

---

**From:** Rebecca Warfield  
**Sent:** 20/12/2022 8:48:15 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** Emma McDonald; David Taylor; Tania van der Vegt  
**Subject:** TRIMMED: Submission to DA2022/1910 - 61 North Steyne, Manly  
**Attachments:** Diocese of Broken Bay - Submission to DA2022\_1910 - 61 North Steyne, Manly - 20 Dec 2022 (878161.1).docx;

Dear Mr Duncan,

Please find attached a submission by the Trustees of the Roman Catholic Church for the Diocese of Broken Bay and St Mary's Catholic Parish Manly regarding DA2022/1910 - 61 North Steyne, Manly from Emma McDonald, Diocesan Financial Administrator on behalf of the Trustees and the Parish for your consideration.

Kind regards,

**Rebecca Warfield**



Executive Officer to Diocesan Financial Administrator  
Office of Stewardship  
**CATHOLIC DIOCESE OF  
BROKEN BAY**

[Redacted]  
2/423 Pennant Hills Road, Pennant Hills  
PO Box 340 PENNANT HILLS NSW 1715  
[www.bbcatholic.org.au](http://www.bbcatholic.org.au)





20 December 2022

**Attention: Mr Maxwell Duncan**  
Development Assessment  
Northern Beaches Council  
PO BOX 82  
MANLY NSW 1655

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

Dear Mr Duncan,

**SUBMISSION TO DA/2022-1910 -61 NORTH STEYNE, MANLY**

This submission has been prepared by the Trustees of the Roman Catholic Church for the Diocese of Broken Bay on behalf of Manly Parish (**the Trustees**) to object to the current Development Application for 61 North Steyne, Manly (DA 2022/1910). The Trustees owns substantial landholdings adjacent to the site. The proposed development is considered to be an overdevelopment of the site with detrimental impacts on the current operation of Diocesan buildings including heritage listed St Mary's Catholic Church and presbytery and St Mary's Catholic School, a K-6 primary school.

Figure 1 site aerial with trustees landholdings in red + 61 North Steyne in blue



In summary, the Trustees would like to particularly note:

- The non-compliant height does not reflect the desired future character of the locality and sufficient planning grounds have not been provided to support the height exceedance;
- The non-compliant floor space ratio directly results from the non-compliant height proposed. As such, sufficient planning grounds have not been provided to support the Floor Space Ratio (FSR) exceedance; and

- The proposed height and FSR exceedances result in non-compliances with SEPP65 and the Apartment Design Guide (ADG).

Further reasoning is provided below for Council's consideration.

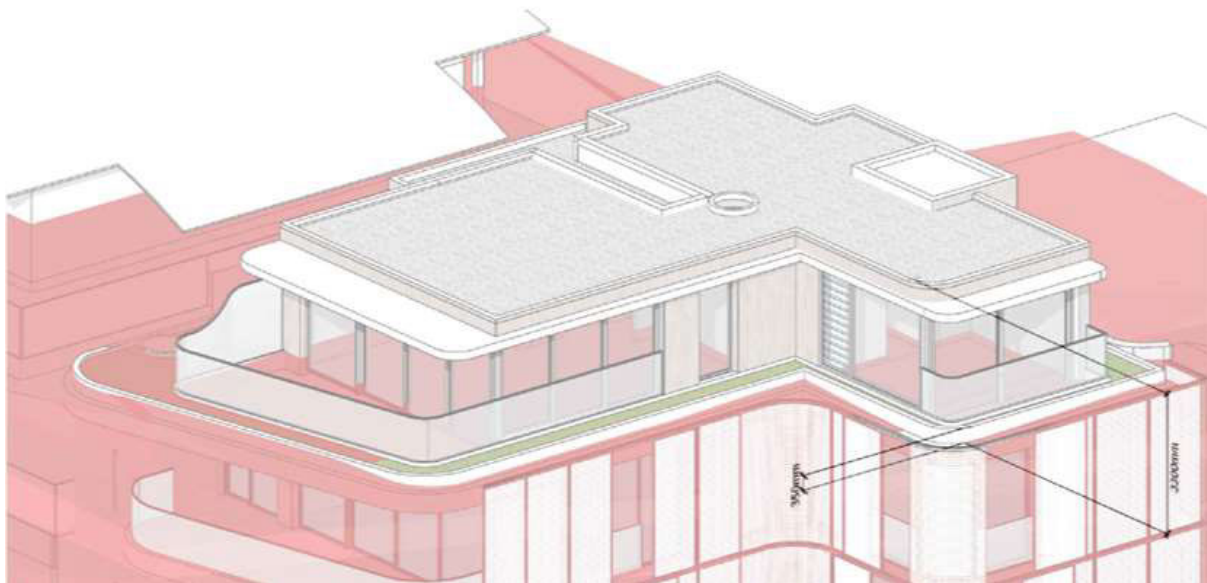
### **The non-compliant height does not reflect the desired future character of the locality**

