

**PLANNING PROPOSAL TO REZONE LAND
FROM R2 LOW DENSITY RESIDENTIAL
AND B2 LOCAL CENTRE
TO SP 2 INFRASTRUCTURE
UNDER ASHFIELD LOCAL
ENVIRONMENTAL PLAN 2013**



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9th December 2014**

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1.0 INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to the Ashfield Local Environmental Plan 2013 (the ALEP) to rezone land from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure in conformity with the zoning of other parts of the PLC school campus and including application of appropriate development standards.

It has been prepared in accordance with Section 55 of The Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning and Environment guides including “A Guide to Preparing Planning Proposals” and “A Guide to Preparing Local Environmental Plans”.

This report outlines the characteristics of the planning and zoning framework of the ALEP 2013. An objection to the zones presently applying to the sites was made during the exhibition period of the Draft ALEP.

The officer’s report supported the concept of zoning the sites to SP2 but not during the DLEP stage suggesting a separate Planning Proposal be lodged. This Planning Proposal responds to that suggestion.

The proposal accords with planning objectives, is in the public interest and satisfies the overarching objectives of the EP & A Act 1979. Any future development will be subject to a development application and assessment against Section 79C of the EP & A Act 1979. That assessment will review the environmental impacts and compliance with the development standards and objectives of the ALEP 2013.

The Department of Planning and Environment has requested that the Planning Proposal to be exhibited reflect the proposal Council has supported. This report has been amended to incorporate recommendations contained in the report and subsequent Council resolution of 9 December 2014.

2.0 BACKGROUND

PLC has operated from the main campus since 1891. Since this time the College has expanded in enrolments and campus to include lands within the Ashfield Council area.

Of the sites the subject of this planning proposal the purchase dates by the College are shown below. These dates post date the 1985 Ashfield LEP with the exception of 114 Edwin Street North.

These sites have been used as educational establishments as part of PLC since or shortly after their purchase.

These sites were educational establishment uses for many years before the latest LEP and ideally should have been included in the Ashfield LEP of 2013 as SP2 Infrastructure as the main campus was included.

An anomaly in existing zoning exists on No 114 Edwin Street where Council has approved the development of the site as educational establishments and the building is currently used as approved, however the ALEP 2013 zones the land partly R2 and partly SP2.

The purchase dates are:

- 2 College Street 1996;
- 6 College Street 1998,
- 10 College Street 1991;
- 12 College street 2012
- 114 Edwin Street 1984

An objection to the zonings was lodged by the College to the Draft LEP (DALEP) seeking a zoning of SP2 in keeping with the zoning of the remainder of the College situated in Ashfield Council area.

A meeting was held by Council on 28 February 2013 where members of the public addressed Council over issues in the DALEP.

The reference number in the officers' report to Council is 3.22.

On page 18 of the officers' report under SP2 (Special Uses (Infrastructure) zone the following comment is made:

“This special uses zone has been applied to schools which are currently zoned for special uses in order to recognise the important contribution of this type of community facility and to trigger the need for a rezoning process if sale of these important community assets for another purpose is contemplated...”

Council prefers to zone existing schools SP2 to achieve the above aims.

The officers recommended as Category 3 as having merit but required the proponent to lodge a planning proposal and fees after the DALEP was gazetted.

Council adopted the officer recommendation. This Planning Proposal responds to that recommendation.

While not part of this proposal, the College is preparing a redevelopment of the junior school section of the College presently located in this south-eastern corner of the site.

At present Meta Street in the Burwood area has car parking for 14 cars. Car parking accessed from College Street in Ashfield area totals 8 spaces accessed from 3 separate driveways. The proposed development application will eliminate all these vehicular access point and rationalise these to Elizabeth Street. The existing pedestrian entries from Meta and College Streets will remain.

The principal entry point to the College remains in Boundary/Anthony Streets with pick up and set down points in that area to the campus.

No change to pickup and set down arrangements for the school is proposed and the car parking in College Street is a rationalisation of the staff spaces and that required by Council under the DCP. No increase in students attending the College is proposed.

This rationalisation can occur under the R2 and B2 zoning as ancillary to the educational establishment use but while an essential aspect and requirement of an educational establishment is not a low density residential use or a commercial use and creates a conflict with the aims and objectives of the R2 and B2 zones.

A traffic and parking analysis will accompany the future development application and will be considered on its merits.

In a redevelopment of the existing junior school on the PLC site being partly on these lands and partly on lands within Burwood Municipality it is proposed to demolish the buildings at 4–4A Meta Street, 2–6 College Street and 10–12 College Street. The sites of 4–4A Meta Street and 2–6 College Street would be used for the new Junior School. The sites of 10–12 College Street would be used for car parking for staff and visitors to the school. The front boundary area of 10–12 College Street will be planted to screen car parking.

To better paint a picture of the proposed development for a replacement junior school in this location, the project architects NBRS+P has provided the following design statement of the general concepts of the junior school redevelopment as shown in Appendix 4 of this statement:

Architects Design Statement

The New Junior School at PLC Croydon has been commissioned to replace the existing collection of buildings that have grown and adapted over many years forming the current junior school. The new purpose built facility provides the opportunity to incorporate learning and teaching spaces that better reflect today's modern curriculum and teaching methods. The proposal does not seek to intensify the use of the school site or construct excessive floor space.

The New Junior School buildings have been located towards the edge of this portion of the campus providing maximum outdoor spaces on the northern side for the integration of teaching, external learning and play areas focussing back into the existing school campus. This concept also enables the construction of the majority of the new junior school to take place prior to the demolition of the existing, enabling the school to remain active during construction and avoiding the need for temporary accommodation. The new buildings also act as an acoustic buffer to the surrounding streets from the play and teaching spaces.

Classrooms have been positioned in year groups with a high focus on adaptive spaces and collaborative teaching. Each of the classrooms has access to outdoor gardens, general breakout spaces and wet areas for a wide variety of teaching and learning experiences.

In addition to classrooms for years 3, 4, 5 & 6, two specialist teaching rooms have been included focussing on science and arts. The focus on science incorporates

external learning areas including a butterfly farm and invertebrate pond adjacent to the science rooms and central to the other classrooms.

The Junior School site contours fall to the east towards College Street. The proposed buildings along College Street have been designed to provide a streetscape, bulk and scale that are sympathetic to the B2 zoning opposite. "The Croydon" building on the opposite corner of College Street and Hennessey Street which is the schools existing art technology and design facility.

A lightly tiered hall has been included (replacing the existing hall) to make use of the falling site contours. The hall provides the opportunity for the Junior School population to meet together and participate in group activities in the one space. The form and function of the hall in this location also allows for a circular form externally which respectfully addresses the prominent corner of College and Hennessey Street and emphasises a visual connection to "The Croydon" on the other side of College Street. The curved frontage opens the corner for visual sighting for vehicles and pedestrian access in contrast to the traditional zero setbacks of commercial zones.

The proposed 3 storey buildings have a maximum height of 13.5 metres, harmonising with the bulk, scale, colours and texture of the existing neighbouring buildings as viewed from Hennessey and College Streets while still providing the open and flexible requirements for teaching as viewed internally.

There has been a large focus on the landscape and how it can be used to teach. The scale of the school is particularly important in order to relate to small children. The New Junior School will be located within a garden context which will be integral with the teaching curriculum. Hence open garden space will be doubled in area compared to the current junior school campus. Fully landscaped to be both sympathetic to the existing gardens while encouraging a sustainable lifestyle through vegetable gardens recycling waste and an appreciation of how indoor and outdoor learning experiences can be enhanced.

Careful planning of the floor levels has been a priority to achieve a seamless transition between floors by profiling the ground levels, avoid sharp level transitions and gently sloping ramps.

At the existing Meta Street school entrance a new gatehouse building is proposed accommodating the senior and junior school administration and reception together with the teaching staff facilities for the junior school teachers. This building has been designed with the similar contemporary collegiate design of more recent school building as viewed from 'The Strand'. It provides an identifiable pedestrian entry for the school and visitors.

We believe the new buildings will provide a worthy replacement to the existing aged structures, respecting the neighbourhood context and streetscape, enhancing the public presentation of this portion of PLC's campus and at the same time considerably increasing the provision of landscaped open space. The new development will bring a greater order into the way pedestrian and vehicle circulation occurs, thus decreasing the intensity of activity in this portion of the Burwood and Ashfield precincts."

The location of the buildings in the proposed development application will be located with bulk and form to the south east of the site in keeping with the bulk and form of existing buildings in that location and the proposed B2 zone.

The clustering of the buildings on the south eastern portion of the site adjacent to the commercial zones minimises issues of noise and solar access impacts to any residential areas. The varying heights in the area are seen as a background to shops in Hennessey Street from the railway and The Strand to the south and a bookend on the south eastern corner of the site at the corner of Hennessey and College Streets. The heights of the buildings are compatible with, although greater than, the existing building "The Croydon". The development will complement the desired future character of the B2 area of College Street western side and the Edwin / Elizabeth Streets B2 commercial area of Croydon.

Further the development will be designed to improve solar access and privacy to the existing dwelling at number 8 College Street,

Existing and proposed principles plans for PLC are contained in Appendix 8 to this report.

In discussing the proposed development with Burwood Council, the College was advised to consolidate the school site to overcome the complications of a large number of individual sites comprising the campus requiring individual assessment for the development controls applicable.

The College accepted that advice and moved to consolidate the titles of the main campus. That consolidation has now taken plan as was registered as Lot 1 in DP 1196849 on 25 June 2014 and is attached as Appendix 7 to this statement.

