

## Heritage Impact Statement

20 Spring Cove Avenue, Manly, NSW, 2095



*Proposed new swimming pool and retaining wall*

May 2023

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## 1. Introduction and Overview

This Heritage Impact Statement (HIS) has been prepared to accompany a Development Application (DA) for a proposed new swimming pool and retaining wall located to the rear of the dwelling house, at 20 Spring Cove Avenue, Manly, NSW, 2095, in the Local Government Area (LGA) of Manly.

The subject site comprises a single free-standing dwelling house located on an elevated site and on a corner site. The subject dwelling is a contemporary timber and glazed dwelling, with timber clad elevations and a sloping flat (metal sheet) roof. The dwelling is two storey, with the majority of the ground floor glazed. There is a first floor corner balcony. The dwelling is positioned at an angle to the street front and there is a carpark and driveway to the front of the dwelling house. There is a masonry sandstone retaining wall to the street front. Neighbouring dwellings are of a similar architectural style and character. The surrounding area is landscaped with greenery and surrounding mature trees and vegetation.

The subject site forms part of the curtilage of a State heritage listed item on the State Heritage Register (landscape item - SHR number: 01724). The site also forms part of a Local heritage item on the Manly Local Environment Plan (LEP) 2013, being *St Patricks Estate*, primary address 151 Darley Road, Manly, NSW, 2095. St Patrick's Estate (main buildings and grounds) were established in 1885 when the foundation for the seminary was laid. It is also noted that the site is located opposite a separate local heritage listed item on the Manly Local Environment Plan (LEP) 2013, being '*Public reserve and 2 Norfolk Island Pine trees (Araucaria heterophylla)*' (item 1230), located at 103 Stuart Street (adjacent to Spring Cove adjoining St Patrick's Estate).

A physical description of the wider heritage item is provided on its NSW Office of Environment and Heritage database listing form provided below which describes various significant elements which make up the significance the Estate (*The Archbishops Residence, St Patricks Seminary, the Cardinal Cerretti Memorial Chapel, St Therese's Convent and St.Paul's College*). It is noted that although the site forms part of this wider heritage site, where the site is located is recently subdivided land and surrounded by modern development, and as such the site is located in an area of very low/no heritage significance.

The main heritage elements of high significance on the estate are substantially distanced from the subject site and separated by intervening built and landscape form, such that there is no physical connection and very limited visual connection between the site and the immediate surrounding area (containing modern developments/dwellings) and the wider area.

The proposed development seeks minor works to the site for a new rear yard pool and retaining wall.

Council requires the submission of a HIS for the proposed works to determine the heritage impacts upon the significance and visual setting of the heritage context. This HIS considers the proposal against the relevant State heritage listing exemptions and the heritage planning objectives and controls contained within the Manly Local Environment Plan (LEP) 2012 and the Manly Development Control Plan (DCP) 2013.

The terminology used in this report is consistent with the *NSW Heritage Manual*, prepared by the NSW Heritage Office and *The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Heritage 2013* (the Burra Charter).

For this report, desk based historical research has been undertaken utilising information and resources contained at Mosman Library, Trove and the State Library of NSW.

The format of this report follows the standard for the preparation of Heritage Assessments and Heritage Impact Statements as set out in the NSW Heritage Manual and other recognised conservation methodologies.

### **1.1. Authorship**

This report has been prepared by Damian O'Toole. Damian has a Master's Degree in Town Planning and a Post-Graduate Diploma in Heritage Conservation obtained from the University of Sydney, and has been engaged by several Councils in Sydney.

### **1.2. Physical Evidence**

A physical description of the site and surrounding area can be found in Section 2 of this report.

## 2. The Surrounding Area and Subject Site

The subject site is located within a recent residential area 20 Spring Cove Avenue, Manly, NSW, 2095.

The subject site comprises a single free-standing dwelling house located on an elevated site and on a corner site. The subject dwelling is a contemporary timber and glazed dwelling, with timber clad elevations and a sloping flat (metal sheet) roof. The dwelling is two storey, with the majority of the ground floor glazed. There is a first floor corner balcony. The dwelling is positioned at an angle to the street front and there is a carpark and driveway to the front of the dwelling house. There is a masonry sandstone retaining wall to the street front. Neighbouring dwellings are of a similar architectural style and character. The surrounding area is landscaped with greenery and surrounding mature trees and vegetation.

The subject site forms part of the curtilage of a State heritage listed item on the State Heritage Register (landscape item - SHR number: 01724). The site also forms part of a Local heritage item on the Manly Local Environment Plan (LEP) 2013, being *St Patricks Estate*, primary address 151 Darley Road, Manly, NSW, 2095. St Patricks Estate (main buildings and grounds) were established in 1885 when the foundation for the seminary was laid.

