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**Sent:** 2/06/2023 4:35:32 PM  
**Subject:** Submission re: DA2023/0020 48 & 50 Eurobin Ave, Manly  
**Attachments:** Stella Submission (2).pdf;

Please find attached a submission with regard to DA2023/0020

Thanks.

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**William Fleming**

Director



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2 June 2023

The General Manager  
Northern Beaches Council  
PO Box 82  
Manly, NSW 1655

**Attention: Jordan Davies**

**RE: DEVELOPMENT APPLICATION – DA2023/0020  
DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF NEW TEMPORARY  
DEMOUNTABLES; CHANGE OF USE TO AN EDUCATIONAL ESTABLISHMENT  
(SCHOOL)**

This additional submission is in response to the amended plans and documentation provided by the Applicants. The application continues to fail to demonstrate consistency with the objectives of the R1 zone which states that:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The applicants continue to provide justifications for the change of use that demonstrate why the School requires the proposed development. Namely, to facilitate the construction associated with their approved consent and provide temporary classrooms for their students. The applicants response to the additional information request details why the School needs the project but there has been no discussion as to how this site *specifically* meets the day to day needs of residents. Whatever facilities and services that are currently available to residents on the SP2 Educational Establishment are not relevant to the subject site. They are differently zoned and have different objectives.

I think it is important to provide detail as to what services and facilities they do provide to local

residents. In that regard I make the following points:

- The applicants response to additional information request states that:

*“School records show that 70% of the student population reside within a 5km radius of the Main College Campus.”*

The Stella Maris annual report for 2021 ([https://stellamaris.nsw.edu.au/wp-content/uploads/2022/03/Annual\\_Report\\_2021.pdf](https://stellamaris.nsw.edu.au/wp-content/uploads/2022/03/Annual_Report_2021.pdf)) states that *“Most students live within a radius of **15 kilometres** of the College and come from Catholic, government and Independent schools.”*

The School’s own reporting states that majority come for within 15km. Why not say that majority come from within 5km in their own annual reporting if it is truly 70% of the student population?

- Even if we take the Applicant’s at their word that 70% of the student population are within 5km it means that, based on a student population of 912 as detailed in 2021 annual report, approximately 273 families reside outside of 5km and even further.
- 24 of the students reported were international students. Stella’s enrolment policy limits placements for international students to 8% of the student population. With an approved capacity of 1150 students it means that it can provides education services for 92 students that are not even residents of Australia.
- The nature of the School is restrictive to who is eligible for enrolment. It does not provide services or use of their facilities to the general public. Firstly, it is a single sex school which already limits much of the residents ability to access the services. Secondly, it is faith based organisation which means the School is the gatekeeper as to who can be enrolled. Their considerations and preferences for students are detailed in their enrolment policy and states that:

### College's Considerations and Preference Criteria

When considering making offers of a place at the College, the College gives preference to:

- (a) students from local Catholic primary schools
- (b) sisters of students already at the College
- (c) daughters or granddaughters of former students of the College
- (d) students who are committed to the Catholic faith.

The College may also consider:

- (a) the commitment of the parents to enrolment of their daughter until the completion of her education in Year 12
- (b) evidence of a place at a similar Catholic school elsewhere in Australia if a family relocates from interstate or overseas
- (c) the pastoral needs of the student or her family
- (d) a student's and her family's willingness and ability to contribute to the wider life of the College
- (e) evidence of the student's leadership abilities and good character; and
- (f) the date of lodgment of the Registration Form.

Thirdly, it is cost prohibitive for many to afford the \$16k annual fee.

It is clear that this School cannot meet the day to day needs of residents unless you and can meet the very narrow enrolment standards of the School.

- As mentioned, the proposal is required to meet the needs to the School for its construction of the new building and they had stated that the intensity of the use is not increased by the proposal. That means that the only people who benefit from this proposal are those already associated with the School. There are no additional services being provided to residents nor can they use any of the School's facilities on the subject site.
- The Applicant's justification for the proposal is that they had no alternative other than to buy adjoining residential properties and changing the use to a School to facilitate construction. The poor construction management planning should not impact on the local residents. The objectives of the R1 zone clearly state it needs to provide facilities or services to meet the day to day needs of **residents**. Saying the School has no other options other than to buy residential sites for its own purposes is not good enough and does not satisfy this objective.

The Benedict Campus approval was predicated on the ability of students to move between campuses safely and limited to the seniors of the School who can be

unaccompanied.

Why can't additional temporary classrooms be facilitated on this site and have students be accompanied in that travel? Instead of having to buy residential properties why is it not an option to accompany the students travel to the Benedict Campus? Have a temporary shuttle bus type of service between the campuses? Hire external staff to accompany the student travel?

This is just a temporary situation and given the community strong objection to the current proposal the temporary disruption to parking for school staff is of little concern to local residents. It would be a lot cheaper than spending millions on residential properties as well.

- Given the above, I find it disingenuous for the Applicants to say that:

*Further, the proposed educational use on the site is entirely consistent with the Zone R1 objectives which include:*

*To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

*The proposal directly provides and supports a critical piece of community infrastructure which would provide for the education of children, to meet the day to day needs of residents. It is essential that schools are located within the community ensuring that equitable access to education is provided.*

This is not community infrastructure in the slightest. This is not a public school available to a wide spectrum of people. It is a very specific part of the community that can access these services and facilities. Census data tells us that fewer and fewer Australians are identifying as Christians and fewer identifying as Catholics. In this regard, the services this School provides will continue to be limited to a smaller and smaller section of the community as it is anticipated the trend of Australians moving away from organised religion will continue. This does not benefit the local residents at all.