2.1 COUNCIL CONSIDERATION OF APPLICANTS PROPOSAL

Council on 9th December 2014 considered a report of the Planning Proposal as submitted, results of a notification period to seek comments on the proposal and analysis of these matters.

The officers report and Council resolution is attached as Appendix 9 to this report.

Council resolved as follows:

- 1/5 That Council resolve to progress a Planning Proposal to commence the process to amend Ashfield Local Environmental Plan (LEP) 2013 to rezone properties at 2-12 College Street Croydon (even numbers inclusive) from a low density R2 residential zone to an SP2 Infrastructure (School) Zone with:
 - (a) maximum permitted building height of 14.0 metres and a maximum permitted Floor Space Ratio of 1:1 to apply to properties 2-12 College Street (even numbers inclusive); and,

- (b) maximum currently permitted building height of 8.5 metres and a maximum permitted Floor Space Ratio of 0.7:1 to remain as is for property 114 Edwin Street North.
- 2/5 That Council resolve to forward the Planning Proposal amended as recommended in this report to the Department of Planning and Environment for Gateway determination to allow the LEP plan making process to commence under Section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
- 3/5 That Council resolve to request the Department of Planning and Environment to issue written authorisation to Council's General Manager to exercise and implement delegations in accordance with Section 23 of the EP& A Act 1979 to facilitate the plan making process following the Gateway determination.
- 4/5 That following Gateway determination a report be submitted to Council detailing the determination requirements and specified community engagement methodology. "

The College has no objection to Council's resolution.

3.0 THE SITE

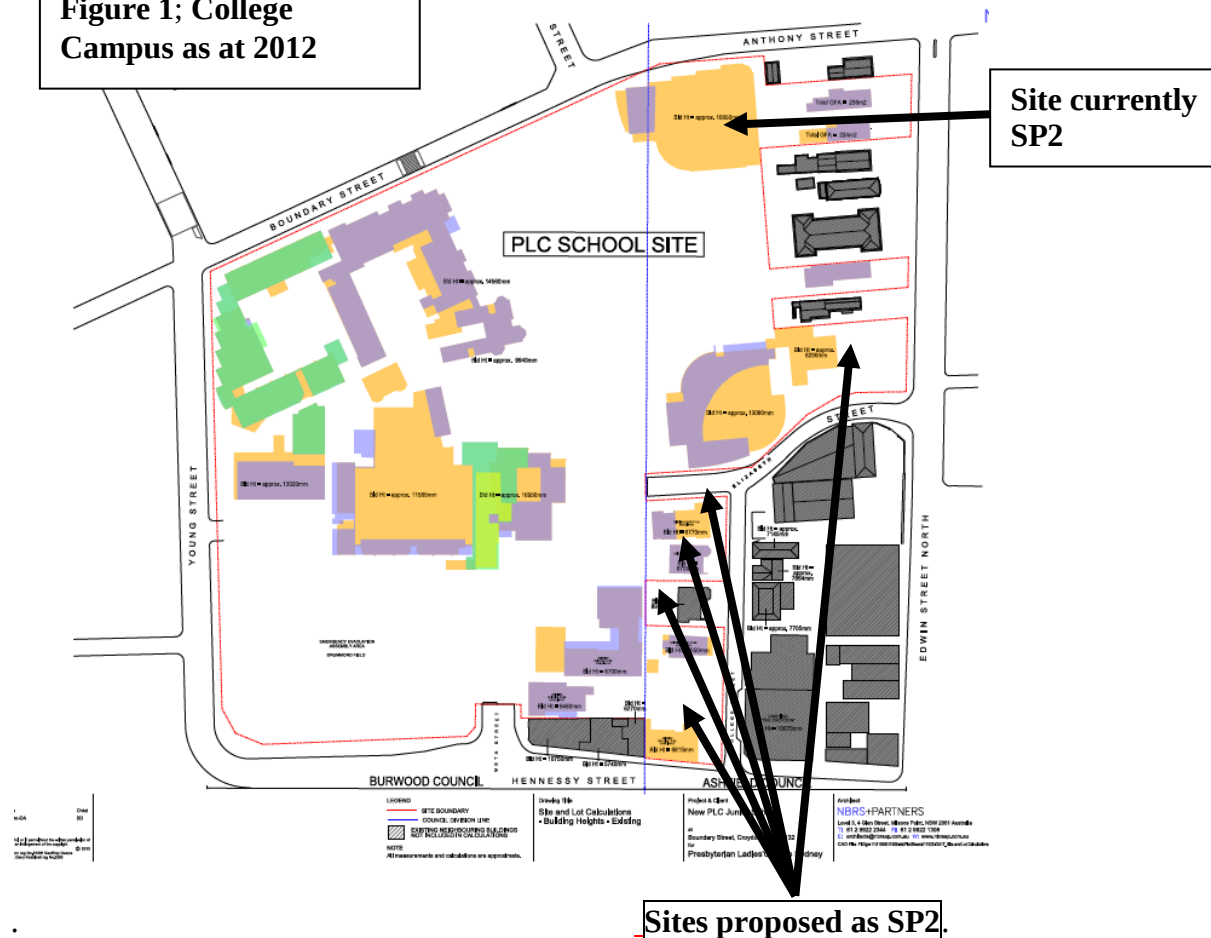
3.1 SITE CONTEXT

The sites are located in Hennessey, College and Edwin Streets Croydon on the northern side of the railway line and form the eastern extremity of PLC and western extremity of Ashfield Council area in that locale.

The College site plan is shown below.

Note: 8 College Street is now included in the proposal as resolved by Council.

Figure 1; College Campus as at 2012



The context is shown in the aerial photo of Figure 3. Buildings (excluding No. 8 College Street) are generally not used for residential purposes but as part of the College campus. The sites are shown in Appendix 1.

The main campus of the College is generally contained within the area bounded by Boundary /Anthony Street to the north, Young Street to the west, Hennessy Street to the south and the western side of College/Elizabeth/Edwin Streets to the east.

The College has purchased sites for school use over a period of time to provide for better facilities and best practice teaching, sport and art areas to the students.

In response to a request to determine any additional expansion plans of the College, the Bursar has advised (Appendix 8):

"With the exception of purchase and future incorporation of No. 8 College Street, PLC has no current plan for expansion of the educational establishment into surrounding sites of Croydon. The recent amalgamation of sites, again with the exception of No. 8 College Street, was undertaken to define the College site for those educational purposes.

Any future building program is orientated to provision of state of the art modern facilities and programs to the students and upgrading of buildings and services to meet that objective. The land requested in this Planning Proposal reflects the amalgamated sites and together with 13 Hennessey Street known as "the Croydon" represents the extent of the educational establishment at this time."

Note: 13 Hennessey Street "the Croydon" is not included in this Planning Proposal and not proposed to be rezoned.

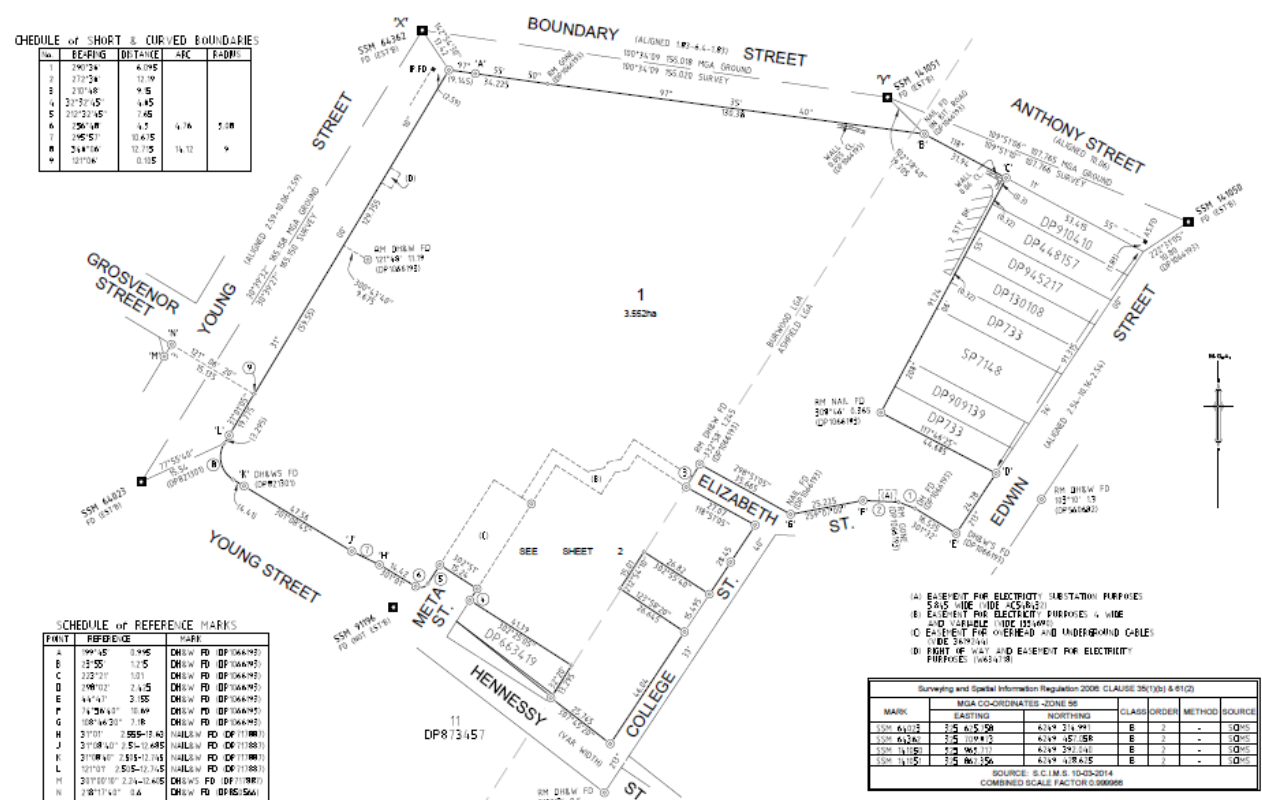
The planning proposal now includes 8 College Street as resolved by Council.