The State heritage significance of the wider St Patricks Estate is provided below for reference:

### **The State Heritage Register (heritage listing)**

*'St Patrick's Estate is a place of outstanding heritage significance to NSW and Australia. The 1885-1935 buildings and grounds of the estate make up one of Australia's most outstanding collegiate ensembles unrivalled for its completeness, grandeur and extraordinary sitting. A monument to the establishment of Catholicism and the Catholic priesthood in Australia, St Patrick's Estate represents Australia's first national Catholic ecclesiastical seminary, the largest in the southern hemisphere at the time of its construction, the official national residence for the Archbishop for nearly a century, one of Australia's most extensive ecclesiastical estates and one of the oldest land grants to the Catholic Church. The College and the Archbishop's Residence have historical significance as important physical manifestations of Cardinal Moran's concepts and plans for the development of Catholicism in Australasia. The buildings have historical significance also for their associations people involved in the development of the College and Australia's priesthood.*

*St Patrick's Estate is an outstanding landmark of Victorian Gothic architecture and natural splendour. The siting of the major buildings, their architectural style, impressive scale, and quality of design and construction are of aesthetic and social significance as they reflect the Catholic Church and Cardinal Moran's ambition that the Church's public buildings should aspire to reflect to the world the splendour of its*

*spiritual ambitions and contribute to the fabric of national structures, worthy of a growing nation; and provide a legacy of grand ecclesiastic architecture. St Patrick's College is of aesthetic significance as it physically dominates the surrounding landscape of this part of North Head. The design of the buildings themselves is of aesthetic and social significance. The design reflects its role as a seminary and the special environment developed to encourage a devotion to the religious life is illustrated strongly in its layout.*

*The College is socially significant to Australian Catholics, because it is a symbol of training Australian-born priests and centralising administration policy and education for the region. The St Patrick's Estate and in particular Moran House is socially significant to the wider community because of its visual prominence - it is a Manly landmark.*

*Isolated physically and geographically on the Manly site, the Seminary buildings reflected the Church's perceptions of its special position and needs in the late 19th century. Social and cultural changes are evident in the further development of the site during the 20th century. The St Patrick's Estate has a significant relationship with the natural environment of North Head. Although isolated from the remainder of North Head by the construction of the sandstone boundary walls and the substantial clearing of the indigenous vegetation on the Estate, the St Patrick's Estate still maintains its historical and visual relationship with North Head.<sup>1</sup>*

The site is also a local heritage listed item on Manly Local Environment Plan (LEP) 2013, being *St Patricks Estate*, primary address 151 Darley Road, Manly, NSW, 2095. The site is a landscape heritage item. A physical description of the wider heritage item is provided on its NSW Office of Environment and Heritage database listing form provided below which describes various significant elements which make up the significance the Estate (*The Archbishops Residence, St Patricks Seminary, the Cardinal Cerretti Memorial Chapel, St Therese's Convent and St. Paul's College*). It is noted that although the site forms part of this wider heritage site, where the site is located is recently subdivided and surrounded by modern development, and as such the site is located in an area of very low heritage significance.

The physical description of the wider St Patricks Estate (and its various significant buildings) is provided below for reference:

#### **St Patrick's Estate (heritage listing)**

*'The Archbishop's Residence (1884-85)  
(termed 'Archiepiscopal Residence' on the original architect's drawings, and colloquially termed 'Cardinal's Palace' during the 20th century)  
This was the first structure completed on the site to an impressive scale and budget.*

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<sup>1</sup> NSW Office of Environment & Heritage, *St Patrick's Estate*, accessed at: [HMS - ViewItem \(nsw.gov.au\)](https://hms.nsw.gov.au/ViewItem), accessed May 2023.

*It is a good example of the domestic Gothic Revival style designed by Sheerin and Hennessy Architects and while its Gothic detailing can be held to be in the tradition established by architect Augustus Welby (A.W.) Pugin (1812-1852) in England, the cast iron verandahs are a 19th century response to the colonial climate, while other elements such as the central fleche and convenient planning presage Edwardian architectural trends. The cast iron panels of the verandahs contain Moran's initials and their detailing reflects the later 19th century 'Aesthetic Movement'. Two terracotta statues of saints dominate the bays of the main elevation. The building is two storeys of stone with a slate roof. It was built by William Farley, Builder, for 10,000 pounds.*

*The cedar joinery, parquet flooring and stained glass windows are of exceptional quality. There are six principal rooms on the Ground Floor plus kitchens and a servants wing. The first floor contains bedrooms. The ground floor dining room, the first floor 'Council' room (originally planned as a Library) with vaulted ceiling, and the cedar staircase display fine materials, detailing and craftsmanship. The Archbishop's Residence and the St. Patrick's Seminary were once linked by a carriageway.*

