 1153371 will be sold at market value. Costs incurred towards the progression of the sale will be sought from the Applicant.		
2. The public will have an opportunity to comment on the proposed use of the land through similar land use study processes.		Yes
At the point of sale there will be adequate opportunity for public comment by way of the statutory 14 day advertisement process to permit objections to the proposed sale.		
E. PRINCIPLES OF CROWN LAND MANAGEMENT		Yes/No
Whether any waiver of the need for a Land Assessment would be consistent with the principles of Crown land management.		
a) That environmental protection principles be observed in relation to the management and administration of Crown land	Any environment value has been extinguished by the usage of the land as a backyard lawn/garden area. Existing Local Government, State and Federal environmental and cultural legislation and planning instruments are considered adequate to protect any existing conservation or cultural values on the site.	Yes
b) That the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible	There are no significant natural resources within the Crown land parcels.	Yes
c) That public use and enjoyment of appropriate Crown land be encouraged	The site is considered surplus to public and government requirements. The land adjoins the applicant's freehold land. Sale of the land will not restrict public access to the remainder of the crown land contained within Reserve 31732 for Public Recreation and Reserve 1028748 for surfing recreation. Even if ungated the land being a small triangular area of approx 12 metres square that does not lead anywhere offers no public amenity.	Yes
d) That where appropriate, multiple use of Crown land be encouraged	The potential for multiple uses of the land, if any ever existed, ceased with the enclosure of the land as a backyard area for the adjoining freehold land.	Yes
e) That where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity	Refer to E(a) & E(b)	Yes
f) That Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.	The land has been occupied by private persons since 1964 as a backyard/lawn/garden area. As such it is unlikely to be perceived as a public land use due to the long term occupation. The occupation does not impact on the public's use and enjoyment of the adjoining reserves	Yes
F. OTHER MATTERS – N/A		

RECOMMENDATION

It is recommended the Director Crown Property Services agrees to exercise delegation Level 2 under Section 35(2) of the *Crown Lands Act 1989* to waive the requirement for land assessment in respect of the proposed sale of Part of Lot 7338 DP 1154560 and Part Lot

7336 DP 1153371 (being that land identified in Attachment A – Diagrams 1 & 2, as land outlined in RED and level with northern boundary of adjoining lot SP79141) and in doing so is satisfied that it is in the public interest to exercise such delegation and that due regard has been given to the principles of Crown land management.

Prepared By: Kerrie Brooks
A/g Property Development Projects Officer
(02) 6763 3018

Reviewed



David Baber
A/Manager, Strategic Sales and Disposals
Phone: (02) 6883 3326

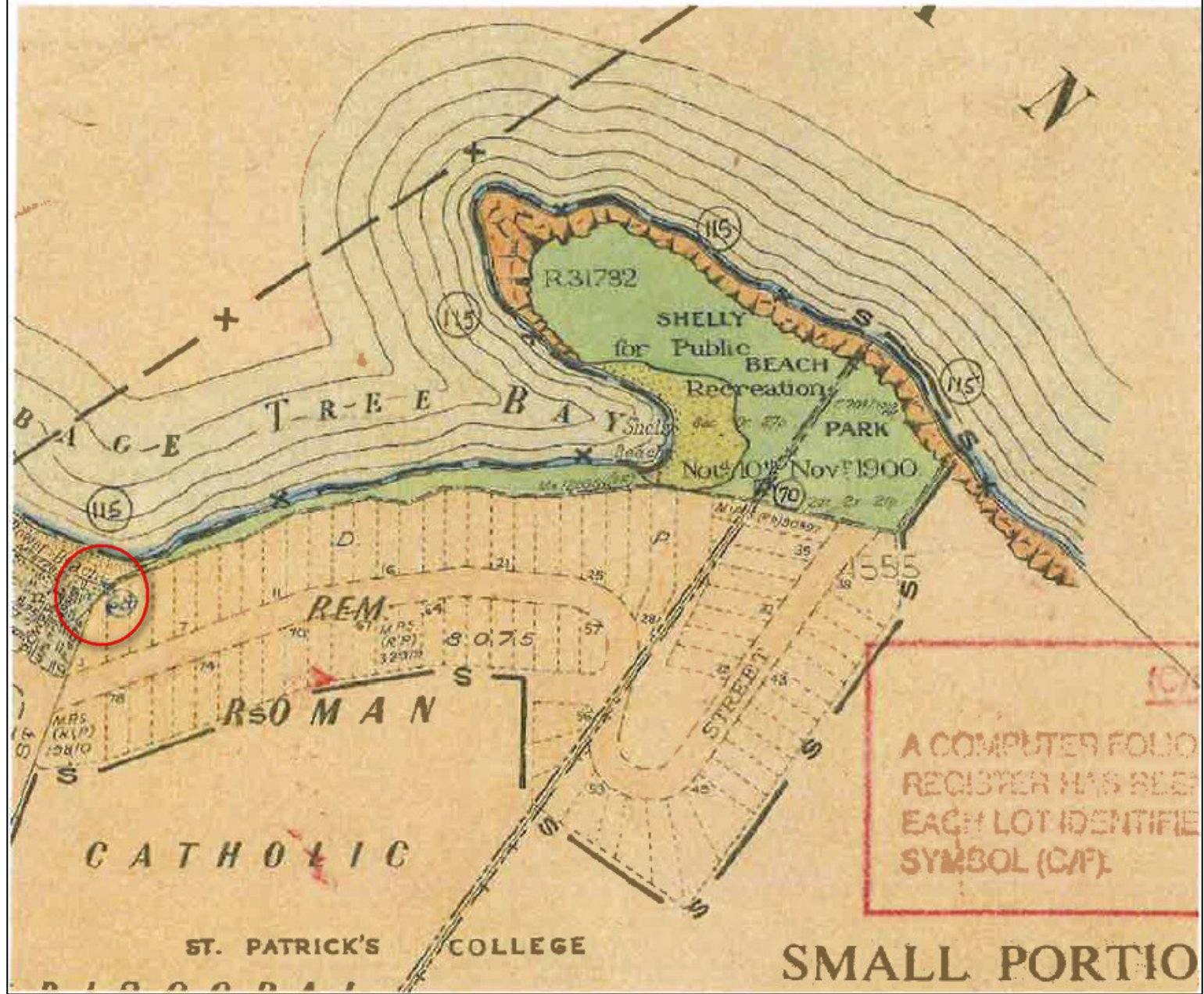
Approved 26 September 2016



Dennis Buttigieg
Director Crown Property Services

In accordance with s35 (2) of the Crown Lands Act 1989 - Delegation Level 2

PARISH MAP OF MANLY COVE



Released by the Department of Planning, Industry & Environment under the GIPA Act – Ref. GIPA 19-183