3.2 SITE DETAILS

The sites to be included in the planning proposal are listed in the table below.

The College has consolidated all the lands under the one ownership for the operation of the College in both Ashfield and Burwood Council areas as shown below.

Figure 2 -Consolidation plan of PLC site registered with Lands title Office Lot 1 DP 1196849.



Address	Lot	DP	ALEP 2013 ZONE	PROPOSED ZONE
2 College Street	Lot 1	176410	B2 Local Centre	SP2
4 College Street	Lot 12 Section 2	733	R2 Low Density	SP2
6 College Street	Lot 11	663478	R2 Low Density	SP2
10 College Street	Lot 9	439982	R2 Low Density	SP2
12 College Street	Lot 1	438507	R2 Low Density	SP2
114 Edwin Street North	Lot 14	1066193	Part SP2 , Part R2 Low Density	SP2

While not part of the College lands, Council by its resolution of 9 December 2014 included 8 College Street. The details of that site are:

Address	Lot	DP	ALEP 2013 ZONE	PROPOSED ZONE
8 College Street	Lot 10	1065816	R2 Low Density	SP2

3.3 RELATIONSHIP WITH ADJOINING LAND

The sites are shown below in Figure 3 and the adjoining lands in Appendix 1 - Photos.

The sites within the Planning Proposal area are bounded to the west by existing shops at 19-29 Hennessey Street (located in Burwood Council LGA and zoned B1 Neighbourhood centre). No. 2 College Street is in PLC ownership and is zoned B2. The remaining sites are zoned R2 low density Residential.

13 Hennessey Street is the former hotel known as “The Croydon” and used as part of the College. The land to the east of this building is zoned B2 Local Centre and the sites to the north are also zoned B2. No change to this building or its impact upon the adjoining area will result from the change of zoning. The site is not part of the Planning Proposal.

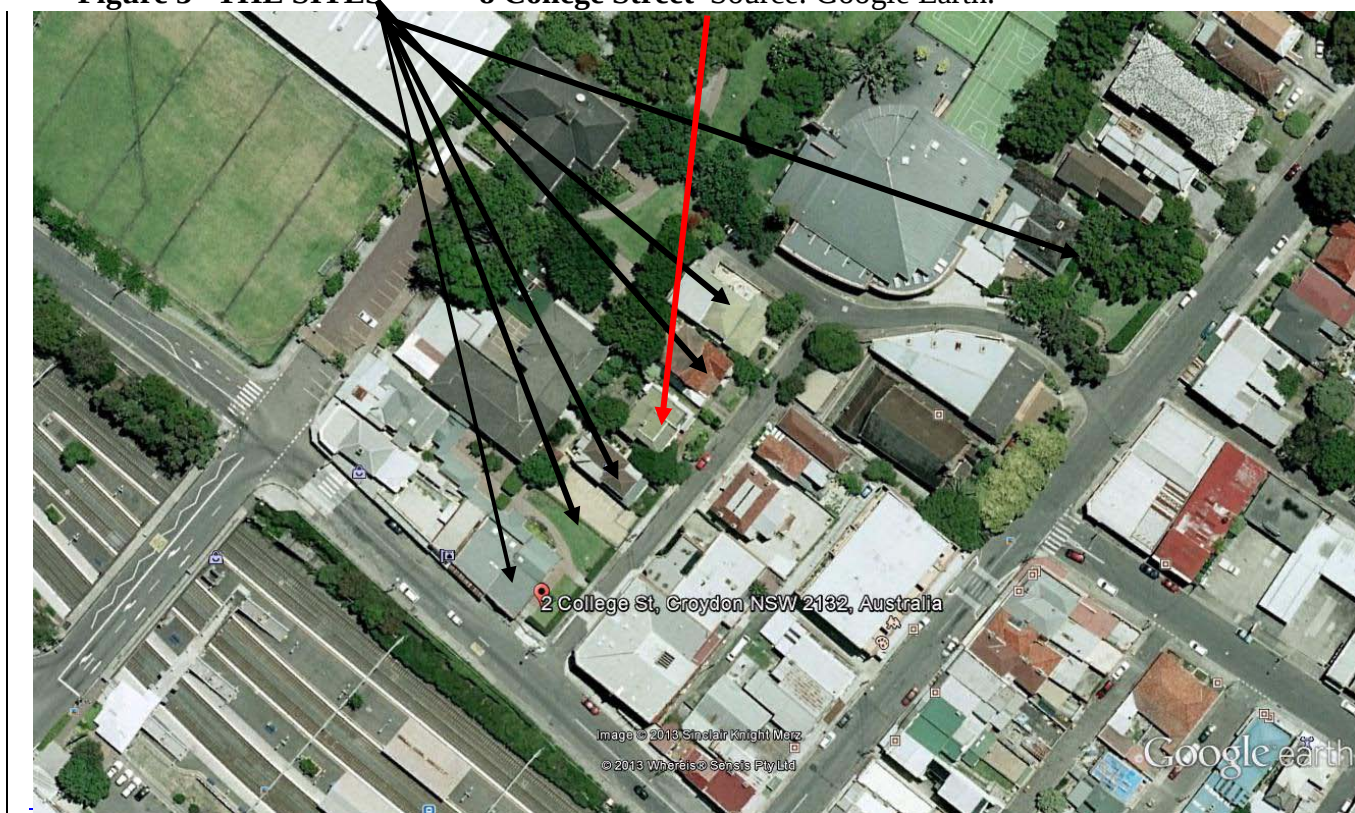
8 College Street is the remaining site not owned and used by the College on the western side of College Street. At present that site has buildings used for educational purposes on the north, south and west of the site impacting upon privacy. A development application is in preparation to demolish these College buildings to construct a new junior school which will reduce the adverse impacts upon this site. The amenity of No 8 College Street will be improved by the removal of buildings to the rear and north permitting greater solar access to the site. A new building to the south on No 6 College Street will be of greater height than the present building but will have similar setbacks with landscaping and minimal window openings in the northern façade to preserve privacy. The car park to the north is generally at grade with landscaping and fencing to overcome headlight glare. Whilst 8 College Street

was originally retained as a single site zoned R2 Low Density Residential, Council subsequently incorporated this site into the planning proposal. The proposed SP2 zoning of the College lands reflects the existing situation and facilitates development to improve the amenity of No 8 College Street. The inclusion of 8 College Street is recommended by Council for sound planning reasons (refer to Council report) and removes a zoning anomaly of retaining a single site within an SP2 zone (separated from other residential zones) as R2 low density residential.

Dwellings opposite the sites in College Street being numbers 11, 15 & 17 are zoned B2: These sites will not be adversely impacted upon by the proposed zoning change. The development application presently being prepared proposes car parking on 10 and 12 College Street. Additional traffic will enter College Street for the car park but is manageable and will be addressed in a future traffic report to accompany a development application. The entry point is proposed to be located opposite 17 College Street with the exit point opposite the rear fence to the churchyard. Vehicle headlight glare from southbound exiting vehicles should not cause adverse impacts upon these dwellings.

With regard to 114 Edwin Street North the proposal reflects the existing and approved use of the site as educational establishment and appears to be a mapping anomaly as the site was operated as part of the PLC educational establishment. However the site is shown zoned partly SP2 and partly R2. Other than rezoning to SP2 no changes are proposed to development standards or its current status as a heritage item.

Figure 3 THE SITES – 8 College Street Source: Google Earth.



Number 8 College Street remains the only site on the western side of College Street not in the ownership of the College (included in the Planning Proposal as resolved by

Council for logical planning reasons), it is the intention of the College to purchase this site to integrate it into the College lands at some time in the future.

The College did contact and discuss with the owners of the property at 8 College Street. As the College has purchased all others on the western side of College Street the College also wishes to purchase No. 8. The owners of the site wrote to the College in March 2012 responding to previous contact regarding purchase of the site for the College building program. The owners made an offer to the College to facilitate the College purchase and relocation of the owners. The letter concluded with the statement.

"We do realise that PLC, or its representatives, may not be able to accommodate our proposal. If so we would be quite content to remain indefinitely at 8 College Street, Croydon."

The Executive Principal responded to the letter on 21 March 2012 outlining that the College was unable to meet the requests outlined in the 5 March correspondence. A counter offer was made for the property. The letter also advised that the College would proceed with the development application but also added that the Executive Principal was happy to talk further and advised of contact details to continue discussions. That offer remains valid.

Based upon these contacts the development proposal has been prepared which while excluding No. 8 improves the amenity of the dwelling.

The Planning Proposal as submitted did not include this site so as to maintain the existing R2 low density residential zoning and to reflect the existing land use situation. The College has sought to proceed with its necessary building program while respecting the desires of the owners of No.8 College Street and not seeking to alter or reduce the development potential or saleability of that site.

Council resolution of 9 December 2014 incorporated the site into the current Planning Proposal.

The College respects the current wishes of these owners to reside at this site and a future application will improve solar access to the existing dwelling and its rear private open space. New buildings will be located to the south of this site with minimal openings to preserve privacy to and from the proposed buildings and No. 8 College Street.