*Over time verandahs have been infilled and the stable block altered, but the original fabric remains generally intact. The sandstone is of a poorer quality than Moran House and some deterioration is evident.*

*The immediate landscape setting comprises chiefly cast iron gates with stone piers to Darley Road, the driveway, a carriage loop and a vista to the harbour and related plantings to all the above. The plantings are now mature and certain elements such as the pine plantations require replacement. There are remnants of the earlier larger gardens evident on the lower portions of the site.*

#### **St. Patrick's Seminary (1885-9)**

*The seminary was designed by Sheerin and Hennessy and built by W.H. Jennings between 1885 and 1889. The stone building is four storeys high with a six level central bell tower and a slate roof. A two storeyed colonnade flanks the central entrance. The building is splendidly sited, of high quality construction in the perpendicular Gothic style and impressive in scale.*

*The sandstone used is of superior quality and steel members spliced into hardwood beams allows large spans. The building was designed with modern plumbing and a service lift. The simplicity of the planing and the effective use of good materials - sandstone, slate, selected timbers, marble and leaded glazing show an architectural initiative designed to last well over time. A certain grand austerity pervades the design.*

*The entrance vestibule and 'cloisters' with cedar and kauri pine ceilings, stained glass windows and marble tiled floor lead to a monumental stone staircase. Accents such as the 'crossed' architraves can be found in other Gothic buildings in Sydney (such as*

*the original portion of the University of Sydney) and may, in fact, derive from the Oxford Movement.*

*The Library (former chapel), Refectory, Aula Maxima, Lecture Rooms and private oratory on the ground and first floors are impressive in scale and detailing and designed to form a sequence of grand interiors, on occasion with large interconnecting doors.*

*The second and third floors provided accommodation for the seminarians in the form of small cells and communal bathroom facilities.*

#### ***The Cardinal Cerretti Memorial Chapel (1934-5)***

*This was built 40 years after the Seminary, in 1934-5 complements it in Gothic style, materials and details. It was designed by architects Hennessy, Hennessy & Co. The east end is convenient to the seminary and has an emphasis on function rather than architecture; the architectural highlight is the cluster of chapels at the west end and the 20th century structural devices which enabled the column free interiors without massive buttressing. The 'cloister' aisle along the northern edge of the building, with its sequence of altars, is a distinctive and well-lit space.*

*It is a lofty single storey building with organ and choir loft and cloisters. The nave is column-free, and features an uninterrupted vaulted ceiling with silky oak joinery, jarrah parquet flooring and decorative plaster. The special features of the sanctuary are marble altar, sandstone altar canopy and terrazzo flooring. The chevet end displays fine marble altars and magnificent stained glass windows.*

*The major windows appear to be of English manufacture, the lesser ones of local manufacture. (John Hardman & Co, Birmingham)*

*Conservation works completed in 1996 include repairs to slate roof, gutters and downpipes and stonework.*

#### ***The St Therese's Convent (1934)***

*This was designed by Ernest A. Scott, Green and Scott, Architects, to provide accommodation for the Order of Our Lady Help of Christians. Built in 1934, it is two storeys high with rendered walls and stone trims with its main elevation accented by a copper turret denoting the Chapel and a major archway framing the outlook from a verandah. The verandah was, at an early stage, glassed in. The Chapel was originally a two storeyed space with a vaulted ceiling behind the eastern bay and several small stained glass windows. The building is a well resolved domestic Edwardian dwelling.*

*The Convent is sited on an axis with the kitchen wing of Moran House and is linked to the Seminary by a concrete pedestrian bridge. The residential addition designed by Sydney G. Hirst and Kennedy, Architects and constructed in 1962 does not complement the original convent.*

### ***St. Paul's College (1964-74)***

*The college complex was built over ten years. The buildings are concrete-framed with face brick infill panels providing classrooms and staff and student amenities. Its location close to the Archbishop's Residence is unfortunate and its mass and basic detailing compromises the amenity of the Archbishop's Residence.'*<sup>2</sup>



**Figure 1: Location of the subject site (Source: Six Maps).**

<sup>2</sup> NSW Office of Environment & Heritage, *St Patrick's Estate*, accessed at: [HMS - ViewItem \(nsw.gov.au\)](#), accessed May 2023.



Figure 2: State Heritage Register (SHR) (Source: SHR, accessed HMS - ViewItem (nsw.gov.au)).