Manly Local Environmental Plan 2013

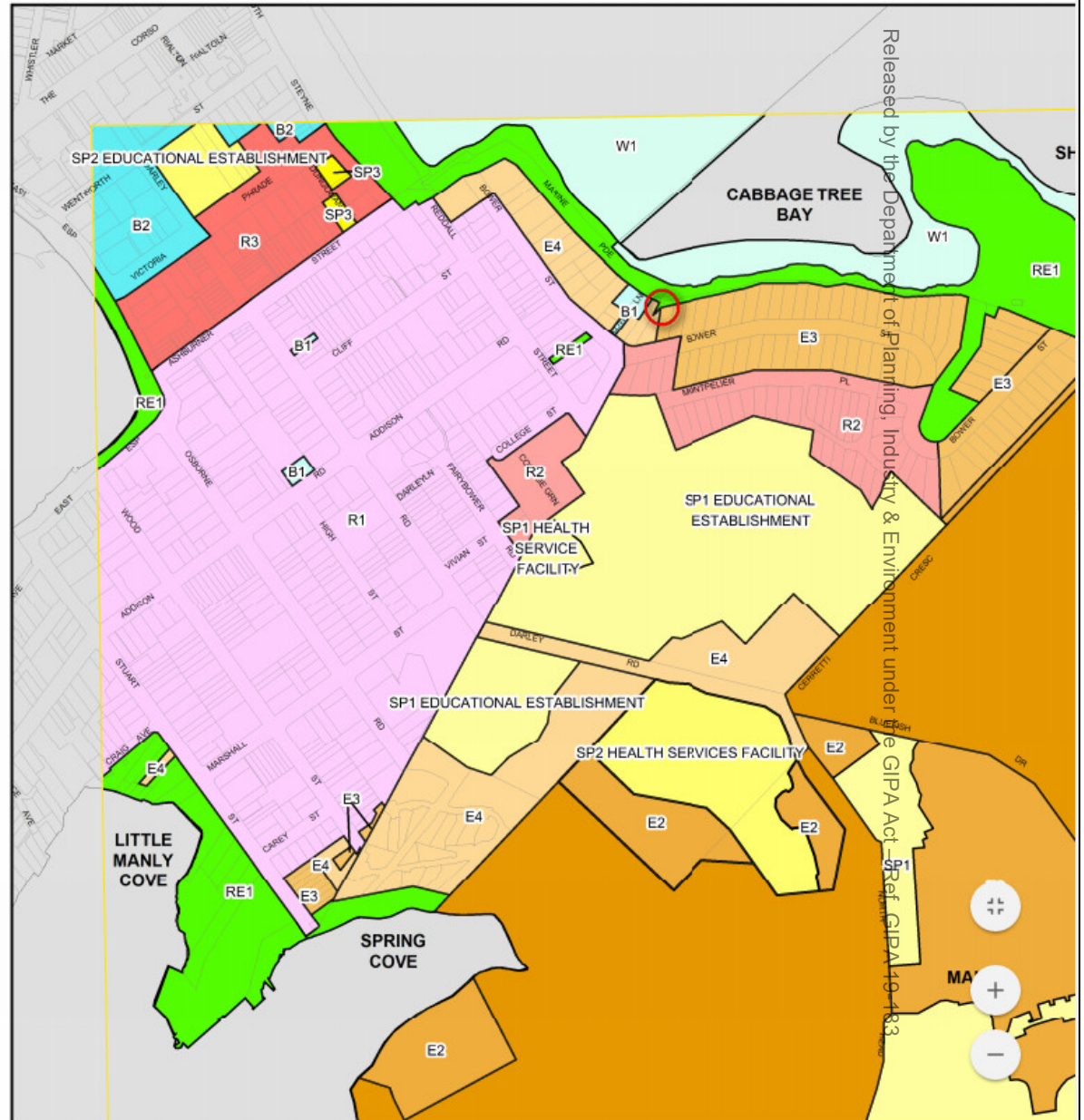
Land Zoning Map - Sheet LZN_006

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B6 Enterprise Corridor
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- W1 Natural Waterways

Cadastre

- Cadastre - Base Data 18/12/2008
- © NSW Land and Property Information (LPI). Addendum Data 16/06/2014
- © Manly Council



Raine&Horne.

RECEIVED

30 OCT 2012

CROWN LANDS
BUSINESS CENTRE

19 October 2012

Paul Layt
Group Leader Commercial Section
Department of Primary Industries Catchments & Lands
PO Box 3935
PARRAMATTA NSW 2124

Attention: Kim Bourke

Dear Kim,

**RE: ACQUISITION OF LAND HELD UNDER LICENSE No. 301336.
YOUR REFERENCE – MN81R2781**

I refer to previous correspondence.

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The Land comprised within license 301336 is a triangular slither of land that cuts into what would otherwise normally be considered the northern boundary or front garden area of 88 Bower Street, Manly. It would be practical to have the Land consolidated within 88 Bower Street. 88 Bower Street would then have a consistent shape and subdivision pattern with adjoining lands to the east and west along Bower Street and Marine Parade. Maintenance obligations would pass to the Church and/or the Lessees and as such the Land would no longer burden the Crown.

We have attached a diagram hatching the land the subject of letter. To the north of the land is a public pathway (known as Marine Parade) and then the ocean between Manly beach and Shelly Beach at Fairy Bower.

We understand that a substantial amount of work goes into the assessment of proposed sales of Crown Land and that the potential for Native Title issues has to be resolved. We further understand that there would be ongoing fees to be met by the applicant for, amongst other things surveying, valuation and advertising.