The officer's report, being the planning report Council relied upon in adoption of the resolution of 9 December 2014 stated in regard to 8 College Street as follows:

"(ii) 8 College Street

*PLC has not requested that this property be rezoned. However, it is considered that this property should also be zoned SP2 Infrastructure.
To retain this property as R2 Low Density Residential would:*

- *achieve nothing in terms of retaining the residential character of the area (College Street following redevelopment by PLC would have a very different (educational establishment) character.*
- *fragment the proposed SP2 zone and would mean a single residential zoning for one property is retained with no direct physical relationship to other residential zones within Ashfield LGA.*
- *would conflict with the land use objectives and development standards for the proposed SP2 zoning of immediately adjoining land if the planning proposal is progressed.*
- *may mean that future rezoning would be required if the property were ultimately acquired by PLC.*

It should be noted that even if 8 College Street were rezoned SP2, it can continue to be used indefinitely for residential purposes. There is no onus on the owner of the property to sell the property to PLC or for that matter to anyone else if an SP2 zoning applies. The current owners and possible future purchasers may continue to use the property as a residence or another use permitted in the SP2 Zone. The owner of 8 College Street has also requested that his property be rezoned B2 Local Centre to match the current zoning of properties on the opposite side of College Street.

This is not agreed with. There is no rationale in terms of zone objectives, the range of permissible land uses within the different zones and related development standards that would justify an extension of the current business zone on the opposite side of College Street to a single property located centrally in College Street within a proposed SP2 (School) zone."

This opinion is considered a rational and sensible planning approach and outcome by the College but not initially sought.

3.4 ZONING

The subject sites are currently zoned "R2 Low Density Residential" and "B2 Local Centre" under ALEP 2013. **Figures 3A & 4** below illustrate the existing zones of the ALEP 2013 (3A) and the proposed zoning (4).

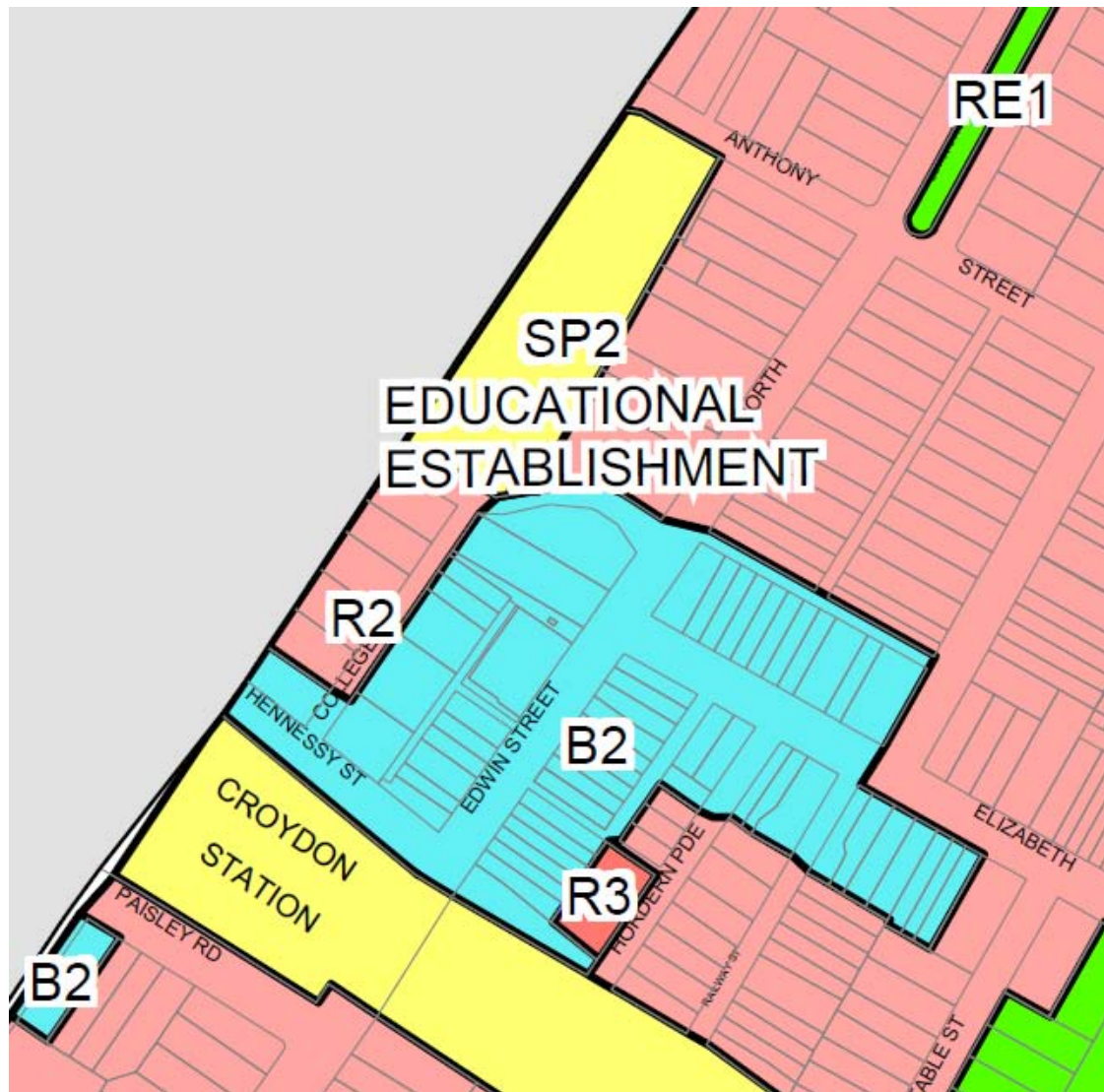


Figure 3A. The existing zoning of the ALEP 2013. Extract from the ALEP 2013 Land Use Map.

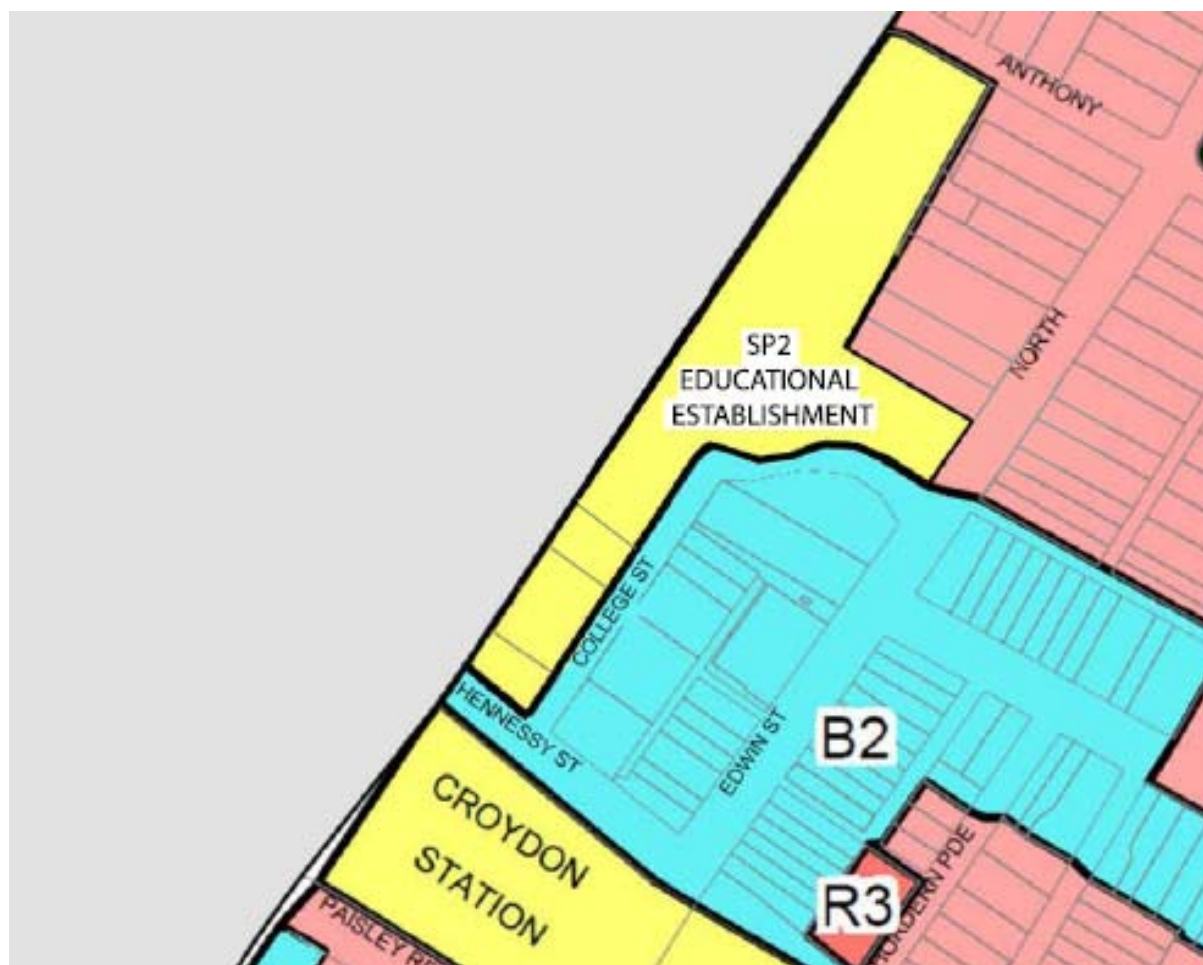


Figure 4 - Proposed Land Zoning (LZN) Map - shows the subject sites in College Street and Edwin Street North and includes No.8 College Street as resolved by Council. See Appendix 6 for more detailed map and legend.