- It is submitted that the Applicants have failed to demonstrate consistency with the R1

zone objectives and, as such, their clause 4.6 cannot be supported either. The reasoning provided against the objective of the zone is a rudimentary analysis against this objective which states that:

*“The proposed change of use of the New School Site to an educational establishment/school to be used in association with Stella Maris College will provide educational services to meet the day to day need of residents.*

*The proposed prefabricated temporary building will house students during works on the Main Campus, being the construction of the new Creative Arts Building. The temporary demountable building will replace existing GLAs on the Main Campus during this period (being approximately 24 months), minimising disruption to the College’s current operations whilst these vital works are undertaken. Following that the temporary demountable building will be removed from the New School site and made good (open space turf).”*

The only analysis against this objective is that it’s a school and residents need schools. This would be a very low bar to overcome to change the use to a School within a residential zoned area.

It would mean that Stella would have the ability to continue to buy adjoining properties, proposed temporary classrooms to facilitate construction on other sites, get the use approved and allow them to develop CDC buildings down the track without any community consultation required.

The applicants need to specifically identify how enabling this land use meets the day to day needs of residents in the local community in proximity to the School as they are the ones to be most impacted.

The rest of the analysis again speaks to why the School needs this development, not the residents, which is irrelevant to this objective.

- Section 3.36(6)(b) of the SEPP (transport and infrastructure) 2021 states that the consent authority must take into consideration:

*(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.*

The only people who can use the school facilities are those already enrolled in the School. No details have been provided against this clause by the Applicants. None of the Schools facilities on this specific site are shared with the local community.

Temporary demountable buildings and future private open space are not available facilities for the local community. It services the School's needs. It fails against this clause and the objectives of the R1 zone.

### **Possible Future Outcomes of the Site:**

The Applicants have provided a comparison of a potential CDC building opposed to a possible residential flat building. The comparative residential flat building provided has no relationship with the planning controls that apply to the site and is egregiously misleading. The issues the residential flat building they have shown are:

- The height development standard is 8.5m - not 9.5m. This anticipates a 2 storey built form. A 3.64 AHD flood planning level applies as well. There is no way to achieve a 3 storey form.
- No consideration of the 0.6:1 FSR development standard that applies to the site and would significantly reduce the bulk and scale of a potential building as opposed to what is shown. A boxed residential flat building is not a comparative analysis in the slightest.
- Manly DCP includes a density provision which would limit the site to 1 dwelling per 250m<sup>2</sup> of site area. This would mean that 4 dwellings (rounded up) would be anticipated on this site. 4 dwellings in this location would be a low intensity use compared to the proposed School use and would be much more desirable for the community in terms of additional variety and availability of housing stock. This proposal will remove the availability of housing in a highly desirable location permanently.

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### **Conflict with the DA232/2014 – Approved science and library building**

The approved landscape plan with DA232/2014 provided a landscaped strip along the boundary with 50 Eurobin Avenue and 4 Iluka Avenue. A modification application is required to amend the approved landscape plan.

This current application completely removes any need for landscaping that was approved with the 2014 consent. It will remove substantial landscaping that was described as a '*Native Buffer Planting*'. The 2014 application was approved, in part, with a landscape plan that provided replacement trees with regard to the 16 trees that were approved to be removed.

It is considered that this current proposal should be withdrawn to address the amendments required to the 2014 consent to facilitate the current proposal on the adjoining site. It would now reduce the number of native trees proposed on the adjoining Stella site from the approved consent.

### **Temporary Use**

The proposed development provides for a temporary use of the site for classrooms to facilitate the construction on an adjoining property. The proposal is consistent with the objective of clause 2.8, temporary use of land, which states that:

*The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*

While it is acknowledged that a temporary change of use under this clause is restricted to 52 days in any 12 month period, however the proposed development meets the objectives of this clause and it is a reasonable request to place a restriction on the period of time the use is required to facilitate construction. The proposal has no impact on the future development potential of the site and will be reverted to open space once the construction is complete.

If the School is genuine about their commitment to "consult widely with the local community to ensure the best outcome not only for the College but for the surrounding residents" then this should not come as an unreasonable request. What the residents do not want to see occur is

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the use approved and then a CDC issued for new development where they have no mechanism to have their concerns heard and considered.

### **Conclusion**

We reiterate our strong objection to the School's encroachment into residentially zoned areas that serves no benefit to the wider local community and solely benefits the School. We know that the School intends to expand further into residential zoned areas and it is those residents within proximity of the School that will be impacted severely by this expansion and have their community changed permanently.

If this is approved there would be very little to stop the School continuing to buy adjoining properties and expand their campus. They can continue to grow out into residential zoned areas and propose demountable's to get the use approved simply based on a need for additional classrooms. It results in a precedence being set that simply being a school means you automatically meet the day to day needs of residents without the specific characteristics of the School being a factor or its impact to the residential character of the area. This proposal would ruin the residential nature of the area which includes heritage items. Continued development of the School into residential zones will remove viable housing stock in a highly desirable location and change the residential character of the locality permanently

This area of Manly is not suitable for a large School Campus as it will completely change the character of the area as it continues to want to expend. Residential zones should be protected from this encroachment.

**William Fleming**

**BOSTON BLYTH FLEMING**

BS, MPLAN