Raine&Horne

Bondi Junction | Coogee/Clovelly

17 Spring Street, Bondi Junction NSW 2022

PO Box 1450, Bondi Junction NSW 1355 T: 02 8383 9999 F: 02 9369 4383 Email: office@rnhjcc.com.au Web: rnhjcc.com.au

THIS BUSINESS IS INDEPENDENTLY OWNED AND OPERATED BY THE PROPRIETOR S.J. LAING & SON PTY. LTD. ABN 41 000 628 482

Raine&Horne.

Please consider this letter a formal application for the purchase of the land and could you provide us with an Account Number so that it can be quoted in future correspondence.

We enclose our cheque, by way of application fee in the amount of \$438.40.

Could you please inform this office of the next steps in the process to negotiate the purchase of the Land?

If you have any questions please contact Geoff Laing of this office.

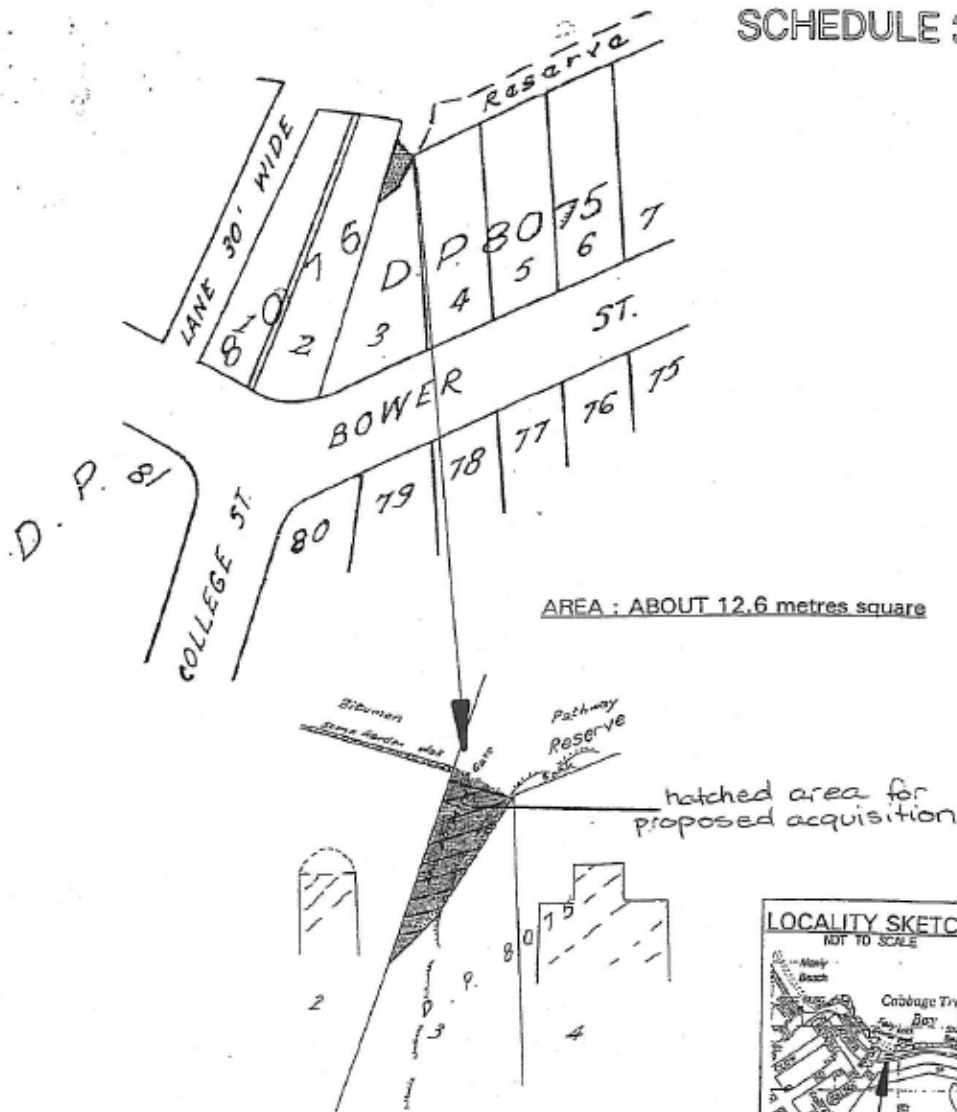
Yours faithfully,
S.J. LAING & SON PTY LTD T/AS
RAINE & HORNE BONDI JUNCTION & COOGEE/CLOVELLY



Geoff Laing
Director

Tel: (02) 8305 5013
Mobile: 0414 468 268
Email: glaing@rhbjcc.com.au

SCHEDULE 3



AREA : ABOUT 12.6 metres square

hatched area for proposed acquisition



AREA SUBJECT TO LICENCE

DIAGRAM SHOWING
 LICENCE NO. : ~~L201720~~ 30133C
 HOLDER : Noel Leon CARROLL & Pauline Veronica CARROLL
 LOCATION : Part R3172, Manly

PARISH : Manly Cove
 COUNTY : Cumberland
 L.G.A. : Manly
 LAND DISTRICT : Metropolitan
 DISTRICT OFFICE : Sydney Metropolitan
 FILE NO. : MN 81 H 2781
 DATE PREPARED : 13/12/95
 COMPILED FROM : PO diagram



REDUCTION RATIO Not to Scale
 ALL MEASUREMENTS ARE IN METRES

ATTACHMENT F – Native Title

Following examination of historical survey plans, parish maps, aerial photography and office records the following view as to the extinguishment of Native title has been determined.

The Crown land in question is reclaimed foreshore land, the majority of which was originally below the mean high water mark. The land has been reclaimed to a depth of several metres with imported material associated with surrounding residential development, public foreshore improvements and works authorised by Crown tenures specific to the site since 1964 (these being tenures for private rockery, lawn, pathway and later beautification consistent with the reserve purpose).

The Crown land has been impacted on by the following works:

- Major earthworks consisting of levelled reclaimed land to a depth of several metres consisting of imported fill material supported (off site) by a concrete break wall.
- Concreted pathway and garden.

The land was reclaimed and the works constructed prior to 23 December 1996. The construction of the above mentioned works are regarded as a “public work” being both structures that are fixtures and major earthworks, consistent with definitions under s253 & 251D of the *Commonwealth Native Title Act, 1993* (CNTA).

