

To rezone lands from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure (educational establishment) under Ashfield Local Environmental Plan 2013

Proposal Title : To rezone lands from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure (educational establishment) under Ashfield Local Environmental Plan 2013

Proposal Summary : The primary intention of the planning proposal is to rezone land predominantly owned by Presbyterian Ladies' College (PLC Sydney) from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure (educational establishment) to reflect the consistent use of SP2 zone for Schools across the Ashfield LGA and to facilitate the development of a new Junior School. Specifically, the planning proposal seeks to:

- rezone land at 4, 6, 8, 10 and 12 College Street and 114 Edwin Street North, Croydon from R2 Low Density Residential to SP2 Infrastructure (educational establishment);
- rezone land at 2 College Street, Croydon from B2 Local Centre to SP2 Infrastructure (educational establishment);
- increase the maximum permissible building height controls from 8.5m (for 4, 6, 8, 10 and 12 College Street, Croydon) and 10m (for 2 College Street, Croydon) to 14m; and
- amend the floor space ratio (FSR) controls from 0.7:1 (for 4, 6, 8, 10 and 12 College Street, Croydon) and 1.5:1 (for 2 College Street, Croydon) to 1:1 FSR.

PP Number : PP_2015_ASHFI_001_00 **Dop File No :** 15/02843

Proposal Details

Date Planning Proposal Received :	24-Feb-2015	LGA covered :	Ashfield
Region :	Metro(CBD)	RPA :	The Council of the Municipality of
State Electorate :	STRATHFIELD	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	2 College Street		
Suburb :	Croydon	City :	Sydney
Land Parcel :	Lot 1 Part Lot DP 1196849		
Street :	4 College Street		
Suburb :	Croydon	City :	Sydney
Land Parcel :	Lot 1 Part Lot DP 1196849		
Street :	6 College Street		
Suburb :	Croydon	City :	Sydney
Land Parcel :	Lot 1 Part Lot DP 1196849		
Street :	8 College Street		
Suburb :	Croydon	City :	Sydney
Land Parcel :	Lot 10 DP 1065816		

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Street : **10 College Street**
 Suburb : **Croydon** City : **Sydney** Postcode : **2132**
 Land Parcel : **Lot 1 Part Lot DP 1196849**
 Street : **12 College Street**
 Suburb : **Croydon** City : **Sydney** Postcode : **2132**
 Land Parcel : **Lot 1 Part Lot DP 1196849**
 Street : **114 Edwin Street North**
 Suburb : **Croydon** City : **Sydney** Postcode : **2132**
 Land Parcel : **Lot 1 Part Lot DP 1196849**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			

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Have there been meetings or communications with registered lobbyists? **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : PLC Sydney owns 2, 4, 6, 10, 12 College Street and 114 Edwin Street, Croydon. These sites are currently used for educational purposes, as part of PLC Sydney. The land at 8 College Street, however, is privately owned and is used for residential purposes.

PLC Sydney requested Council to rezone the land owned by the School. However, Council has proposed to rezone the entire precinct as SP2 Infrastructure including 8 College Street.

The new approach to infrastructure zoning, as per Practice Note PN10-001 (Zoning for Infrastructure in LEPs) states that the majority of infrastructure sites should be zoned as per the adjoining zone if the use is permitted under the LEP or the Infrastructure SEPP, however, schools considered as 'strategic sites' can be zoned SP2 Infrastructure. In addition, on 17 November 2011, the Local Planning Panel recommended that councils be allowed the flexibility to zone infrastructure sites either as per the adjoining land use zoning or as SP2 Infrastructure. Most of the educational establishments in Ashfield LGA are zoned SP2 Infrastructure, including that portion of the main PLC Sydney campus which is located in the Ashfield LGA.

External Supporting Notes : PLC Sydney requested Council to rezone the land owned by the School at 2, 4, 6, 10 and 12 College Street, and 114 Edwin Street, Croydon. However, Council has proposed to rezone the entire precinct as SP2 Infrastructure including 8 College Street, Croydon.