Note: The existing R2 zoning on the sites in College Street forms an isolated pocket of R2 for this location considering the existing uses and the desired planning outcome of the B2 zone opposite. College Street will not be a low density residential development typical of other R2 zoned areas in Ashfield. The R2 zone in this location is an anomaly and is recommended to be changed to reflect the correct use of the sites as existing and proposed. Most of the sites (excluding 8 College Street) are used as educational establishments and will continue to be so. These important educational assets will not be used for residential purposes and will not be disposed of in the future (a scenario more likely under a residential zone.R2 zone). Recent site consolidation will also ensure the uses will remain as educational establishments on the sites owned by PLC. The proposed SP2 zone aligns with the existing zoning within Ashfield LEP 2013 applicable to the PLC Aquatic Centre to the north near Anthony Street and part of PLC’s Performing Arts Centre within the Ashfield LGA.

The “B2” zoning of No. 2 College Street owned by PLC and presently used as classrooms for the junior school is inappropriate as this property will not be used for commercial purposes. The zoning should be changed to reflect the anticipated land use.



Figure 5- Proposed Floor Space Ratio (FSR) -Map

Note: Proposed FSR's are intended to achieve a built form that will fit within the Croydon Urban Village streetscape and protect the significance of heritage items and heritage conservation areas. . See Appendix 6 for more detailed map and legend



Figure 6 - Proposed Height of Buildings (HOB) Map

Note: The proposed building height (N1=14metres in College Street - no change in Edwin Street North) will achieve a built form that will relate sympathetically to the Croydon Urban Village streetscape and will protect the significance of heritage items and heritage conservation areas. . See Appendix 6 for more detailed map and legend

4.0 THE PROPOSAL

The proposal is to rezone lands predominantly owned and used by PLC Sydney as educational establishments from residential and business purposes to SP2 and in accordance with the Council resolution of 9 December 2014 to also include 8 College Street within an SP2 Zone.

4.1 OBJECTIVES or INTENDED OUTCOMES

The objective of the Planning Proposal is to amend ALEP 2013 to:

- Amend the zoning and development standards of existing educational establishment lands used by PLC Sydney to be consistent with the zoning of existing and adjoining PLC Sydney educational establishment lands within the Ashfield LGA and to also include 8 College Street Croydon to provide a uniform SP2 zone along the western side of College Street.

These amendments will facilitate rationalisation of educational facilities for PLC and achieve a logical, consistent land use zoning along the western side of College Street.

The proposed amendment to the accompanying maps - Floor Space Ratio and Building Height will apply to the SP2 Zone as proposed and will align with the proposed future development for school purposes. They will work together with the SP2 Zone proposed to protect the character of Croydon Urban Village and will ensure a sympathetic built form relationship to buildings on the opposite side of College Street, the adjoining Edwin Street North heritage conservation area and the Hennessey Street streetscape..

4.2 EXPLANATION OF PROVISIONS THAT ARE INCLUDED IN THE PROPOSAL

This Planning Proposal has been prepared in order to amend the Ashfield LEP 2013 by map changes only as described below.

The ALEP 2013 Maps are proposed to be amended as per Table 1 below.

Table 1 – Ashfield LEP 2013 Map amendments

LSZ Map Tile No	Amendment	Explanation
<u>FSR_001:0150 COM FSR 001 010 2013090</u> 2: 23 Dec 2013 to date	Amend FSR to that shown on Map	Consistent with SP2 zone and anticipated future school development in College Street
<u>LZN_001:0150 COM LZN 001 010 2013090</u> 2: 23 Dec 2013 to date	Amend zoning to SP2	Consistent with SP2 zone applicable to other PLC land in Ashfield LGA and existing sites in College Street currently used for school purposes
<u>HOB_001:0150 COM HOB 001 010 2013090</u> 2: 23 Dec 2013 to date:	Amend to height standard shown on Map	Consistent with SP2 zone and anticipated future school development in College Street

4.3 JUSTIFICATION

4.3.1 Need for the planning proposal

As an introduction to the justification the relevance of the appropriate zoning of the lands as either R2 or SP2 needs to be considered.

For many decades schools, churches, hospitals etc have been considered to be part of residential areas and have been permissible generally in residential zones. However they have also been zoned “Special Uses 5A” under previous Planning Schemes and LEPs in recognition of the fact that these facilities by their very nature have a use, built form and impact very different to low density residential development.

Under the Standard Instrument, where residential zones such as R2 closely define the aims of the zone, development standards apply such as minimum lot size, Floor Space Ratio (FSR) and height of buildings to the principal uses in the zone. These standards also apply to “special uses” within the residential zone and require any development to meet those residential standards. This is appropriate where the area has a clear and concise predominant residential character and any building differing from that character needs to be considered on its merits of form and function within a residential context.

Churches, for instance, have for centuries occupied the highest sites in a town or community and often with spires reaching to the heavens present a built form that is consciously very different to the other buildings in the community.

All Councils prepare DCP’s to provide guidance for development for the various zones. If a school, church or hospital is located in a residential zone Council will seek to apply development standards for residential zones in the LEP and in addition residential DCP guidelines to those developments. In almost all cases a development such as a school cannot conform to standards and guidelines developed for an entirely different use.

SP2 zones for schools and churches have been accepted in many Council areas, including Ashfield and for PLC on this site, for those sites where these uses are existing and also to seek to discourage these uses from being sold for residential or other uses. This emphasises the importance to the community of retaining these social uses for the broad community.

In recognition that development controls used to control development in residential zones are inappropriate, these standards are not routinely applied to SP2 sites.

The importance of uses such as schools is recognised in planning legislation by incorporating controls in State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

ISEPP has controls for heights and setbacks to permit schools to be developed.

In the present scenario, the FSR and Height controls for the R2 and B2 zones are appropriate for low density dwellings and commercial buildings in Ashfield but not for schools within the proposed SP2 zone. The ISEPP, for example, permits buildings up to 12m in height as complying development. This figure exceeds the maximum heights of the ALEP for R2 and B2 zones. However a development application for a school in these zones is required to prepare a request for exemption from applicable development standards.

This requires assessment of the proposed school use and its built form against the zone objectives and development standards applicable to R2 Zone low density residential development or low scale commercial development permitted within the B2 Business zone. As indicated above, compliance cannot be achieved because these zones and the standards that apply to them are divergent and are inappropriate for the majority of sites within the Planning Proposal area (excluding No. 8 College Street) to be used for school purposes and that will form part of a larger PLC campus. The officers' report in relation to the matter of development standards of height and FSR stated:

It is proposed that building height and floor space ratio development standards be applied to all properties affected by the Planning Proposal. Matters such as height setback and privacy have been considered as part of this assessment (see separate officer comment regarding built form. The development standards proposed will ensure the scale/intensity of any new development is acceptable. It is not agreed that the School dominates the suburb. Although the school is intensively used and the PLC campus is extensive, it generally operates in a manner consistent with other schools. Traffic management measures implemented by the school ensure efficient drop-off/pick-up of students and school activities are well managed. In addition, the school's presence undoubtedly provides many economic benefits to Croydon including the many businesses in the area.

In regards to the need for the rezoning the officers' state:

Rezoning is necessary because the junior school development does not align with LEP development standards and development control plan provisions that apply to residential zones.

The Council officer comments are agreed with.

Is the planning proposal a result of any strategic study or report?

The Planning Proposal is the result of the recommendation of Council officers of the Extraordinary Meeting of 28 February 2013 where Council considered submissions following exhibition of the Draft Ashfield LEP.

A submission was made on behalf of the College to have the College lands in College Street zoned SP2 Infrastructure.

The key initiatives of the DLEP as set out in the report in part states:

“While the Draft LEP is a Standard Instrument LEP with a set template of zones, clauses and definitions, it delivers locally specific outcomes which support the key strategic directions and outcomes of the AUPS.

New initiatives in the Draft LEP include:

- *Correction of zoning mismatches to reflect approved land uses.*
- *Special uses zone retained for churches/schools, etc where this currently applies (in recognition of the need to retain these important community assets).”*

This Planning Proposal meets these initiatives by correcting zoning mismatches to reflect approved land uses and in addition will retain community assets. This is further emphasised by the College’s consolidation of sites for this purpose.

The report comments on the exhibited SP2 Infrastructure zone as follows:

“SP2 Special Uses (infrastructure) Zone

This special uses zone has been applied to schools which are currently zoned for special uses in order to recognise the important contribution of this type of community facility and to trigger the needed for a rezoning process if sale of these important community assets for another purpose is contemplated. Uses such as churches currently zoned special uses are zoned to align with the zoning of adjoining land (usually residential).”

Part of the College is zoned SP2 and this planning proposal will bring consistency to the zoning of the College in the Ashfield LGA.

In considering submissions the officers’ report explains the reasons why supportable submissions were not included in the DLEP and are recommended for further planning proposals such as this as follows:

“In cases of more significant departures from the exhibited Draft LEP, which are supported, it is recommended these matters be progressed via separate future planning proposals to enable the current Plan to be progressed expeditiously. The alternative would be to defer the current process to enable a more detailed assessment to be made of these submissions. If this resulted in major changes to the Draft LEP, which is likely, then re-exhibition would be required – a process which could take many months to conclude and require a significant commitment of resources. A similar scenario applies to proposals that are not supported. In this case applicants will be able to take advantage of a new LEP review processes to pursue their submissions separately as a future planning proposals.