Subsequently it is considered that Native Title over the site is extinguished pursuant to Part 2, Division 2B, Section 23B(7)(b) (previous exclusive possession act) of the *Commonwealth Native Title Act, 1993*.

This interpretation is consistent with other DoI Lands’ interpretations in relation to the effects of foreshore reclaimed lands on Native Title.

ATTACHMENT G – Background & Sale Progression Steps

Background

Noel and Pauline Carroll currently hold Licence 301336 over the subject land for the purpose of beautification. They lease the adjoining freehold land, Lot 3 DP 8075, from the Trustees of the Roman Catholic Church. Mr & Mrs Carroll approached the DoI Lands in relation to purchasing the land. They were advised that the registered owner of Lot 3 DP 8075 would be required to make application to purchase - The Trustees of the Roman Catholic Church have since expressed interest in the purchase of the land – refer to Attachment E.

The section of land has been continuously held under a Crown tenure since 1964 when a Permissive Occupancy was first issued for the purpose of occupation (private rockery, lawn and pathway).

Lot 7338 DP 1154560 is held under Reserve 31732 from Sale for public recreation, notified 10 November 1900 (Shelly Beach Reserve)

Lot 7336 DP 1153371 is held under Reserve 1028748 for surfing recreation notified 24 September 2010 Folio 4667 (Manly Freshwater National Surfing Reserve) and is reclaimed land being formerly below mean high water mark.

Proposed sale progression steps

- Director Crown Property Services approval to waive the requirement for land assessment under Section 35(2) of the *Crown Lands Act, 1989* (refer to Attachment C).
- The statutory advertising of the “intention to publish in the Government Gazette a notice revoking the reservation and allowing the subsequent sale, lease or exchange or otherwise deal with the land” as required under Section 90(2) and Section 34(3) of the *Crown Lands Act 1989*, and subsequent review of submission(s) ensuring no adverse effect on any party identified.
- Valuation of land to be undertaken by Registered Valuer.
- Survey Plan and Title Creation at proponent’s expense.
- Level 3 agreement to final purchase price and authorisation of Contract documents.

NOTICE BOARD

General Notices

PROPOSAL TO UPGRADE AN EXISTING TELECOMMUNICATIONS FACILITY AT SOUTH TURRAMURRA NSW 2074
 Proposal to upgrade existing telecommunication equipment on a light pole located at the intersection of Kissing Point Road and The Comenarra Parkway, South Turramurra

The proposed facility consists of:

- The removal of two (2) antenna
- The addition of two (2) new antenna
- Installation of two (2) remote radio units (RRU's)
- Installation of one (1) isolation switch box and feeders
- Installation and maintenance of safety equipment, removal of redundant equipment and additional ancillary equipment, if required
- One (1) ground enclosure

Telstra regards the proposed installation as a Low-impact Facility under the Telecommunications (Low-impact Facilities) Determination 2018 ("The Determination") based on the description above.

Further information can be obtained from Petra Patrocinoir via email on:
 Email: petra@petrapatrocinoir.com
 Further information can be viewed at www.rfnsa.com.au by entering Site No: 2074016

Written submissions to:
 Newton Biswas, Telstra C/- Oiyent
 8 Freight Road
 Ravenhall VIC 3023
Closing Date: COB 5pm, 6 June 2018



PROPOSAL TO UPGRADE AN EXISTING TELECOMMUNICATIONS FACILITY AT LANE COVE NSW 2066
 Proposal to upgrade existing telecommunication equipment located at the intersection of Longueville Road and the Pacific Highway, Lane Cove

The proposed facility consists of:

- The removal of two (2) antenna
- The installation of two (2) new antenna
- Installation of two (2) remote radio units (RRU's)
- Installation of feeders
- Installation and maintenance of safety equipment, removal of redundant equipment and additional ancillary equipment, if required
- Minor works within the existing equipment shelter

Telstra regards the proposed installation as a Low-impact Facility under the Telecommunications (Low-impact Facilities) Determination 2018 ("The Determination") based on the description above.

Further information can be obtained from Petra Patrocinoir via email on:
 Email: petra@petrapatrocinoir.com
 Further information can be viewed at www.rfnsa.com.au by entering Site No: 2066012

Written submissions to:
 Newton Biswas, Telstra C/- Oiyent
 8 Freight Road
 Ravenhall VIC 3023
Closing Date: COB 5pm, 6 June 2018



PROPOSAL TO UPGRADE AN EXISTING TELECOMMUNICATIONS FACILITY AT MIDDLE COVE NSW 2068
 Proposal to upgrade an existing telecommunication facility located at 167 Eastern Valley Way (building located at the corner of Covelee Circuit and Eastern Valley Way), Middle Cove

The proposed facility consists of:

- The removal of four (4) antenna
- The addition of two (2) antenna
- Installation of two (2) new remote radio units (RRU's)
- Installation of one (1) junction box and feeders
- Installation and maintenance of safety equipment, removal of redundant equipment and additional ancillary equipment, if required
- Minor works within the existing equipment shelter

Telstra regards the proposed installation as a Low-impact Facility under the Telecommunications (Low-impact Facilities) Determination 2018 ("The Determination") based on the description above.

PROPOSAL TO UPGRADE AN EXISTING TELECOMMUNICATIONS FACILITY AT WEST PYMBLE NSW 2071
 Proposal to upgrade existing telecommunication equipment on a light pole located north of the intersection of Ryde Road and Lady Game Drive, West Pymble

The proposed facility consists of:

- The removal of one (1) omni antenna
- The addition of two (2) new antenna
- Installation of two (2) remote radio units (RRU's)
- Installation of one (1) isolation switch box and feeders
- Installation and maintenance of safety equipment, removal of redundant equipment and additional ancillary equipment, if required
- One (1) ground enclosure

Telstra regards the proposed installation as a Low-impact Facility under the Telecommunications (Low-impact Facilities) Determination 2018 ("The Determination") based on the description above.