The owner of 8 College Street requested Council to rezone the site as B2 Local Centre to match the current zoning of properties on the opposite side of College Street. However, Council did not support the request, as there is no rationale that would justify an extension of the current B2 zone on the opposite side of College Street.

Council has requested delegation to make the LEP and has submitted 'Attachment 4 – Evaluation Criteria For Delegation', which is supported.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The intention of the planning proposal is to rezone the school precinct from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure (educational establishment) to reflect the consistent use of the SP2 zone for Schools across the Ashfield LGA and to facilitate the development of a new Junior School.

The statement of objectives is considered adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The planning proposal seeks to amend Ashfield Local Environmental Plan 2013 (LEP) by amending the following maps for the subject land at Croydon:

- amend the Land Zoning Map to rezone land at 4, 6, 8, 10 and 12 College Street and 114 Edwin Street North from R2 Low Density Residential to SP2 Infrastructure (educational establishment);

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- amend the Land Zoning Map to rezone 2 College Street from B2 Local Centre to SP2 Infrastructure (educational establishment);
- amend the Floor Space Ratio Map to increase the FSR for 4, 6, 8, 10 and 12 College Street from 0.7:1 to 1:1;
- amend the Floor Space Ratio Map to decrease the FSR for 2 College Street from 1.5:1 to 1:1;
- amend the Height of Buildings Map for 4, 6, 8, 10 and 12 College Street from 8.5m to 14m; and
- amend the Height of Buildings Map for 2 College Street from 10m to 14m.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Direction 1.1 Business and Industrial zones:

The proposed rezoning of B2 Local Centre to SP2 Infrastructure would not result in any reduction of employment land, as Lot 2 College Street, has been owned by PLC Sydney since 1996, and will continue to be used as part of the School. This inconsistency is therefore considered minor and justifiable.

Direction 2.3 Heritage Conservation:

The planning proposal seeks to rezone 114 Edwin Street North, which is a local heritage item listed under the Ashfield LEP. This rezoning will reflect the existing use of the site as part of the School. It is considered that the planning proposal is consistent with this Direction, as the proposed rezoning will not impact on the heritage significance of the site.

Direction 3.1 Residential zones:

The planning proposal is inconsistent with this Direction as it is seeking to rezone various lands from R2 Low Density Residential to SP2 Infrastructure (educational establishment). However, with the exception of 8 College Street, all other lands are owned by PLC Sydney and have been used as part of the School for many years. Council supports the School's view that the current residential zoning is not suitable for the use, and the residential zone objective is inconsistent with the future development proposed within the boundary of the School campus. Only Lot 8 College Street, not

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owned by the School, will continue to be used indefinitely for residential purposes. As no reduction in residential use would occur as a result of the planning proposal, the inconsistency is considered minor and justifiable.

Direction 3.4 Integrating Land Use and Transport:

This Direction is considered to be relevant to the planning proposal, although it is not identified by Council. The planning proposal is consistent with the general objectives listed under this Direction.

Direction 4.1 Acid Sulphate Soils:

In general, no areas are identified in Ashfield LEP as having a probability of containing acid sulfate soils. However, a preliminary geotechnical investigation report confirmed that the soil and rock conditions across the subject sites are generally slightly acidic, with low concentration of sulfate and chloride. Considering any future development on the site would be assessed against potential acid sulfate conditions at the development application stage, the inconsistency is considered to be minor and justifiable.

SEPP 55 Remediation of Land:

Stage 1 preliminary Environmental Site Assessment (ESA) for the proposed new Junior school development on the subject site found that the potential for soil and groundwater contamination is low to moderate and that stage 2 ESA should be undertaken at the development application stage to further assess the potential for contamination. Any development application lodged for redevelopment within the site will enable the appropriate consideration of any contamination in accordance with the SEPP.