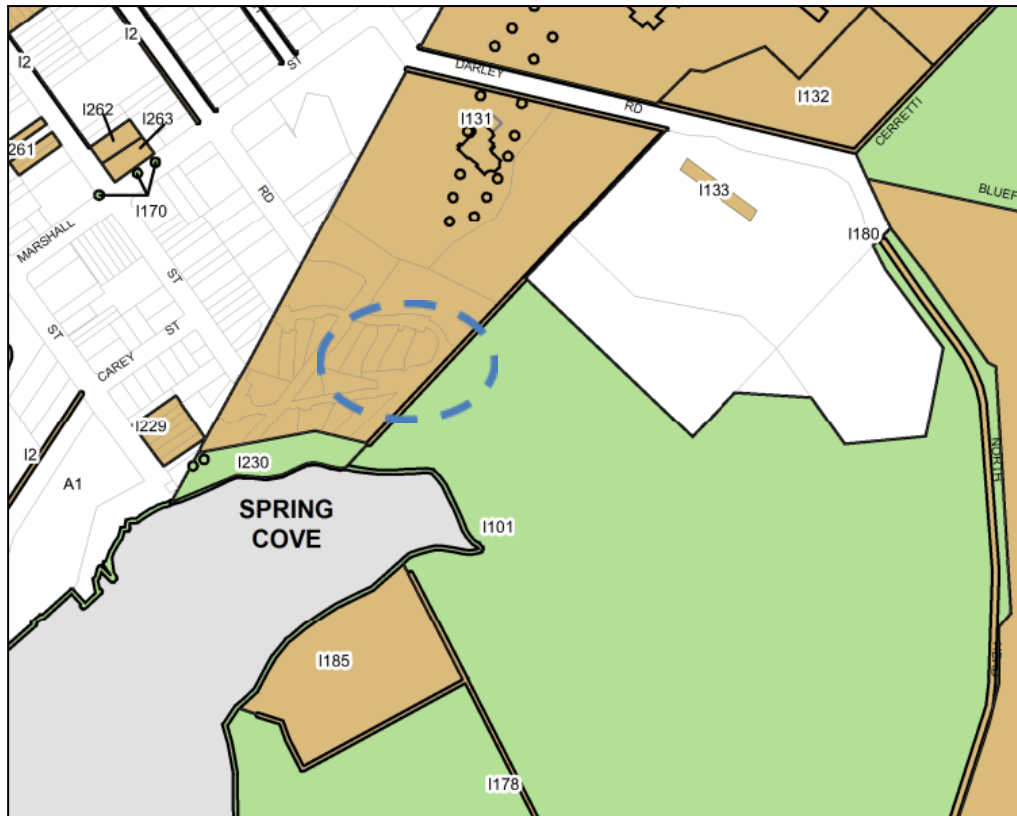


Figure 3: Heritage Map showing the subject site forms part of a wider heritage item (Item I131) located in the vicinity of a heritage item (Item I230).

### 3. Photographs of the Subject Site



Figure 4: View to the site of the proposed new swimming pool.

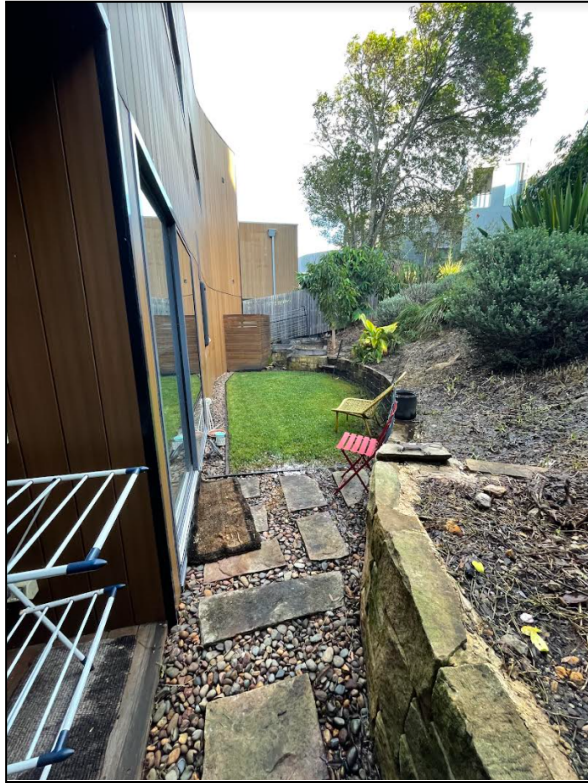


Figure 5: View to the rear of the landscape.

