



New South Wales

Manly Local Environmental Plan 1988 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S97/01883/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

Manly Local Environmental Plan 1988 (Amendment No 24)

1 Name of plan

This plan is *Manly Local Environmental Plan 1988 (Amendment No 24)*.

2 Aims of plan

- (1) This plan aims to:
 - (a) protect the significant heritage values of the St Patrick's College Estate (*the Estate*), and
 - (b) reinforce the significance of the Estate and its role as a buffer area between the adjoining National Park and the adjacent urban areas, and
 - (c) allow residential development on certain land, and
 - (d) maintain the natural and cultural landscape qualities of the Estate, and
 - (e) protect the water quality of Spring Cove and Cabbage Tree Bay and sustain the existing natural drainage system, and
 - (f) permit uses within the heritage buildings on the Estate that are compatible with their historic significance, and
 - (g) allow the carrying out of extensions and additions to the principal heritage buildings within the Estate identified as "buildable areas" and other development of a minor nature, and
 - (h) ensure development on land to which this plan applies that is within the Residential Zone under *Manly Local Environmental Plan 1988 (the 1988 plan)* integrates with the established landscape and has minimal environmental impact on the heritage significance of the Estate and its flora and fauna.
- (2) The strategy used for attaining those aims is:
 - (a) to add provisions to the 1988 plan declaring objectives for development of the Estate and requiring development of that land to promote those objectives by being consistent with controls relating to all development of that land, and

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- (b) to make more specific provisions for development of that land, including provisions for development of particular Precincts.

(See new clause 35 and Schedule 11)

This strategy is particularly aimed at protecting both the natural and built heritage of the Estate.

- (3) This plan also amends the definitions of *the map* and *item of the environmental heritage* in the 1988 plan:
 - (a) to update the zoning of so much of St Patrick’s Estate as is currently zoned Special Uses—Seminary by rezoning the land mainly to a new Special Uses (Seminary—Heritage) Zone and partly to the Residential Zone under the 1988 plan, and
 - (b) to rezone such of the land currently zoned Special Uses—Church Purposes as is in identified Precincts 6 and 10 to the Residential Zone under the 1988 plan, and
 - (c) to identify two items of the environmental heritage so that provisions of the 1988 plan promoting heritage conservation will apply to them.

Note. The location of each Precinct is shown on Sheet 1 of the supporting map which is marked “Manly Local Environmental Plan 1988 (Amendment No 24)” and Precincts are shown in greater detail on Sheets 4 and 5 of that map.

The rezoning is shown on Sheet 2 of that map. The locations of the new heritage items are shown on Sheet 3 of that map.

The map is available for inspection at the office of Manly Council.

3 Land to which plan applies

This plan applies to land situated in the local government area of Manly at St Patrick’s Estate, in the locality of North Head, as shown edged heavy black on Sheet 1 of the map marked “Manly Local Environmental Plan 1988 (Amendment No 24)” deposited in the office of Manly Council.

4 Amendment of Manly Local Environmental Plan 1988

Manly Local Environmental Plan 1988 is amended as set out in Schedule 1.

2002 No 836

Manly Local Environmental Plan 1988 (Amendment No 24)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Interpretation

Insert in appropriate order in the list of amending maps at the end of the definition of *item of the environmental heritage* in clause 7 (1):

Manly Local Environmental Plan 1988 (Amendment No 24)—Sheet 3

[2] Clause 7 (1), definition of “the map”

Insert in appropriate order in the list of amending maps at the end of the definition:

Manly Local Environmental Plan 1988 (Amendment No 24)—Sheet 2

[3] Clause 9 Zones indicated on the map

Insert in appropriate order:

Zone No 5 (s) Special Uses (Seminary—Heritage)
Zone—coloured yellow with blue edging and red lettering

[4] Clause 10 Zone objectives and development control table

Insert in appropriate order in the Table to the clause:

Zone No 5 (s) Special Uses (Seminary—Heritage) Zone

1 Objectives of zone

The objectives are:

- (a) to permit development that is compatible with the preservation, restoration and maintenance of items of the environmental heritage,
- (b) to allow extensions and additions to the principal heritage buildings within the zone,
- (c) to protect vistas to and from those principal heritage buildings,

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- (d) to permit development ancillary to the principal use within the zone,
 - (e) to preserve and protect the grounds of St Patrick's Estate, consistent with the pre-eminence of the principal heritage buildings when viewed from within the site, and from surrounding areas and vantage points,
 - (f) to conserve and enhance the indigenous wildlife habitat within the Estate,
 - (g) to conserve the landscape, as well as the natural drainage system,
 - (h) to enhance and restore significant elements of heritage landscape,
 - (i) to preserve and protect the landscape as habitat for the long nosed bandicoot.