The planning proposal is consistent with all other identified SEPPs and s117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes the following maps relevant to the subject lands:

- current and proposed Land Zoning Map;
- proposed Floor Space Ratio Map; and
- proposed Height of Buildings Map.

Council is to further include current Floor Space and Height of Building maps that identify the existing development controls on the subject land in the planning proposal document.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Preliminary community consultation was carried out by Council from 13 August 2014 to 19 September 2014 to get community feedback on the planning proposal. In total 9 objections were received in response to the planning proposal.

Issues raised include adverse heritage impact, further expansion of school, unsympathetic development resulting from new zone, rezoning is unnecessary, removal of tree and increased traffic and parking problem. All issues raised in submissions are addressed in the Council's report dated 9 December 2014.

Council has proposed a community consultation period of 28 days for the planning proposal. Given the nature of the proposal and communities' concerns, a 28 day consultation is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Ashfield LEP 2013 was published on 23 December 2013.

Assessment Criteria

Need for planning
proposal :

The intention of the planning proposal is to consolidate the zoning of the PLC School precinct and enable development of a Junior School by:

- rezoning various sites to SP2 Infrastructure (educational establishment);
- assigning new development controls for various sites; and
- retaining current development controls for 114 Edwin Street.

PLC Sydney owns 2, 4, 6, 10 and 12 College Street and 114 Edwin Street, Croydon which are currently zoned R2 Low Density Residential and B2 Local Centre. The existing buildings on these sites are not used for residential or commercial purposes and form part of the PLC Sydney campus. Only 8 College Street is privately owned and is currently used for residential purposes.

PLC Sydney intends to redevelop the south - eastern part of its land for a new Junior School, as part of the PLC Sydney campus. The Infrastructure SEPP allows development within the existing school boundary under complying development, if certain development standards are met. However, the anticipated development is inconsistent with the Infrastructure SEPP's complying development standards. In addition, the Infrastructure SEPP allows the development of educational establishments in R2 Low Density Residential zone with Council's consent. However, the R2 Low Density Residential zone objectives and the relevant Development Control Plan (DCP) controls are inconsistent with the scale of the proposed Junior School development and requires substantial variations which could not be supported by Council.

In order to reflect the primary use of the School land and to facilitate the Junior School development, the proposed rezoning of PLC Sydney owned lands to SP2 Infrastructure (educational establishment) is considered appropriate.

The remaining property, 8 College Street, which is separated from other residential zones by SP2 Infrastructure (educational establishment) and B2 Local Centre zones, is proposed to be rezoned SP2 Infrastructure (educational establishment) to reflect the use of the precinct for educational purposes. Council supports the consolidation of the whole precinct as SP2 Infrastructure (educational establishment). Council is of the opinion that the existing use rights can provide for the continuation for the existing residential use of the site. As an alternative, Council has suggested adding a 'dwelling house' as a permissible use for the site under Schedule 1 Additional permitted uses, to preserve the ongoing use of 8 College Street for residential purposes.

The rezoning of 8 College Street to SP2 Infrastructure (educational establishment) is not supported by the Department as associated land acquisition requirements have not been considered. In accordance with the Department's Practice Note PN11-002, where land is reserved for public infrastructure purposes, the land is to be outlined and annotated on the Land Reservation Map. Whilst the land is privately owned, placing the land on the Land Reservation Map would require identifying and committing a public authority to acquire

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the land.

The planning proposal is also seeking to introduce appropriate development standards for the sites zoned SP2 Infrastructure (educational establishment), as opposed to no development controls, which is the general approach taken for SP2 Infrastructure (educational establishment) zone.

The planning proposal seeks to increase the maximum permissible building height controls from 8.5m and 10m to 14m and amend FSR from 0.7:1 and 1.5:1 to 1:1 for 2, 4, 6, 8, 10 and 12 College Street. The land surrounding the subject land is B2 Local Centre (with 1.5 FSR and 10m building height controls) and SP2 Infrastructure (educational establishment) (with no FSR or building height controls).