9.2 Recommendations in Tables 3, 4, 5 & 6 below are categorised (see colour coded categories below) to reflect the “implementation paths” available to determine particular proposals. An outline of each submission received (whether site specific or a general matter), a response to the issues raised in that submission and recommended outcomes arranged by Category are included in the Tables at Attachments 3, 4, 5 & 6. Submissions are numbered individually and arranged alphabetically and numerically by suburb/street number/street address for ease of reference.”

Notwithstanding the recognised change of policy by the Department of Planning recommending special uses such as schools be zoned the same as adjoining sites many Standard LEP's zone schools and churches SP2 in recognition of their use and incompatibility with Residential zone objectives and development standards. The subject sites in College Street were included in Category 3 as below:

CATEGORY 03 PLANNING PROPOSALS (LEP's) RECOMMENDED TO BE PREPARED BY PROPONENTS POST LEP GAZETAL			
CROYDON			
2-6 and 10-12 College Street (Chris Young Planning)	Zoning + height and FSR - Development Standards	3	3.22

As part of a proposed development application for redevelopment of the College junior school in this location the project architects NBRS+P prepared a design statement for the proposed development application - see Section 2.0 Background above.

This amended Planning Proposal incorporates the comments of Council officers and responds to Council's resolution of 9th December 2014 (attached at Appendix 9).

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the intended outcome of applying the appropriate and consistent zone for educational establishments on PLC and in the Ashfield LGA.

A further outcome of the planning proposal is to permit redevelopment of the existing junior school at FSR and heights which are different to the controls of the nearby R2 and B2 zones but reflect the form of educational establishments in the inner west of Sydney and achieve an acceptable "fit" within the Croydon streetscape.

An alternative to the change of zoning is to amend FSR and Height controls to permit a redevelopment which is at or slightly greater than the controls of SEPP Infrastructure whilst retaining the R2 and B2 zones. While this is possible the existing R2 and B2 zoning is not relevant for sites within the Planning Proposal area predominantly used for school purposes and which are effectively part of the PLC campus.

Council proposes an alteration of the zoning to include 8 College Street but also application of appropriate development standards to permit development for school purposes as shown in indicative drawings prepared by the School's architects. This also gives some certainty to the community in terms of likely future built form outcomes.

Councils stated aim is to zone existing schools SP2 so as to retain these sites as important community uses and to discourage their sale for other purposes. The

College agrees with this philosophy and to emphasise the retention of the sites for the school use have consolidated the titles.

The alternative would retain the residential zone which has development standards and zone objectives that are incompatible with the proposed future development for school purposes.

The Council Officer's report is comprehensive in the analysis of the planning proposal and justification for the rezoning, development standards and preferred inclusion of 8 College Street within the new SP2 zone.

That justification states in part as follows (extract from Council report - *italicised*)

3.0 Discussion - Zoning Principles/Built Form

3.1 Zoning Principles

The substantive issue is whether changing the current R2 Residential zone to an SP2 Infrastructure (School) zone is appropriate, the extent of the new zone and whether the built form heritage and environmental outcomes as a result of rezoning are likely to be acceptable. These issues are discussed below.

(a) Why should the residential/business zoning be changed if schools are also permitted in a R2 Residential and B2 Local Centre Zone?

The area covered by the Planning Proposal currently comprises an R2 low rise, low density residential zone (maximum height 8.5 metres and maximum floor space ratio 0.7:1) and part B2 Local Centre zone (2 former shop properties fronting Hennessey Street). Maximum permitted height within the B2 zone, which extends eastwards towards Edwin Street North is 10 metres and maximum permitted Floor Space ratio 1.5:1. The remainder of the school lying to the west (within Burwood Council) is currently zoned R2 low density Residential. The SP2 Infrastructure zone, as requested by the School, does not include any proposal to incorporate development standards such as building height or floor space ratio.

Development for educational establishments is currently permitted in both zones either via Ashfield LEP 2013 or the Infrastructure SEPP. However, rezoning is sought by PLC because the proposed junior school does not comply with current Infrastructure SEPP height and building setback standards which allow complying development. The development standards and supporting development control plan provisions applying to an R2 low density zone are incompatible with the scale of the proposed junior school development and the required substantial variation of these to permit the

school development could not be supported by Council (LEP variations are generally intended to be minor).

From a planning perspective, the applicable land use zone should as far as possible accurately reflect the primary activity being carried out on the land and, if possible, encourage its continuation. Council has zoned most schools SP2 in Ashfield LEP 2013 rather than R2 Residential. This ensures that educational establishments (important public and private community assets) cannot be easily sold off for apartments or other forms of development. Whilst not an issue in the relation to PLC, with the exception of the single property excluded by PLC (8 College Street), all other properties within the area covered by the Planning Proposal are already used for (permitted) school or school related purposes.

The R2 low density residential zone in College Street is also separated from other residential zones in Ashfield by the PLC Aquatic Centre to the north (zoned SP2 and the B2 local business centre zone to the east.

Although Burwood Council applies a R2 residential zone to the west, in the opinion of Ashfield Council officers, this does not accurately mirror the current use of the PLC campus for school purposes. It appears from Burwood Council's response that the continued maintenance of the R2 residential zoning for the school in Burwood LGA is based on the (incorrect) premise that no development standards can be applied within a SP2 zone. In the circumstances, it is not improbable that in the future that Burwood Council may wish to change the zoning of the school to SP2 (School) given that development standards can be applied within the zone.

For example, officers of the Department of Planning and Environment were contacted on the possibility of applying development standards within an SP2 Infrastructure zone and responded as follows:

The Department has examined other SI (Standard Instrument) LEPs to ascertain if development standards have been applied to land zoned SP2, in particular SP2 Educational Establishment. It is noted that:

- North Sydney LEP 2013 applies height of building controls for land zoned SP2 Educational Establishment adjacent to the North Sydney centre.*
- Leichhardt LEP 2013 applies floor space ratio controls for land zoned SP2 Educational Establishment.*

- *The Draft Sutherland LEP 2014 proposes height of building controls for land identified as zone SP2 Educational Establishment.*

There is nothing to prevent a planning proposal to zone land SP2 Educational Establishment containing provisions to introduce appropriate development standards. The planning proposal would need to provide adequate justification for the proposed standards, commensurate with the schools future intention for the land and integration with adjoining controls. The Department would undertake a merit assessment of the Planning Proposal when submitted for a Gateway determination.

(b) 114 Edwin Street North and 8 College Street

The implications of rezoning the above properties for SP2 (School) purposes raises particular site - specific issues, which are discussed below.

(i) 114 Edwin Street North

This property is a heritage item. It is considered that (subject to inclusion of appropriate development standards) an SP2 Infrastructure zone (School) is appropriate because it more accurately describes the current and future use of the building. Maintaining the R2 low density zone and B2 Local Centre zone would serve no useful purpose in circumstances where the property has been uses exclusively for school purposes for many years. It is proposed, however, that the current maximum height and floor space ratio applying to this property be retained given its proximity to adjoining residentially zoned properties.

(ii) 8 College Street

PLC has not requested that this property be rezoned. However, it is considered that this property should also be zoned SP2 Infrastructure. To retain this property as R2 Low Density Residential would:

- *achieve nothing in terms of retaining the residential character of the area (College Street following redevelopment by PLC would have a very different (educational establishment) character.*
- *fragment the proposed SP2 zone and would mean a single residential zoning for one property is retained with no direct physical relationship to other residential zones within Ashfield LGA.*

- *would conflict with the land use objectives and development standards for the proposed SP2 zoning of immediately adjoining land if the planning proposal is progressed.*
- *may mean that future rezoning would be required if the property were ultimately acquired by PLC.*

It should be noted that even if 8 College Street were rezoned SP2, it can continue to be used indefinitely for residential purposes. There is no onus on the owner of the property to sell the property to PLC or for that matter to anyone else if an SP2 zoning applies. The current owners and possible future purchasers may continue to use the property as a residence or another use permitted in the SP2 Zone.

The owner of 8 College Street has also requested that his property be rezoned B2 Local Centre to match the current zoning of properties on the opposite side of College Street.

This is not agreed with. There is no rationale in terms of zone objectives, the range of permissible land uses within the different zones and related development standards that would justify an extension of the current business zone on the opposite side of College Street to a single property located centrally in College Street within a proposed SP2 (School) zone.

3.2 Built Form

The junior school plans submitted (post-exhibition) by PLC have been examined. Their role is that of a suite of indicative supporting documents at this stage. There is currently no development application before Council because the junior school proposal:

- (a) does not comply with current development standards for the R2 residential zone and,*
- (b) would breach the maximum building height (12 metres) and setback controls (minimum 5 metres) specified in the Infrastructure SEPP complying development standards for an educational establishment. The indicative junior school configuration school includes building heights up to of 13.5 metres and variable setbacks, some of which are less than 5 metres.*

There is a reasonable degree of sensitivity in this locality to issues of building height and FSR including the impact of taller buildings on the dwelling at 8 College Street, which is to remain. Maintaining an appropriate and sympathetic built form interface between taller buildings and lower rise

buildings in the vicinity is important and should be controlled by introducing appropriate building articulation, height and FSR standards.