Further information can be obtained from Petra Patrocinoir via email on:
 Email: petra@petrapatrocinoir.com
 Further information can be viewed at www.rfnsa.com.au by entering Site No: 2073013

Written submissions to:
 Newton Biswas, Telstra C/- Oiyent
 8 Freight Road
 Ravenhall VIC 3023
Closing Date: COB 5pm, 6 June 2018



PROPOSAL TO UPGRADE AN EXISTING TELECOMMUNICATIONS FACILITY ON THE COMENARRA PARKWAY, SOUTH TURRAMURRA NSW 2074
 Proposal to upgrade existing telecommunication equipment on a utility pole located near the intersection of The Comenarra Parkway and Maxwell Street, South Turramurra

The proposed facility consists of:

- The removal of two (2) antenna
- The addition of two (2) new antenna
- Installation of two (2) remote radio units (RRU's)
- Installation of one (1) isolation switch box and feeders
- Installation and maintenance of safety equipment, removal of redundant equipment and additional ancillary equipment, if required
- One (1) ground enclosure

Telstra regards the proposed installation as a Low-impact Facility under the Telecommunications (Low-impact Facilities) Determination 2018 ("The Determination") based on the description above.

Further information can be obtained from Petra Patrocinoir via email on:
 Email: petra@petrapatrocinoir.com
 Further information can be viewed at www.rfnsa.com.au by entering Site No: 2074017

Written submissions to:
 Newton Biswas, Telstra C/- Oiyent
 8 Freight Road
 Ravenhall VIC 3023
Closing Date: COB 5pm, 7 June 2018



Under the provisions of Sec34(3) and Sec90(2) of the Crown Lands Act 1989, the Minister administering the Crown Lands Act 1989, after 14 days from publication of this notice, intends to publish in the Government Gazette a notice revoking the reservation and allowing the sale, lease, exchange or otherwise dispose or deal with the land described as follows. Location: Manly. Parish: Manly Cove. County: Cumberland. Being part of Reserve 31732 and part of Reserve 1028748 identified by Proposed Lot 1 in Plan of Subdivision of Lot 7338 DP1154560 & Lot 7336 DP1153371 being an area of approximately 56.8m². Reference: 12/08118.

For more information: Contact Officer: Belinda Kelly (02) 4925 4118.

Tenders, Quotes & Contracts

WAHROONGA PUBLIC SCHOOL ADVERTISEMENT 9.5.18
CALL FOR TENDERS - WAHROONGA PUBLIC SCHOOL
CANTEEN LICENCE

General Notices

NSW GOVERNMENT

Transport Management Centre

Traffic Notice – Road Closures and Clearways

Vivid Sydney in Chatswood & Taronga Zoo
Fri 25 May to Sat 16 June 2018

Chatswood: Road closures and clearways will be in effect in Chatswood CBD on Thursday, Friday and Saturday nights during Vivid Sydney. Special event clearways will be in place from 3pm to 10:30pm on sections of key roads including Victoria Avenue, Archer Street, Tulip Street and Daisy Street. Road closures will be in effect from 7pm to 10:30pm on Thursday & Friday nights and from 5pm to 10:30pm on Saturday nights on sections of Victoria Avenue and Anderson Street.

Taronga Zoo, Mosman: Special event clearways will be in place on Friday, Saturday and Sunday nights plus Mon 11 Jun from 5pm to 10pm on Bradleys Head Road/Athol Wharf Road between the wharf and the zoo. No planned road closures will be in place.

Clearways are strict no-parking zones even for local residents or mobility scheme permit holders. Check signs before parking as vehicles left in clearways will be towed and a fee applies.

For more information: Visit www.livetraffic.com or call 132 701 for full details of the road closure and clearway locations and times.

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Got a

Released by the Department of Planning, Industry & Environment under the GIPA Act – Ref. GIPA 19-183

Further information can be obtained from Petra Patrocinor via email on:
 Email: petra@petrapatrocinor.com
 Further information can be viewed at www.rhnsa.com.au by entering Site No: 2068017
 Written submissions to:
 Newton Biswas, Telstra C/- Olyent
 8 Freight Road
 Ravenhall VIC 3023
Closing Date: COB 5pm, 7 June 2018



tenders are called for the licence of the School canteen for the school year commencing 2018 and for a term of approximately 2 years. Annual school enrolments will be approximately 730 students. General enquiries and requests for a Tender Information Package should be referred to:
 Chantal Fernandes at
chantal.fernandes@det.nsw.edu.au or 9489 3086
 Tenders must be submitted in a sealed envelope marked 'Confidential-School Canteen Tender' and sent to:

The Principal
 Tom Moth
 71 Burns Road
 Wahroonga NSW 2017

Tenders close on: Tuesday 12 June 2018, by 3pm.
 A tender visit and briefing session is planned to be held in the near future. All applicants must make themselves familiar with clause 2 of the tender offer.

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\$13,790 ono
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(A)-(B) IS A LINE 500 FROM THE M.H.W.M. BEING AN EXTENSION FROM THE EASTERMOST CORNER OF LOT 2797 IN D.P. 820312

(C)-(D) A LINE N.E. ACROSS MANLY LAGOON

(E) EASEMENT FOR ACCESS, ELECTRICITY PURPOSES, SEWERAGE PURPOSES, TELECOMMUNICATION PURPOSES & WATER SUPPLY PURPOSES (AF552743)