## 4. Historical Summary

### 4.1. History of St Patrick's Estate

The following historical development of St Patricks Estate is sourced directly from the NSW Office of Environment Heritage Listing Form for the item:

*The following outline history has been reproduced from the Conservation Management Plan for St Patrick's Estate, Manly prepared by Tanner & Associates Pty Ltd:*

***To aid in understanding, the history of the site was divided into a number of periods:***

*1810-1858: covers the period of the earliest land grants in Manly including the Quarantine Grounds on North Head.*

*1859-1900: commences with the granting of land for the purpose of constructing a residence for the Catholic Archbishop of Sydney. The major buildings, St. Patrick's College, the Archbishop's Residence and the Recreation Building, date from this period.*

*1901-1935: saw the division of the site by the construction of Darley Road and the erection of the Cardinal Cerretti Memorial Chapel, the Convent and extensions to St Patrick's College.*

*1936-1985: includes major site development (with buildings now considered of*

*marginal cultural significance).*

*1986-2002: includes the most recent work in the conservation of the site and its buildings.*

**1810-1858:**

*The first land grants in Manly were made to Richard Cheers (100 acres) and Gilbert Baker (30 acres) on 1 January, 1810. The western boundary line of Cheers' grant physically separated North Head from what was to become Manly. In 1832 North Head was dedicated for use as a Quarantine station.*

*Land for the Episcopal grant was later taken from the Quarantine Grounds.*

*The immediate background to the establishment of St Patrick's College and the Episcopal residence at Manly can be traced back to the mid-nineteenth century.*

*In 1850 public land and money had been dedicated for the purpose of constructing a residence for the Catholic Archbishop of Sydney. At first a five acre portion of Grose Farm was suggested as a site for the Episcopal residence, but the University of Sydney had already been allocated this land in its endowment. Monastic and diocesan troubles, as McGovern has noted, along with Archbishop Polding's retirement from Sydney, caused the matter to lapse until 1856 but in that year, a request for 6 allotments at Coogee was obstructed by Surveyor General G.W. Barney, as was a subsequent claim for 15 acres on Cabarita Point on the Parramatta River.*

**1859-1900:**

*In 1859, Abbott Gregory successfully requested 60 acres adjoining and overlapping the Quarantine reserve. (On survey, the allotment was found to be 90 acres and it was subsequently cut back). 'Honest' John Robertson, the Secretary for Lands, reported that since'. . . The small cove called Shell Beach is a favourite place for public recreation and that the number of persons resorting there is rapidly increasing, (it) would seem to me a strong reason in favour of granting the land (with the understanding that it would be fenced. It surely is most objectionable that a portion of the land reserved for a quarantine ground should be used extensively as a place of public recreation.' (Cited in McGovern, p.32).*

*Later commentators unfairly claimed that Robertson's decision rested on 'the advantage of having this Catholic property as a barrier between the outer public and the Quarantine Station (since) Catholics were so thick-skinned they would not take smallpox!' (Catholic Press, 6 September 1917, in McGovern). This notwithstanding, the grant was approved but the deed was not issued until 1879. As Sydney was without an ecclesiastical seminary an educational function was attached to the grant.*

*Apparently the splendid isolation of the site, yet its general proximity to the city of Sydney was thought appropriate by the Church, given the need for access to a major urban centre which was a focus to the region, and a locale which enabled serious study and retreat from the pressures of normal society.*

*Ironically, as Henry Parkes pushed through the secular Public Instruction Bill, the*

*grant on which the largest Catholic seminary in the southern hemisphere was to be built was consolidated. In 1885, plans for the Diocesan seminary were drawn up by the Sydney architects Sheerin and Hennessy. Work began during June 1885; the foundation stone was laid and blessed on 19 November 1885, and on 23 January 1889, the opening ceremony was conducted. The magnificent and commanding structure cost 70,000 pounds to build. The builder was W.H. Jennings. The driving force behind its construction was Cardinal Patrick Moran whose strength of personality is indelibly manifest in various architectural and other details, notably the use of his initials and regalia in various carved and cast panels.*

*The erection of the College coincided with Manly's first, though modest, suburban boom. Despite delays in building and the loss of the life of a labourer, the hill became 'the scene of great activity':*

*Three hundred and twenty five men were on the pay-sheet. Labourers' tents and workmen's sheds sprang up with lightning like rapidity, so that the once desolate hill was now a veritable calico-town by day, and resembled a bivouacked army by night.' As far as building materials were concerned, the article continued,*

*One cause of trouble was the contractor's inability to secure suitable stone. The opening stages of the work were built with stone hewn from near the tennis-court. The material from that quarter proving inferior, and smallpox barring entrance into the quarantine reserve, recourse had finally to be made to the quarry on the site of the Grotto of our Lady of Lourdes'. ("Manly", Vol. 1, No. 1, 1916, p.36).*

*The Archbishop's Residence was built slightly earlier at a cost of 10,500 pounds. Problems with its sandstone (which are evident today) led to a choice of a different quarry for the College. As with the College, Sheerin and Hennessy acted as the architects. W. Farley secured the building contract. Work commenced on the residence early in 1885 and was completed by the end of 1886.*

*Just as work on the College was beginning, however, Manly Council made application to the Minister of Lands for the resumption of 100 feet from the high water mark fronting Cabbage Tree Bay. Shell (later Shelly) Beach and the land to the east and south of that beach as far as the Quarantine Reserve was also requested for public use (See Council Minutes, June 11, 1885).*