A 13-metre height control applies to all development along North Steyne from Raglan Street to Bridge Road under the *Manly Local Environmental Plan 2013 (Manly LEP)*, including 61 North Steyne. That current height control anticipates a four storey residential built form. Notwithstanding the Manly LEP control, Section 4.1.2.2 of the *Manly Development Control Plan 2013 (Manly DCP)* limits development to 3 storeys. It is acknowledged that the Manly LEP height control prevails over the Manly DCP.

The current scheme results in a **five storey** development with the majority of the top level sitting above the height control (refer to **Figure 1**). While there is varied height along the street, the retention of the 13-metre height control in the Manly LEP identifies the **desired future character** of the area is to maintain medium density residential development along the Manly foreshore.

Section 4.1.2 of the Manly DCP also limits the wall height to 12 metres with all development beyond 12 metres to be setback from the street frontage. Both Levels 3 and 4 do not reflect this control which increases the overall bulk and scale of the development.

Figure 2 Extract of height plane showing Level 4 sits above the 13-metre height limit



Source: Platform Architects

The desired future character of the site should also consider the heritage significance of the Trustees' site. St Mary's Church, presbytery and school is identified as Local Heritage item 254. We acknowledge and support the comments within Council's heritage referral response which state:

*"It is noted in the PLM [pre-lodgement minutes] that the proposed bulk and scale was required to be reduced and articulation should be provided to the western portion of the norther elevation of the development: "...not complementary to the building adjacent to its west and the heritage listed item St Mary's Church, presbytery and school. Heritage recommends a reduction and further articulation to the bulk and scale of the proposed building to respond better to its context, considering the relationship with the heritage item and Pittwater Conservation Area within the vicinity." It is considered that the DA drawings do not respond to the heritage concerns in relation with the bulk and scale and the articulation.*



*Heritage conservation requires the retention of an appropriate visual setting, that contributes to the streetscape and considerations should be given to respect to the context, the heritage values of the adjacent building, the heritage item and the conservation area.*

*Therefore, Heritage require amendments to the proposal."*

As such, the proposed development does not reflect the desired future character of the site and should be amended to reduce the overall bulk and scale of the development.