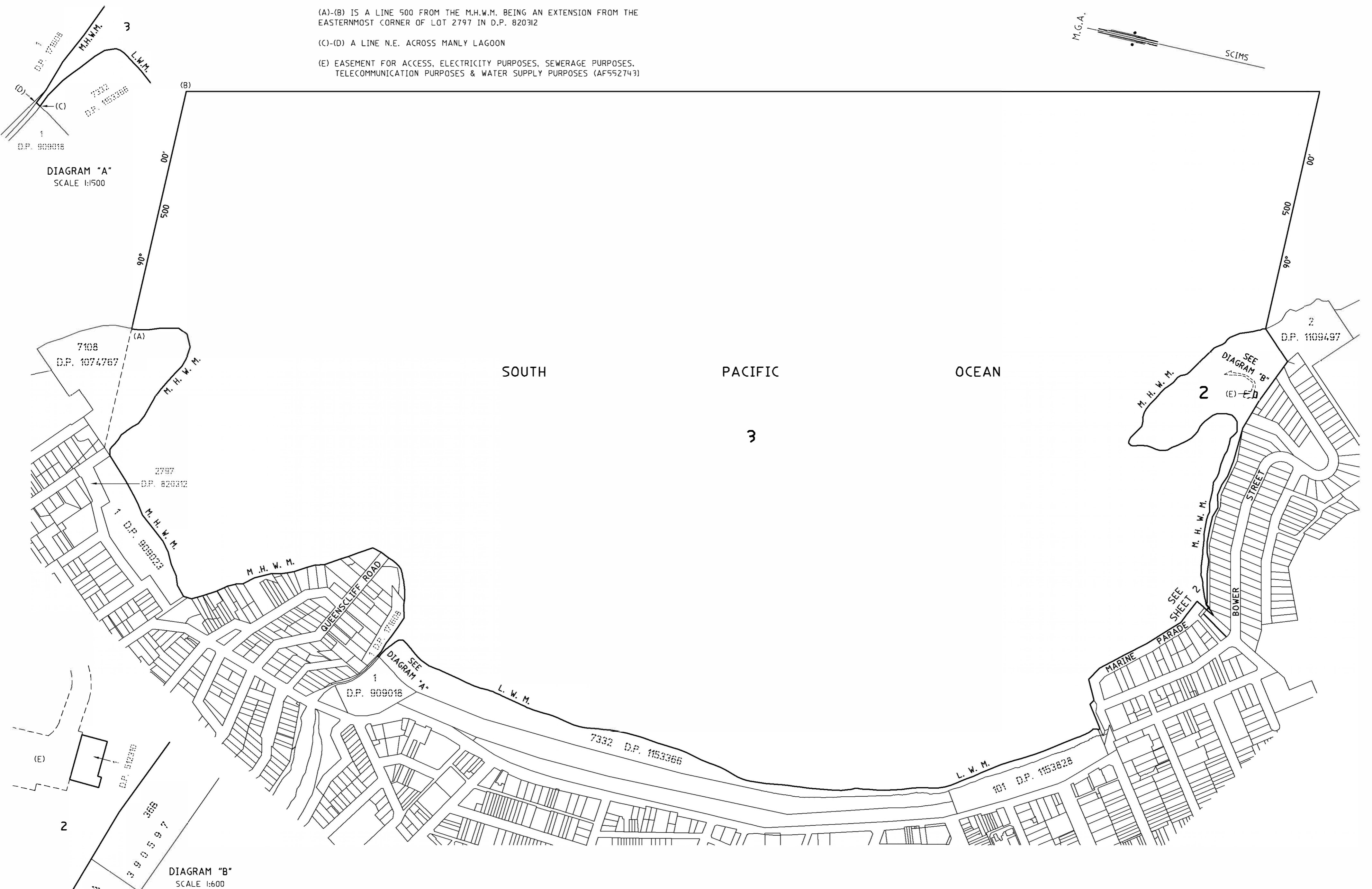



DIAGRAM "A"
SCALE 1:1500

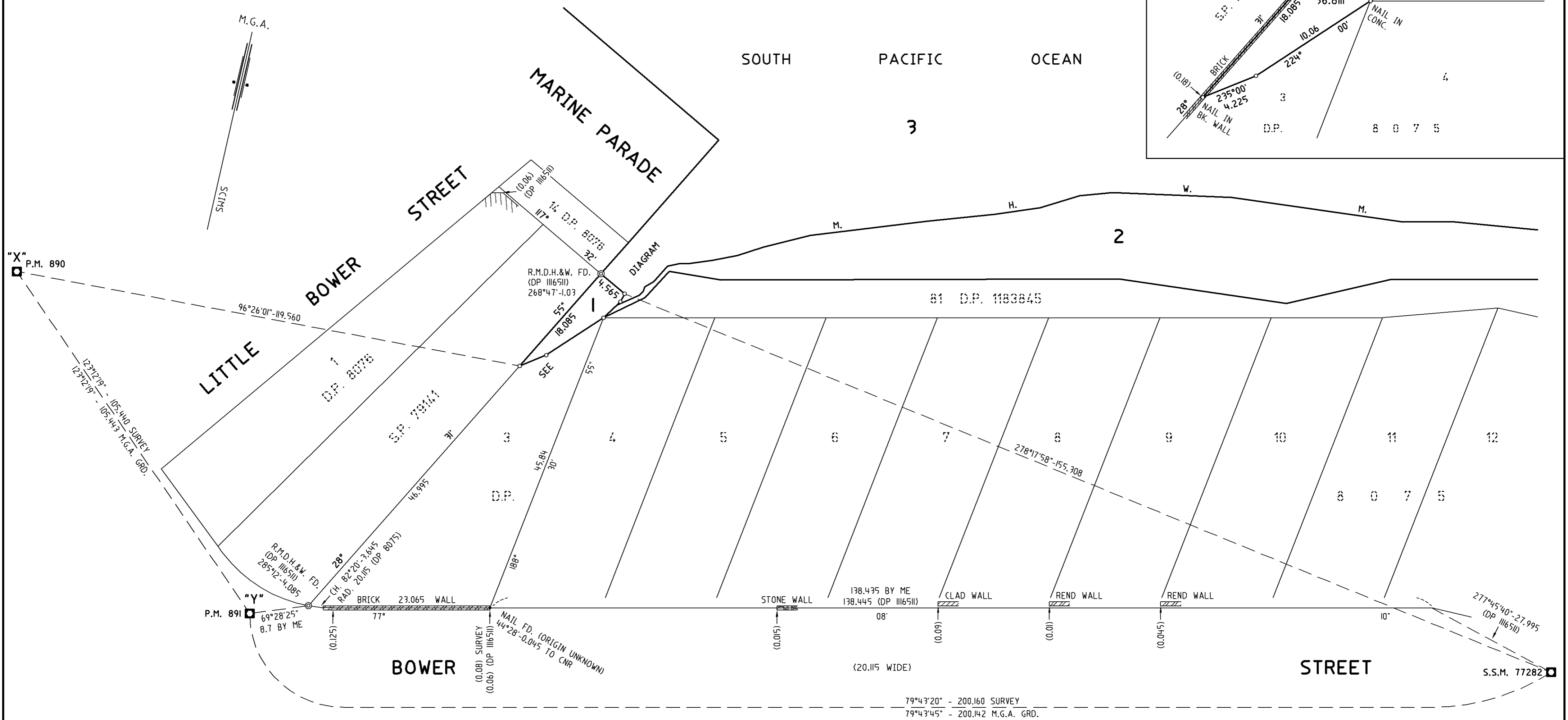
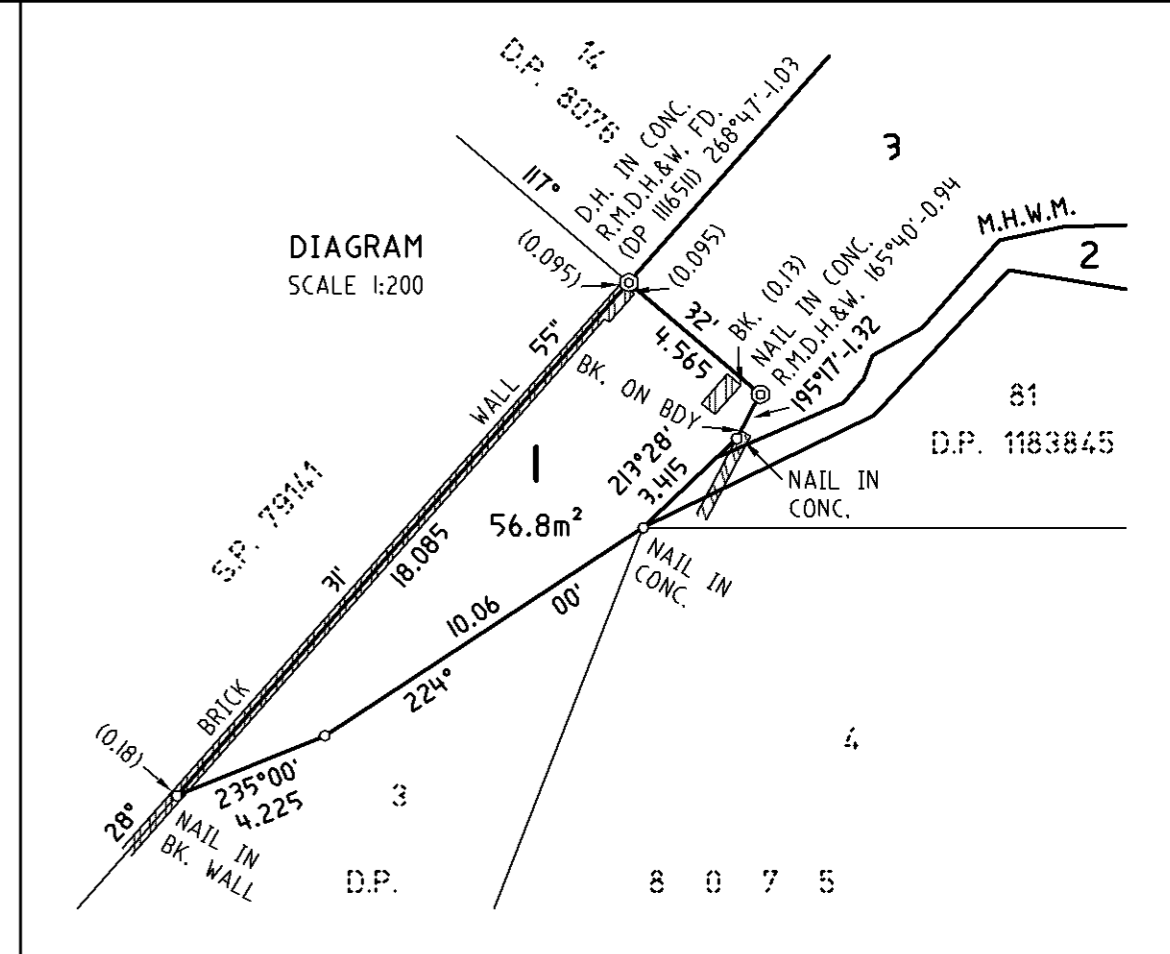
DIAGRAM "B"
SCALE 1:600

Req:R921221 /Doc:DP 1244511 P /Rev:13-Jul-2018 /Sts:SC.OK /Pgs:ALL /Prt:16-Jul-2018 09:40 /Seq:1 of 4
 Ref: /Src:0


<p>SURVEYOR Name: WARREN L. BEE Date: 11-04-2018 Reference: 15700 2018M7100(440) PARTIAL SURVEY</p>	<p>PLAN OF SUBDIVISION OF LOT 7338 IN D.P. 1154560 & LOT 7336 IN D.P. 1153371</p>	<p>L.G.A: NORTHERN BEACHES Locality: MANLY Reduction Ratio: 1:5000 Lengths are in metres</p>	<p>REGISTERED  13.7.2018</p>	<p>DP1244511</p>
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COORDINATE SCHEDULE						
MARK	M.G.A. CO-ORDINATES		CLASS	ORDER	METHOD	STATE
	EASTING	NORTHING				
P.M. 890	341 928.725	6 258 597.800	B	2	FROM SCIMS	FOUND
P.M. 891	342 016.942	6 258 540.061	C	3	FROM SCIMS	FOUND
S.S.M. 77282	342 213.855	6 258 575.743	C	3	FROM SCIMS	FOUND


DATE OF SCIMS COORDINATES 27-03-2018 M.G.A. ZONE: 56 M.G.A. DATUM: GDA94
COMBINED SCALE FACTOR = 0.999901



Req:R921221 /Doc:DP 1244511 P /Rev:13-Jul-2018 /Sts:SC.OK /Pgs:ALL /Prt:16-Jul-2018 09:40 /seq:2 of 4
 Ref: /src:0

SURVEYOR Name: WARREN L. BEE Date: 11-04-2018 Reference: 15700 2018M7100(440) PARTIAL SURVEY	PLAN OF SUBDIVISION OF LOT 7338 IN D.P. 1154560 & LOT 7336 IN D.P. 1153371	L.G.A: NORTHERN BEACHES Locality: MANLY Reduction Ratio: 1:400 Lengths are in metres	REGISTERED  13.7.2018	DP1244511
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PLAN FORM 6 (2017)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 sheet(s) <u>2</u>
--------------------	--	--