2 Without development consent

Nil.

3 Only with development consent

- (a) **Within Moran House, the Cerretti Chapel, St Therese's Convent and buildable areas identified on Sheet 4 of the map marked "Manly Local Environmental Plan 1988 (Amendment No 24)":**

Child care centres; churches, church purposes; drainage works and facilities; educational establishments; roads; seminaries; utility installations other than generating works or gas holders.

- (b) **Within Precincts 7 and 14 identified on Sheet 1 of the map marked "Manly Local Environmental Plan 1988 (Amendment No 24)":**

Drainage works and facilities, landscaping, roads and swimming pools (all of which are ancillary to the principal use of Moran House, the Cerretti Chapel or St Therese's Convent); tennis courts; utility installations other than generating works or gas holders.

4 Prohibited

Any purpose other than those included in item 3.

2002 No 836

Manly Local Environmental Plan 1988 (Amendment No 24)

Schedule 1 Amendments

[5] Clause 35

Insert after clause 34:

35 St Patrick's Estate

(1) **Land to which clause applies**

This clause applies to the land shown edged heavy black on Sheet 1 of the map marked "Manly Local Environmental Plan 1988 (Amendment No 24)", which is referred to in this clause as *St Patrick's Estate*.

(2) **Precincts**

For the purposes of this plan, St Patrick's Estate is divided into *Precincts* which are shown on Sheet 1 of that map.

(3) **Planning objectives for St Patrick's Estate**

The objectives for development of St Patrick's Estate are set out in Part 1 of Schedule 11.

(4) **Controls for all development**

The controls for all development within St Patrick's Estate are set out in Part 2 of Schedule 11.

(5) **Additional controls for development within certain Precincts**

Additional controls for some of the Precincts are set out in Part 3 of Schedule 11.

(6) **Scheme for development**

Consent may be granted for development of land within St Patrick's Estate only if the consent authority is satisfied that the development will:

- (a) allow achievement of the planning objectives for St Patrick's Estate, and
- (b) be carried out in accordance with such of the controls for all development within St Patrick's Estate, and for development within the Precinct in which the land is situated, as are relevant to the proposed development.

(7) **Preservation of natural and built environmental heritage**

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 and steps relating to the historic use of St Patrick's Estate.

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- (8) Consent may be granted for development in Precinct 11 only if the consent authority has considered a heritage impact statement relating to the impact of the proposed development on the Archbishop's Residence and a visual impact statement and is satisfied that:
- (a) the development will be subordinate and sympathetic to the Archbishop's Residence, and
 - (b) the development will not intrude upon views to the Harbour within the 60 degree view cone from the steps of the Archbishop's Residence shown on *Concept Development Plan No 2 (the concept development plan)*, being Sheet 5 of the map marked "Manly Local Environmental Plan 1988 (Amendment No 24)", and
 - (c) views back to the Archbishop's Residence will be protected within that 60 degree view cone for the initial 60 metres from its apex, and
 - (d) no building resulting from carrying out the proposed development will protrude above the plane formed by producing straight lines extending from the midpoint of the steps of the Archbishop's Residence to the top of the terrace, as shown on the concept development plan.
- (9) Consent may be granted for development in Precincts 12 and 13 only if:
- (a) the consent authority has taken into consideration a bandicoot amelioration strategy and management plan applying to the subject land, and
 - (b) the consent authority is satisfied that there will not be a significant impact on the natural and cultural heritage significance of St Patrick's Estate.
- (10) **SEPP 1**
State Environmental Planning Policy No 1—Development Standards does not apply to any requirement made by use of the expression "must" or "must not" in Schedule 11.
- (11) **SEPP 5**
State Environmental Planning Policy No 5—Housing for Older People or People with a Disability does not apply to land to which this clause applies.

2002 No 836

Manly Local Environmental Plan 1988 (Amendment No 24)

Schedule 1 Amendments

[6] Schedule 4 Items of the environmental heritage

Insert under the heading “*Landscape Items*” after the entry for St Patrick’s College stone walls in Part (A):

Stone building	within St Patrick’s Estate, North Head
Stone wall	within St Patrick’s Estate, North Head

[7] Schedule 11

Insert after Schedule 10:

Schedule 11 St Patrick’s Estate

(Clause 35)

Part 1 Objectives

- 1 To protect the heritage significance, including the natural and cultural heritage values, of St Patrick’s Estate.
- 2 To ensure that any future development (including any new building, and any addition or alteration to an existing structure) is on a smaller scale than, and does not detract from the heritage significance of, Moran House, the Cerretti Chapel, St Therese’s Convent and the Archbishop’s Residence.