*Such action required the surrendering of 8 acres and 27 perches from the Episcopal grant. And on 15 January 1886, the area - along with a separate, adjoining allotment of 2 acres 2 rods and 21 perches - was dedicated for public recreation. (Official notification of the reserve was made on 10 November 1900). By way of compensation, however, the Church was granted 23 acres and 3 rods from the Quarantine Reserve behind and adjoining the original Episcopal grant. Later, on 23 August 1904, Cardinal Moran was to arrange for the purchase of an allotment of 3 rods and 11 perches connected to the south eastern end of the exchanged land. This*

*was to finalise the general outline of the property.*

*Prior to the transfer, the Church grounds had been bounded by a 'high galvanised iron and barbed wire fence'. By c1900, however, a stone wall had been constructed along the new south eastern boundary.*

**1901-1937:**

*Over the period 1900-1907 various small residential lots adjacent to College Street, Reddall Street, Fairy Bower Road and Bower Street were purchased by the Church.*

*The only other modification to the property's physical dimensions resulted from the dedication of a strip of land 66 feet wide through the grounds for the extension of Darley Road. The dedication was made in 1879 and its use as a public road was declared by proclamation in the Government Gazette on 22 October, 1887.*

*Construction of the road was not undertaken, however, until World War I. In return for the land lost, the Army - which used St Patrick's tower for military observations during the war - built the stone walls which still flank Darley Road. Their design and construction appears to have been based on the stone walls previously built as a barrier between the College grounds and the Quarantine Station: they are a striking and important visual element in the landscape. The walls may have been built in stages between 1914 and 1932.*

*In terms of building development on the site up until World War I, a recreation room which housed 2 billiard tables and a gymnasium was constructed c1910. It survives as the Cardinal Freeman Pastoral Centre, though part of the original verandah has been removed to facilitate construction of modern garaging.*

*The extant basketball and handball courts were also built c1910. Other improvements in sporting facilities, according to an article by Eris O'Brien in Manly (Vol. 1, No. 1, 1916, pp. 114-116), were also undertaken around this time:*

*'The football field has undergone many improvements at the hands of ardent sports committees. Much excavation of rock and sand has been done, thereby making the field sufficiently large for Australian Rules. Another improvement worth mentioning is the dressing-shed, or, as it is commonly called, the grandstand. The former shed was blown down in a wind storm . . .'*

*By this time, general upkeep and other maintenance costs were becoming a cause for concern. Thus, in 1914, it was decided:*

*' . . . That the outer fringe of college lands should be made available as revenue-producing to meet the upkeep of the palatial buildings which had been erected.' ("Manly", Vol. 6, No. 1, 1939, p.34).*

*Given that the condition of the grant forbade any on site development other than the erection of an Episcopal residence and buildings for the purpose of education, a*

*special Bill had to be passed through the New South Wales Parliament. The St. Patrick's College (Manly) Bill, enacted in 1914, allowed for the sub-division of approximately 21 acres 'running down to and overlooking Shelly Beach and Fairy Bower'. As noted in an advertisement in the Sydney Morning Herald (20 March 1915), allotments were offered on a leasehold basis on 27 March 1915, on the grounds. All rentals were annual and based on 5 per cent of the selling value over a period of 99 years. In terms of municipal development, the sub-division was well-timed: Manly was entering its second period of suburban boom.*

*Leaving aside developments in the sub-division, no further building activity seems to have occurred on the grounds until the 1930s.*

*Between 1934 and 1936 much in the way of construction took place. On 8 April, 1934 the foundation stone of the Cerretti Memorial Chapel was laid and blessed: the Chapel was consecrated on 14 November 1935 and officially opened 3 days later. (The designers were Hennessy, Hennessy and Co., architectural engineers of Sydney).*

*Construction of the Convent to the design of Ernest A. Scott, Green and Scott, Architects, was also undertaken in 1934, though the building was completed by the end of that year.*

*The large extension behind the eastern wing of the College also designed by Ernest A. Scott, Green and Scott, Architects was completed in 1935 and involved an additional two levels of student accommodation above an enlarged kitchen facility.*

### **1938-1995**

*Post World War II developments were substantial. Kelly House was built in 1954 for residential purposes; a swimming pool made of reinforced concrete was begun at the end of 1956 (after the old baths behind the Archbishop's Residence were ruined in a violent storm) and opened on 17 November 1957 (See "Manly", Vol. 9, No. 1, 1958, p.26); Gilroy House was opened in 1961 a brick addition was made to the convent in c1961; and St. Paul's High School was built in c1967 with further buildings added in the late 1970s.*

*The last alteration to the physical dimensions of the property was made in 1975, when a 25m to 30m foreshore area of the Estate at Spring Cove was donated by the Church to Manly Council, thereby providing a public walkway connecting Little Manly Point to Spring Cove. A block wall consistent in height with Estate stone walls was constructed on the new site boundary.*