The proposed development controls, 1:1 FSR and 14m building height, for 2, 4, 6, 8, 10 and 12 College Street align with the School's future intentions for the land and also integrate well with the adjoining development controls and the surrounding heritage items. The proposed development controls would have minimum impact on the heritage significance of the area. This approach would also assure the community on the future built form outcomes on these sites and is supported.

The existing development controls (0.7:1 FSR and 8.5m building height) for land at 114 Edwin Street is proposed to be retained. This is supported, given the heritage listing of the site and its proximity to the adjoining residential zone.

The proposed development controls are supported, with the exception of 8 College Street, Croydon, which is to be removed from the proposal for rezoning and amended height of building and FSR controls.

Consistency with strategic planning framework :

The planning proposal responds positively to A Plan for Growing Sydney by facilitating educational establishments and being consistent with Action 1.10.1 which assist other state agencies to identify and plan for new school sites. The proposal is generally consistent with other goals and actions of the Plan.

The proposal is not inconsistent with the vision and principles outlined in the draft Ashfield Community Strategic Plan 2023.

Environmental social economic impacts :

Environmental:

Given the proposal's urban location, it will not result in any negative impact on critical habitat or threatened species, populations or ecological communities or their habitats.

The subject sites are surrounded by local heritage items including 112 Edwin Street and 15 College Street, the Edwin Street North conservation area and the State significant Croydon Railway Station Group. It is considered that the proposed rezoning and alterations to height and floor space controls will not have any negative impact on the heritage significance of the area. However, any future development on the subject sites should be carefully assessed against the surrounding heritage items at the development application stage.

As previously discussed, preliminary studies have identified the potential for acidic soils and soil and groundwater contamination. Any future development on the site would therefore be assessed against potential acid sulfate soil conditions in accordance with section 117 Direction 4.1 Acid Sulphate Soils, and contamination in accordance with SEPP 55 Remediation of Land.

Social:

The use of the subject sites will continue to remain as part of the school for educational purposes. The existing buildings may be demolished and replaced with contemporary educational facilities which will have a positive effect on the community.

Economic:

The proposed new Junior School development will contribute to the employment in the

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area resulting in economic activation of the local area.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **Department of Education and Communities
Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
PLC PP Cover Letter Feb 2015.pdf	Proposal Covering Letter	Yes
Preliminary Environmental Site Assessment Report Feb 2015.pdf	Study	Yes
Delegation Evaluation Criteria Response.pdf	Proposal	No
Additional information - Heritage.pdf	Study	No
Planning Proposal submitted for Gateway Determination.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**

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- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

It is recommended that the planning proposal proceed, subject to the following conditions:

1. The planning proposal be exhibited for a minimum of 28 days.
2. The planning proposal be completed within 9 months of the Gateway Determination.
3. The plan making function be delegated to Ashfield Council.
4. Consultation with the following Government agencies is required:

- Office of Environment and Heritage
- Department of Education and Communities

The RPA should also be advised that:

5. No additional studies are required to be carried out.
6. Prior to exhibition, the planning proposal and maps should be updated to remove inclusion of 8 College Street, Croydon.
7. Prior to exhibition, the planning proposal should be updated to include current Height of Building and Floor Space Ratio maps that identify the existing development controls on the subject land.
8. The Secretary's delegate agrees the inconsistencies with Directions 1.1 Business and Industrial zones, 3.1 Residential zones and 4.1 Acid Sulfate Soils are of minor significance.

Supporting Reasons :

The planning proposal reflects the primary use of the subject land as an educational establishment under the Ashfield LEP as all other similar lands in the LGA, and also facilitate the development of a new Junior School, as part of the PLC Sydney campus.

Signature:



Printed Name:

Diane Sarkies

Date:

27/3/15