Part 2 Controls relating to all development

- 3 New buildings and extensions must be subordinate in scale and built form to the closest principal heritage building. The *principal heritage buildings* are Moran House (formerly the St Patrick’s Seminary building), the Cardinal Cerretti Memorial Chapel, the Cardinal Freeman Pastoral Centre, St Therese’s Convent (excluding the addition of the 1960s) and the Archbishop’s Residence.

- 4 New buildings, and extensions or additions to the principal heritage buildings, are to be constructed of the same kinds of materials as were used in the original construction of the principal heritage buildings or of materials that are sympathetic to those original materials (These materials include sandstone, iron, slate, timber, brick and cement render finishes).
- 5 New buildings may be constructed in Precincts 7 and 14 only within the “buildable area” identified on the *Concept Development Plan* (Sheets 4 and 5 of the map marked “Manly Local Environmental Plan 1988 (Amendment No 24)”).
- 6 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.
- 7 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.
- 8 Buildings must be set back at least 10 metres from the National Park boundary.
- 9 Residential forms should follow the natural topography of the land.
- 10 Any new fencing of or within St Patrick’s Estate, including the fencing of private landholdings within the Estate, is to allow movement of the bandicoot population within the Estate, and between the Estate and the adjoining land (that is to say, the fencing is to provide for free circulation and not impede access).

Part 3 Controls relating to development within particular Precincts

11 Precinct 1

(1) **Vehicular access**

Vehicular access must be obtained from College Street. There must not be any vehicular access from Precinct 1 directly to Bower Street.

2002 No 836

Manly Local Environmental Plan 1988 (Amendment No 24)

Schedule 1 Amendments

- (2) **Building density**
Development must not be carried out if it would result in a total of more than 13 dwellings in Precinct 1.
- 12 **Precinct 3**
- Building density**
Development must not be carried out if it would result in a total of more than 44 dwellings in Precinct 3.
- 13 **Precincts 4, 5, 6, 10 and 11**
- (1) Development is prohibited if it would prevent or impede the restoration or reinstatement of the historic central axial pathway and steps from the Archbishop's Residence to Spring Cove and including access to Spring Cove, as shown on *Concept Development Plan No 2*.
- (2) In particular, a building must not be erected within 5 metres of the centreline of the axial pathway.
- (3) **Building density**
Development must not be carried out if it would result in a total of more than 38 dwellings in Precincts 5, 6 and 10.
- 14 **Precinct 4**
- (1) **Building setback**
All buildings must be set back not less than 10 metres from Darley Road.
- (2) **Building height**
Buildings are not to exceed 2 storeys wholly above ground level.
- 15 **Precinct 5**
- Building height**
Buildings are not to exceed 2 storeys wholly above ground level.
- 16 **Precinct 6**
- (1) **Building setback**
All buildings must be set back not less than 5 metres from the boundary of the Precinct with residential properties adjoining St Patrick's Estate.

- (2) **Building height**
Buildings are not to exceed 2 storeys wholly above ground level.

17 **Precinct 10**

- (1) **Building density**
Development must not be carried out if it would result in more than 24 dwellings in Precinct 10.
- (2) **Building setback**
All buildings must be set back not less than 5 metres from land zoned Open Space at Spring Cove, and from the boundary of the Precinct with residential properties adjoining St Patrick's Estate.
- (3) **Building height**
Buildings are not to exceed 2 storeys wholly above ground level.

18 **Precinct 11**

- (1) **Building setback**
All buildings must be set back not less than 10 metres from Darley Road, and from the boundary of the Precinct with residential properties adjoining St Patrick's Estate.
- (2) **Building height**
Buildings are not to exceed 2 storeys wholly above ground level.

19 **Precinct 12**

- (1) **Building density**
Development must not be carried out if it would result in more than 24 dwellings in Precinct 12.
- (2) **Height**
A building must not be erected so that any part of the building exceeds RL75.4m AHD.
- (3) **Built form**
Buildings in Precinct 12 must repeat the built form of, and be constructed of the same kinds of materials as, buildings in Precinct 3.

2002 No 836

Manly Local Environmental Plan 1988 (Amendment No 24)

Schedule 1 Amendments

20 Precinct 13

- (1) **Building density**
Development must not be carried out if it would result in more than 13 dwellings in Precinct 13.
- (2) **Setback**
All buildings are to be set back:
 - (a) not less than 5 metres from the northern boundary of the Precinct with residential properties adjoining St Patrick's Estate, and
 - (b) not less than 10 metres from the boundary between the Precinct and Precinct 14.
- (3) **Height**
A building must not be erected so that any part of the building exceeds RL51m AHD.
- (4) **Vehicular access**
Vehicular access must be obtained from College Street. There must not be any vehicular access from Precinct 13 directly to Bower Street.

BY AUTHORITY