#### **Sufficient planning grounds have not been provided to support the height exceedance**

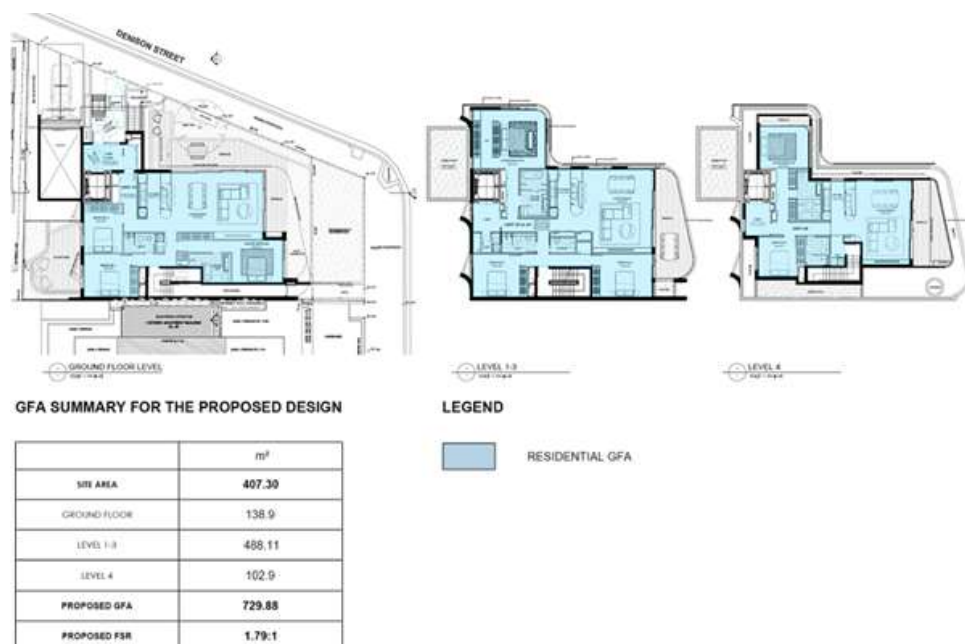
It is also noted that the Clause 4.6 Variation for Height relies on shadow analysis prepared by Platform Architects. The shadow analysis provided does not include lot boundaries or surrounding buildings beyond 1 Denison Street. As such, it is difficult to assess the impacts of both compliant and non-compliant overshadowing on the Diocesan landholdings. Based on information available, it is anticipated shadows associated with the non-compliant height will fall onto the main open space of the primary school adjacent to Francis Lane and the Parish presbytery adjacent to Raglan Street between 9.00am and 12.00pm. This would have detrimental impacts on the school site for both open play before the school day and at recess and on the presbytery more generally. Accordingly, we would suggest that an assessment against the relevant DCP controls (Section 3.4.1.1 of the Manly DCP) is undertaken to understand the impacts of the proposed built form on surrounding development.

Given the shadow impacts associated with non-compliant height, any impacts on the Trustees landholdings are considered unreasonable and unsupportable.

#### **The non-compliant floor space ratio directly results from the non-compliant height proposed. As such, sufficient planning grounds have not been provided to support the FSR exceedance**

A floor space ratio development standard of 1.5:1 applies to the site under the Manly LEP. Based on the GFA schedule prepared by Platform Architects (refer to Figure 2), if Level 4 was to be removed from the current scheme, the proposed development would result in a maximum GFA of 626.98sqm which results in a total FSR of 1.54. While this still results in a minor non-compliance of 16.03sqm, the majority of non compliant floor space currently proposed (102.9sqm) can be directly associated with Level 4 which remains above the 13 metre height development standard (refer to Figure 1 above).

Figure 2 Current GFA Schedule



Source: Platform Architects

**The proposed height and FSR exceedances result in non-compliances with SEPP65 and the ADG**

The Statement of Environmental Effects and SEPP 65 Report both acknowledge non-compliances with the ADG, which is a statutory consideration for all residential development. In particular:

- Communal open space is not provided within the proposed development;
- Minimal deep soil is provided (2.56%) and does not meet ADG requirement of 7% of the site area;
- Building separation to surrounding development (particularly 1 Denison Road) is not achieved.

If the bulk and scale of the proposed development was reduced to provide a compliant FSR and height (including setting back development beyond the 12 metre street wall and the removal of Level 4), additional deep soil on site can be accommodated as well as improved building separation to surrounding development.

Privacy is a critical matter for the Trustees given the use of the site as a primary school as well as other Diocesan uses.

The Trustees requests further amendments to the scheme to reduce bulk and scale and to reflect relevant ADG criteria, particularly building separation.

In summary, the Trustees does not support the proposed development of 61 North Steyne, Manly in its current form and requests Council seek amendments to the design to reduce impacts on surrounding development.

If you require further information, please feel free to contact **Tania van der Vegt** at

████████████████████ or ████████████████████

Regards,



**Emma McDonald**  
**Diocesan Financial Administrator**

cc: Fr David Taylor, Parish Priest, St Mary's, Manly  
Tania van der Vegt, Property Project Manager