*In 1986 Manly Council commissioned comprehensive Environmental Investigation and Heritage Studies of the St Patrick's Estate in preparation for the new LEP.*

*In 1988 Manly Council's LEP zoned the majority of land north of Darley Road Special Uses Seminary, the majority of land south of Darley Road Church Purposes and four*

*parcels of land within the Estate for residential development.*

*In 1993 the Church announced that the Seminary would be vacating the St Patrick's estate site in 1995.*

**1996 - 2002:**

*At the end of 1995 the Seminary moved from St Patrick's College, Manly, to a site in the vicinity of the Australian Catholic University at Strathfield. Between December 1995 and May 1996, College buildings comprising Moran House, the Pastoral Centre and Kelly House were conserved and adapted with new services throughout to accommodate the residential training college - International College of Tourism and Hotel Management, which has a lease over these buildings. The new College was opened in May 1996.*

*During this period the derelict concrete swimming pool and hand ball courts were demolished, and the landscaped setting in the immediate vicinity of the college buildings was repaired and its plantings enhanced.*

*Some religious artefacts relating to the Seminary including some statuary, two stained glass windows (the 'Rite of Tonsure' and 'Ordination of a Subdeacon') and the Stations of the Cross were moved with the Seminary to Strathfield.*

*The following developments have occurred on the site in recent times:*

*Construction of vegetative links as bandicoot supportive habitat in locations consistent with the 1995 CMP - 1997-1998. Construction of Bear Cottage Hospice for Children adjacent to Fairy Bower Road completed in 2001 construction of new attached dwellings and apartments in the eastern quarter amongst existing coastal honeysuckle trees (Banksia) and other trees; new housing in the northern quarter (adjacent to College Street which were due for completion April 2002) and minor upgrades to the garden itself.*

*In January 2007 consent was granted by Manly Council to redevelop precincts 4,5, 6 and 10 of the estate for residential use, including the Spring Cove portion of the Estate, which was subdivided into 22, later amended to be 21 lots. A number of buildings have been completed or are in differing stages of construction since (Weir Phillips, 2015, 4).<sup>3</sup>*

#### **4.2. Development of the subject site**

The subject site is a modern development constructed in the 21<sup>st</sup> century. As outlined above under the area history, In January 2007 consent was granted by Manly Council to redevelop precincts 4,5, 6 and 10 of the estate for residential use, including the Spring Cove portion of the Estate, which was subdivided into 22, later

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<sup>3</sup> Mosman Council, *A Brief History of Mosman*, accessed at: [A Brief History of Mosman | Mosman Council \(nsw.gov.au\)](https://www.mosman.nsw.gov.au/about-us/our-history), accessed August 2021.

amended to be 21 lots. A number of buildings have been completed or are in differing stages of construction since. The subject dwelling and site therefore dates from post 2007.



Figure 6: 1943 aerial of the subject site showing that the area is open land and bush on the wider St Patricks Estate.



Figure 7: Parish Map showing the subject site (Source: Higginbotham & Robinson, City of Sydney Archives).

## **5. Assessment of Significance**

### **5.1. Statement of Significance**

#### **The subject site**

Although the wider site has very high heritage significance, the subject site makes a very low contribution to the heritage context of the surrounding area. It forms part of an area of modern subdivisions and development, which has already been substantially developed with modern dwelling houses.

## **6. Proposed Development**

The proposed development provides minor alterations and additions for the addition of a pool and a retaining wall. The proposed pool will be located in the rear corner yard of the dwelling house. The pool would be surrounded by a retaining wall, and comprise paving and landscaping. The proposed pool will form part of an already developed landscaped rear garden, which currently comprises decks and terraces.

## 7. Heritage Impact Assessment

### General Discussion

#### Overall

- The proposed works will not result in any major changes to the overall dwelling or site.
- There will be no physical heritage impact as the area has already been substantially redeveloped, including in the rear yard for new landscaping and terrace.
- There will be no visual heritage impact as the proposed pool will be substantially hidden behind the new retaining wall and will form part of an area of modern development (the area was developed post c2007).
- There will be no impact on the heritage item located opposite the site, as the proposed pool is located in the rear yard and will be significantly screened from surrounding views.