*An analysis of the planning proposal area and environs was carried by Council staff to inform the town planning and urban design analytical thinking process. The analysis indicated that the 13.5 metre building height proposed by the school for some junior school buildings (to permit 3 storey buildings with higher ceilings and a pitched roof) was a reasonable fit within the streetscape (see **Attachment 6**) and could be accommodated within an LEP 14 metre maximum building height plane. New structures fronting Hennessey Street will also be of a similar scale to the existing shops to be removed.*

In general terms the built form proposed expresses what is considered a traditional architectural language and materials in keeping with the heritage qualities of other parts of the school. Voids and protrusions provide visual interest as well as a gradation in light and shade. Setbacks are provided to the dwelling at 8 College Street to protect its setting. Building setbacks to College Street are minimal although the buildings here are articulated and visually separated using lower level podiums, void areas and curved wall features. It was noted that the maximum height of buildings is closest to College Street and decreases further to the west as landform slopes up towards Meta Street. College Street itself provides separation to properties in the nearby business zone where buildings of up to 10 metres high are permissible.

It is not agreed, however, (as argued in PLC's consultant report) that the proposed SP2 zone should be applied without any development standards. As indicated elsewhere in this report there is some degree of sensitivity concerning the relationship of new school buildings to existing structures in the vicinity including existing properties within the business zone opposite at 13-17 College Street some of which are still used for residential purposes.

College Street is also quite narrow, so the scale of any new buildings needs to be relatively modest to avoid creating a canyon like effect and possible overshadowing of nearby buildings. The general scale of buildings within the Croydon village is also relatively low and this rather gentle, attractive built form is a key contributory element in maintaining its general character.

An indicative built form for the new junior school buildings has also been provided by PLC. Given this, it is considered that the school buildings should be restricted to a maximum height of 14 metres and maximum FSR of 1:1 which accommodates the proposed pitched roof PLC design. This would permit the junior school development (with a reasonable built - in margin to

*allow for minor variations to height and floor space ratio) as proposed by PLC whilst providing the community with a degree of certainty concerning future built form outcomes. Refer to Figures 1-6 at **Attachment 5**.*

Note: *The application of development standards as proposed would not remove the need for PLC to ensure that any future development is acceptable in terms of its ultimate built form and impact on the amenity and heritage attributes of nearby properties."*

To summarise, the incorporation of development standards for height and floor space to apply in the proposed SP2 zone will ensure new school buildings achieve acceptable urban design outcomes that 'fit' within the existing streetscapes. The scale and design of any new development (a traditional architectural style is proposed) will also ensure that the significance of the adjoining Edwin Street North heritage conservation area and nearby heritage items are maintained. The anticipated built form outcome will also ensure that the amenity of residentially utilised properties in the adjacent business zone is not adversely affected. Finally, the indicative architectural plans provided by PLC demonstrate that the amenity of No.8 College Street will be retained assuming this property continues in residential use.

4.3.2 Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The site falls within the Central Subregion of the Draft Metropolitan Strategy for Sydney and does not hinder its achievements. The Proposal assists in providing better educational infrastructure for the locality by facilitating expansion of an existing educational establishment. The Planning Proposal is for the alteration of the zoning from R2 and B2 to an appropriate SP2 (School) zone to reflect the educational establishment use most of the sites are currently used for. This is consistent with the SEPP- Infrastructure. In addition the Planning Proposal will create a consistent and logical SP2 zone along the western side of College Street that will align with zoning of other PLC land within the Ashfield LGA. The proposed SP2 zone is consistent with the zoning of educational establishments in many other Standard Instrument LEP's and also allows appropriate development standards and zone objectives to be applied that are consistent with educational uses. From a regional perspective the rezoning and subsequent development will also assist in meeting higher demand for school facilities currently being experienced in the inner west of Sydney and elsewhere.

The officers' report on the Draft ALEP advised:

*"In December 2005 DOP&I released the **Metropolitan Strategy (City of Cities)** which set a broad framework and vision for Sydney over the next 25 years. Since the release of the Sydney Metropolitan Strategy, DOPI progressively prepared Subregional Strategies for the Sydney Metropolitan Area. In relation to Ashfield the relevant subregional strategy is the Draft Inner West Subregional Strategy (DISS) (which*

includes the Ashfield Local Government Area). The Inner West Strategy was exhibited in late 2007.

Prior to the adoption of the AUPS and concurrently with the development of the Draft Ashfield Local Environmental Plan the DOPI exhibited the Draft Inner West Sub-Regional Strategy. This document specified housing and employment targets which the Ashfield LGA was required to meet by 2031.

The AUPS identified that Ashfield LGA's ability to provide additional residential accommodation was constrained due to significant heritage considerations, existing small lot sizes, noise (aircraft, road and rail freight), existing patterns of land ownership and high land values. However, notwithstanding these constraints the AUPS clearly demonstrated that the housing and employment targets specified in the Draft Inner West Strategy could be met in Ashfield."

It is considered the planning proposal has no significant impact upon the Metropolitan Strategy and is consistent with actions and objectives.

The Department of Planning and Environment published in December 2014 following the preparation of this Planning Proposal and Councils resolution a new strategy document entitled "A Plan for Growing Sydney"(the Plan).

The proposal responds positively to this plan by reinvigorating educational infrastructure in close proximity to rail transport and the network transport system to assist in reduction of vehicular traffic. The urban renewal in this location results in removal of existing inadequate educational facilities and seeks to replace existing converted buildings with state of the art contemporary educational facilities whilst recognising the defined future character of the locale and development standards. This can be achieved in this proposal without loss of existing housing stock.

Direction 1.10 of the Plan relates to a plan for education and health services to meet Sydney's growing needs.

The direction states in part:

"Adequate teaching facilities are fundamental to the education of Sydney's children and their future contribution to the world. Schools are a focal point for community life, bringing families together. In some parts of the city access to good schools can drive demand for housing. While most schools are provided by the Government, around 33 per cent are provided by the private sector.²⁹ Meeting the land use needs of both sectors will be important to providing choice and quality education for all.

.....
Planning ahead for schools, tertiary education and health facilities requires work to identify future land use needs and the supporting infrastructure for new or expanded services – so that they are delivered when they are needed.

.....
The Government will:

- review the planning process for school facilities;
- identify opportunities for new and expanded school facilities in subregional plans; and
- work with the private sector to understand and facilitate the delivery of private school facilities."

The proposal meets these aims outlined in Action 1.10.1 of the Plan

The site and Ashfield LGA falls into the Central Subregion for the Plan described in part as:

" The Central subregion spans central Sydney, the eastern suburbs and the inner west of Sydney. The subregion will continue to play a dominant role in the economic, social and cultural life of Sydney."

The proposal is not in conflict with any of the specific aims and objectives of the subregion outlined in the Plan.

It is considered the Planning Proposal meets the aims and objectives of the Plan.

Is the planning proposal consistent with the local council's Community Strategic Plan or other local Strategic Plan?

The plan is consistent with the following key themes in Ashfield Community Strategic Plan 2023 - "Creative and inclusive community" - promote arts and local culture, "Unique and distinctive neighbourhoods" – ensure urban planning is sensitive to the character and heritage of the area and lastly, "Thriving local economy" – encourage business activity.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Consistency with the State Environmental Planning Policies is provided in Table 2, below.

Table 2 - Consistency with State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
1	Development standards	Repealed by ALEP 2013
14	Coastal Wetlands	Not applicable
15	Rural Land-Sharing Communities	Not applicable
19	Bushland in Urban areas	Not Applicable
21	Caravan Parks	Not Applicable
22	Shops and Commercial Premises	Not Applicable
26	Littoral Rainforests	Not Applicable
29	Western Sydney Recreational	Not Applicable

	Area	
30	Intensive Agriculture	Not Applicable
32	Urban Consolidation (Redevelopment of Urban Lands)	Not Applicable
33	Hazardous and Offensive Development	Not Applicable
36	Manufactured Home Estates	Not Applicable
39	Spit Island Bird Habitat	Not Applicable
41	Casino/Entertainment Complex	Not Applicable
44	Koala Habitat Protection	Not applicable
47	Moore Park Showground	Not Applicable
50	Canal Estates	Not Applicable
52	Farm Dams and Other Works in Land and Water Management areas	Not Applicable
55	Remediation of Land.	Consistent. The Planning Proposal does not hinder the application of this SEPP. A stage 1 Preliminary environmental site Assessment has been prepared in January 2014 for the whole College site and is attached as Appendix 5.
59	Central Western Sydney Regional Open Space and Residential	Not Applicable
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Consistent. The Planning Proposal does not hinder the application of this SEPP
65	Design Quality of Residential Flat Development	Not Applicable
71	Coastal Protection	Not Applicable
	Affordable rental housing 2009	Not applicable
	Building Sustainability Index: BASIX 2004	Consistent. The Planning Proposal does not hinder the application of this SEPP
	Exempt and Complying Development Codes 2008	Consistent. The Planning Proposal does not hinder the application of this SEPP
	Housing for Seniors or People with a Disability 2004	Consistent. The Planning Proposal does not hinder the application of this SEPP
	Infrastructure 2007	Consistent. The Planning Proposal does not hinder the application of this SEPP
	Kosciuszko National Park Alpine Resorts 2007	Not Applicable
	Kurnell Peninsula 2005	Not Applicable
	Major Development 2005	Not Applicable
	Mining, Petroleum Production and Extractive Industries 2007	Not Applicable
	Penrith Lakes Scheme 1989	Not Applicable
	Rural Lands 2008	Not applicable

	State and Regional Development 2011	Consistent. The Planning Proposal does not hinder the application of this SEPP
	Sydney Drinking Water Catchment 2011	Not Applicable
	Sydney Region Growth Centres 2006	Not Applicable
	Temporary Structures 2007	Not Applicable
	Urban Renewal 2010	Not Applicable
	Western Sydney Employment Area 2009	Not Applicable
	Western Sydney Parklands 2009	Not applicable

See Table 3 below which reviews the consistency with the State Regional Environmental Plans applicable to this region now deemed SEPPs.