Registered:  13.7.2018 Title System: TORRENS	Office Use Only <h1 style="margin: 0;">DP1244511</h1>
---	--

PLAN OF SUBDIVISION OF LOT 7336 IN DP 1153371 & LOT 7338 IN DP 1154560	LGA: Northern Beaches Locality: Manly Parish: Manly Cove County: Cumberland
--	--

<p style="text-align: center;">Survey Certificate</p> I, Warren L Bee of PO Box 330 Forestville NSW 2087 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> , certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , is accurate and the survey was completed on or *(b) The part of the land shown in the plan (*being/*excluding Lots 2 & 3) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> , the part surveyed is accurate and the survey was completed on, ... 11/4/2018. the part not surveyed was compiled in accordance with that Regulation, or *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i> . Datum Line: X-Y Type: *Urban/*Rural The terrain is *Level-Undulating / *Steep-Mountainous. Signature: <u>Warren Bee</u> Dated: <u>27/6/18</u> Surveyor Identification No: 448..... Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i> *Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.	<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> I, <u>BELINDA KELLY</u> (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: <u>B Kelly</u> Date: <u>19 JUNE 2018</u> File Number: <u>12/08.11.8</u> Office: <u>NEWCASTLE</u>
---	---

<p style="text-align: center;">Subdivision Certificate</p> I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: Accreditation number: Consent Authority: Date of endorsement: Subdivision Certificate number: File number: *Strike through if inapplicable.	<div style="border: 1px solid black; height: 100%; width: 100%; position: relative;"> <div style="position: absolute; top: 0; right: 0; bottom: 0; left: 0; background: linear-gradient(to top right, transparent 49%, black 49%, black 51%, transparent 51%);"></div> </div>
---	---

Plans used in the preparation of survey/compilation. DP 1154560 DP 1153371 DP 1116511 DP 8075 DP 8076	Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.
--	--

Surveyor's Reference: 15700 2018 M7100(440) Partial Survey	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A
--	--

PLAN FORM 6A (2017) DEPOSITED PLAN ADMINISTRATION SHEET Sheet 2 of 2 sheet(s)

<p style="text-align: right;">Office Use Only</p> <p>Registered: 13.7.2018</p> <p>PLAN OF SUBDIVISION OF LOT 7336 IN DP 1153371 & LOT 7338 IN DP 1154560</p> <p>Subdivision Certificate number:</p> <p>Date of Endorsement:</p>	<p style="text-align: right;">Office Use Only</p> <h1 style="text-align: center;">DP1244511</h1> <p>This sheet is for the provision of the following information as required:</p> <ul style="list-style-type: none"> • A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> • Signatures and seals- see 195D <i>Conveyancing Act 1919</i> • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.
--	---

LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY
1	88	Bower	Street	Manly
2	No Address			
3	No Address			

THIS PLAN IS EXEMPT FROM SUBDIVISION CERTIFICATE UNDER SECTION 23G(b1) OF THE CONVEYANCING ACT, 1919

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1900

.....

Peter Richmond
 Senior Registered Surveyor, Metro
 NSW Department of Industry – Lands & Water

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

.....

Signature of Witness
 Name of witness: Peter Cusack
 Address of Witness: C/- Dept. of Industry
 Lands & Water
 PO Box 2215
 DANGAR NSW 2309

BY DELEGATION PURSUANT TO SECTION 180 OF THE CROWN LANDS ACT 1989 AND WITH AUTHORITY UNDER SECTION 13L OF THE REAL PROPERTY ACT 1900 FROM THE MINISTER ADMINISTERING THE CROWN LANDS ACT 1989 ON BEHALF OF THE STATE OF NEW SOUTH WALES.

If space is insufficient use additional annexure sheet

Surveyor's Reference: 15700 2018 M7100(440) Partial Survey

From: [Rebecca Morton](#)
To: belinda.kelly@crowland.nsw.gov.au
Cc: [Nick Wilson](#)
Subject: State of New South Wales Sale to Trustees of the Roman Catholic Church for the Archdiocese of Sydney
Date: Friday, 29 June 2018 3:52:34 PM
Attachments: [Exchanged front page - purchaser.pdf](#)
[Exchanged front page - vendor.pdf](#)

Dear Belinda,

We refer to previous correspondence.

1. We confirm this matter exchanged 29 June 2018.
2. Please see **attached** copies of:
 - a. Exchanged front page – vendor; and
 - b. Exchanged front page – purchaser.
3. Settlement for this matter is scheduled for 10 August 2018 under the contract.

Please contact our office if you have any queries.

Kind regards

Bec Morton

Administration

WILSONS SOLICITORS

62 Wingewarra Street | PO Box 714 Dubbo NSW 2830
T +61 2 6884 4422 | F +61 2 6884 4420 | DX 4010 Dubbo
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LEAP Email Reference |F:efcfe835-4ebc-40b3-911f-035f2f102359|M:ebbd006b-6228-48c3-aade-f9d0835861eb| (Please do not delete)

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PO Box 714 | Dubbo NSW 2830

DX 4010 Dubbo | www.wilsonslaw.com.au
Tel +61 2 6884 4422 | Fax +61 2 6884 4420

28 August 2018

Attn: Belinda Kelly
Department of Industry - Lands & Forestry
PO Box 2185
DANGAR NSW 2309

By Email: belinda.kelly@crowland.nsw.gov.au

Dear Belinda

**RE: STATE OF NEW SOUTH WALES SALE TO THE TRUSTEES OF THE ROMAN CATHOLIC
CHURCH FOR THE ARCHDIOCESE OF SYDNEY
PROPERTY: BOWER STREET, MANLY**

Our ref: NAW:RMM:2720

Your ref: 12/08118

We are pleased to confirm this matter settled on 28 August 2018.

1. We **enclose**:
 - (a) Copy of front pages of Contract for Sale (x2);
 - (b) Settlement Adjustment Sheet;
 - (c) Trust Account Statement;
 - (d) Copy of sale proceeds remittance advice; and
 - (e) Our tax invoice.
2. In the meantime, this completes our involvement in the matter.

Thank you, again, for your instructions in the matter.

Yours faithfully

WILSONS SOLICITORS PTY LTD



Nick Wilson
Principal
Email: nick@wilsons.legal

Encl.

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