### State Heritage Register – Standard Exemptions

**The proposal falls under Standard Exemption 3 as it involves the introduction of new fabric.**

#### *Alteration to non-significant fabric*

**The following specified activities/ works to an item do not require approval under subsection 57(1) if the specified activities/ works are undertaken in accordance with each of the relevant standards prescribed below:**

#### **Specified activities/works:**

- a) The alteration of an item involving the introduction of new fabric and/or the removal of non-significant fabric. Relevant standards:
- b) The specified activities/ works must not impact the heritage significance of the item.
- c) Significant fabric of the item must not be impacted.
- d) Relics must not be impacted. e) Work must not involve construction of extensions or additions where these may impact the item's setting, views to or from the item, obscure existing significant fabric, impact relics and/or impact significant landscape layout, landscape elements or vegetation.
- f) The positioning and size of walls, windows and doors is not altered.
- g) Significant finishes, surfaces (including flooring) and fixtures must not be impacted. h) Any new fabric must be sympathetic to but can be distinguished from the appearance, composition, detailing, size, position and finish of existing fabric.
- i) Non-significant fabric must be identified as non-significant fabric in the listing on the State Heritage Register or the gazetted Interim Heritage Order, or a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan,

Archaeological Management Plan or Aboriginal Place Management Plan or identified as non-significant fabric in written advice prepared by a suitably qualified and experienced heritage professional before it can be removed.

j) Installation of new fabric must be in accordance with the policies of a Conservation Management Plan, Conservation Management Strategy, Heritage Collections Plan, Archaeological Management Plan or Aboriginal Place Management Plan or in written advice prepared by a suitably qualified and experienced heritage professional before installation.

k) Any new fabric must not impact setting or views to or from the item, obscure existing significant fabric or limit access to existing fabric for future maintenance.

l) Any new penetrations must be:

i. limited in number; and ii. made through non-significant fabric or mortar joints only.

m) Any excavation must comply with Standard Exemption 8: Excavation relevant standards.

n) Any new fabric must not exacerbate the decay of existing fabric or risk the destruction of existing significant fabric due to chemical incompatibility, vibration, percussion or explosive flammability.

**Manly Local Environmental Plan (LEP) 2013**

Relevant provisions of the LEP 2013 and the proposed works compliance are considered below.

<b>5.10 Heritage Conservation</b>		
<b>(1) Objectives</b> The objectives of this clause are as follows: (a) to conserve the environmental heritage of Mosman (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.	The proposed works seek to conserve the environmental heritage of Manly. The proposed works will have no significant adverse physical or visual heritage impact on the identified contributory item or the surrounding conservation area. The proposed development will conserve the overall local heritage significance of the conservation area and its setting.	Complies.
<b>(2) Requirement for consent</b> <b>Development consent is required for any of the following:</b> (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area. (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, exposed, moved, damaged or destroyed. (e) erecting a building on land: (i) on which a heritage item is located or that is within a heritage conservation area.	The subject site is a State and Local heritage listed item. Development consent is required for the proposed works.	Complies.
<b>(4) Effect of proposed</b>	This report has found that the	Complies.

<p><b>development on heritage significance</b></p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>proposed development will result in a <b>neutral (negligible)</b> heritage impact on the physical fabric associated with the wider site and a <b>neutral (negligible)</b> heritage impact on the significance and visual setting of the wider area.</p>	
<p><b>(5) Heritage assessment</b></p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>This report is the heritage management document required by Council to ascertain the heritage impact of the proposed works.</p>	<p>Complies.</p>

**Manly Development Control Plan (DCP) 2013**

Relevant provisions of the DCP 2013 and the proposed works compliance are considered below.

DCP Control	Comments	Compliance
<b>Part 5 – St Patricks Estate Manly</b>		
<b>Objective</b>  1) To enhance and restore significant elements of heritage landscape. a) Before granting consent for any development, the consent authority is to be satisfied that the proposed development will not adversely affect conservation of the stone walls, retaining walls, steps, stone seats and other remnant garden elements relating to the historic use of St Patrick's Estate. b) Development is to protect the natural features of St Patrick's Estate, including rock shelves, flora and fauna, the natural topography and the drainage system. c) Residential forms should follow the natural topography of the land. d) In order to minimise the footprint of new development, drainage works and facilities must be incorporated, where possible, within or under the alignment of roads and other vehicular access ways.	The site does not share a physical or visual connection with the wider St Patricks Estate, as it forms part of a recently redeveloped area of the Estate. The rear garden has already been heavily modified for the subject dwelling house and landscaping works on the site. The significant buildings and elements of the wider site are substantially distanced from the subject site.	Not applicable.

## Conclusions and Recommendations

The site does not share a physical or visual connection with the wider St Patricks Estate, as it forms part of a recently redeveloped area of the Estate. The rear garden has already been heavily modified for the subject dwelling house and landscaping works on the site. The significant buildings and elements of the wider site are substantially distanced from the subject site.

The proposed development will result in a **neutral (negligible)** physical and visual heritage impact on the significance of the site and on the visual setting of the surrounding area.

The proposed works are minor works only to the rear yard and will provide for improved residential amenity on the site.

It is recommended that consent be granted for the proposed development. There are no further recommendations.