Table 3 - Consistency with deemed State Environmental Planning Policies applicable to this region

Title	Consistency with Planning Proposal
Sydney Harbour Catchment 2005	Consistent. The planning proposal does not hinder the application of the Plan
REP 33 Cooks Cove	Not Applicable
REP 31 Regional parklands	Not Applicable
REP 30 St Mary's	Not Applicable
REP 28 Parramatta	Not Applicable
REP 29 Rhodes Peninsula	Not applicable
REP 20 Hawkesbury – Nepean River No 2	Not applicable
REP 9 Extractive Industry No 2	Not applicable
REP 24 Homebush Bay Area	Not applicable
REP 27 Wollondilly Regional open space	Not applicable
REP 26 City West	Not applicable
REP 25 Orchard Hills	Not applicable
REP 24 Homebush Bay	Not applicable
REP 21 Warringah Urban release Areas	Not applicable
REP 18 Public Transport Corridor	Not applicable
REP 19 Rouse Hill Development Area	Not applicable
REP 16 Walsh Bay	Not applicable
REP 17 Kurnell Peninsula	Not applicable
REP 13 Mulgoa Valley	Not applicable
REP 11 Penrith Lakes	Not applicable
REP 5 Chatswood Town Centre	Not applicable

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

See Table 4 below which reviews the consistency with the Ministerial Directions for LEPs under section 117 of the Environmental Planning and Assessment Act 1979.

Table 4 - Consistency with applicable Ministerial Directions**1. Employment and Resources**

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Inconsistent. The proposal does not retain business zoned land but this non-compliance is considered to be of minor significance as the business zoned lands are not and were not at the time of the DLEP or studies used for business purposes. These sites are currently used as educational establishments and as such no reduction in actual land used for business purposes occurs. The objectives of the direction are: (1) The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. The proposal will still meet these objectives as employment remains protected with the College, the sites are not strategic centres and the sites are not suitable sites for employment growth.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not Applicable
1.4	Oyster Aquaculture	Not Applicable
1.5	Rural Lands	Not applicable

2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	Consistent
2.4	Recreation Vehicle areas	Not Applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	Inconsistent. The objectives of the direction state: Objectives (2) The objectives of this direction are: (a) to encourage a variety and

		choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. The area within the Planning Proposal (with the exception of one lot at 114 Edwin Street North and 8 College Street) has not been used for residential purposes for many years and is being used as an educational establishment. The residential use of the heritage item at 114 Edwin Street North is also associated with PLC Educational uses. The continued residential zoning of this property is inappropriate as it is effectively part of the PLC school campus. The development controls currently applicable in the adjacent residential zone will remain as will its heritage status. No reduction in residential activity will occur as a result of the Planning Proposal. It is assumed No. 8 College Street (in private ownership) can continue in residential use using existing use rights or as an additional permitted land use within the proposed SP2 zone if this option is considered appropriate as an amendment to the Planning Proposal.
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable
3.3	Home Occupations	Consistent. The Planning Proposal does not hinder the application of this direction for dwelling houses in residential zones.
3.4	Integrating Land Use and	Consistent. The Planning Proposal

	Transport	does not hinder the application of this direction. Traffic studies accompany the development application school development.
3.5	Development near Licensed Aerodromes	Not Applicable
3.6	Shooting Ranges	Not Applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulphate Soils (ASS)	Consistent. The Planning Proposal does not hinder the application of this direction. The ALEP identifies all ASS lands.
4.2	Mine Subsidence and Unstable Land.	Not Applicable
4.3	Flood Prone Land	Consistent. The Planning Proposal does not hinder the application of this direction.
4.4	Planning for Bushfire Protection	Consistent. The Planning Proposal does not hinder the application of this direction. The site is not identified as Bush fire prone.

5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	Not Applicable
5.2	Sydney Drinking Water Catchment	Not Applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5	Development in the Vicinity of Land in Cessnock LGA	Revoked
5.6	Sydney to Canberra Corridor	Revoked
5.7	Central Coast Corridor	Revoked
5.8	Second Sydney Airport: Badgery's Creek.	Not Applicable

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Consistent. No additional approval or referral requirements other than in the ALEP proposed.
6.2	Reserving Land for Public Purposes	Consistent. The Planning Proposal does not hinder the application of this direction. No lands are proposed to be reserved for Public purposes.

6.3	Site Specific Provisions	Consistent. No special site provisions proposed
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7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Metropolitan Plan for Sydney 2036	Consistent. The planning proposal is of minor significance and does not impact on the plans or strategies for the Inner West subregion on the Metropolitan Plan. See previous comments.

4.3.3 Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The land is cleared of natural vegetation and there are no mapped areas of known critical habitats, threatened species or endangered ecological communities.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No adverse environmental effects will result from the planning proposal or change of zoning. The use of most properties as an educational establishment will remain. Existing buildings may be demolished and replaced with modern contemporary educational facilities using a traditional architectural language that will respect the streetscape and the heritage significance of nearby properties. The heritage item at 114 Edwin Street North will be retained.

The development application for redevelopment of the junior school will necessitate disturbance of the site and removal of buildings. As part of that process under the provisions of SEPP 55 a stage 1 preliminary environmental site assessment has been undertaken by Environmental Investigation Services in January 2014. That report is attached as **Appendix 5**. Further investigations will be undertaken during the redevelopment of the College.

The buildings may contain asbestos and lead paint which will be treated as required in the demolition process as required following any development approval.

How has the planning proposal adequately addressed any social and economic effects?

No adverse social or economic effect will occur from the Planning proposal. The use of most sites will remain as existing as education and residential at No 8 College Street may continue. Existing buildings may be demolished and replaced with modern contemporary educational facilities. These new educational facilities will result in positive social and economic effect outcomes for both the local and wider community.

4.3.4 State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Council will consult with the relevant State Agencies as required by the Gateway Determination. The present development process has required consultation with infrastructure authorities and no approval will be granted until adequate services are available.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Yet to be determined.

4.4 MAPPING

Figures 4, 5 and 6 above show the Maps to amend ALEP 2013.

The maps show the change of zoning of the subject lands from R2 and B2 to SP2 and include appropriate FSR and building height controls for properties 2-12 College Street.

4.5 COMMUNITY CONSULTATION

The Planning Proposal to rezone the PLC school lands from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure under the Ashfield LEP 2013 is not considered to be low impact as defined in Section 4.5 Community Consultation of the Department of Planning and Infrastructure "Guide to Preparing LEP's". It is recommended the planning proposal be exhibited for a period of 28 days.

4.6 PROJECT TIMELINE (Refer attached schedule Appendix 2)

The project (rezoning) timeline included pre lodgement meeting for a development application for development of a new junior school on part of this land to replace the existing junior school in late 2014. That application pre lodgement meeting concluded that the most appropriate method to overcome issues of the residential and commercial zonings of height and FSR was to zone the school properties SP2. Assuming rezoning proceeds, and if approval of a future comprehensive application is granted, the proposal will begin construction in November 2015 construction will commence. Note that the future application will include a traffic analysis, assessment of heritage impacts and landscaping details.

5.0 PRE-LODGEEMENT MEETING

A pre lodgement meeting for the planning proposal was held with Council on 26 March 2014.

The outcome of that meeting was to suggest increased explanation of the proposal in a number of areas:

- Total operation of the School campus and how this land functions in the integrated whole school site,

- Car parking and traffic access of the ultimate development application and this land.
- Overall design of the ultimate development application and the surrounding area.
- The overall zoning picture of the locations in Ashfield and why SP2 should be the correct zone - not R2.
- The reason for retaining 8 College Street and previous/possible future sale negotiations.
- Views of Burwood Council and their intentions regarding R2 zoning of PLC in Burwood area.

These matters have been addressed and while some are merit application matters which will arise regardless of the zoning change it was agreed that their inclusion in this report assists in understanding the reasons for the proposal.

5.1 CONTINUED USE OF 8 COLLEGE STREET FOR RESIDENTIAL.

Assuming 8 College Street is a lawfully approved dwelling and the residential use has continued, use of this property as a dwelling-house may continue including rebuilding (with Council consent) under current existing use rights legislation.

Should the Department of Planning and Environment consider the ongoing use of 8 College Street as a dwelling should be permitted as an additional use in Schedule 1 of ALEP 2013, that schedule can be amended by the inclusion of the following listing in sequential order:

"Use of certain land at 8 College Street, Croydon

- (1) This clause applies to land at 8 College Street, Croydon, being Lot 10, DP1065816.
- (2) Development for the purpose of a dwelling house is permitted with development consent."

6.0 CONCLUSION

It has been demonstrated that there will be no significant adverse environmental impact from the proposed change of zoning. Rather, the proposal recognises the reality of current land uses and will achieve consistency in zoning comparable with other lands in PLC ownership within the Ashfield Council LGA coupled with the application of appropriate development standards to achieve good urban design outcomes.

The subject sites in College Street are suitable in terms of their size, topography, orientation, location, exposure and proximity to services. The proposal is designed to

respond to the opportunities and constraints of the site and is based on detailed site analyses and expert advice from qualified consultants. The existing heritage item at 114 Edwin Street North will be retained and existing development standards will continue to apply to this property and new standards applied to properties to be rezoned in College Street. This will ensure future development will achieve acceptable built form outcomes and will protect the significance of heritage items within and outside the Planning Proposal area and including the adjacent Edwin Street North heritage conservation area.

The proposal is also consistent with regional and local policies and Council's Community Plan themes.

Having regard to the above assessment the proposal is considered worthy of approval. In coming to a decision on this matter it should be noted that Council considered a detailed officers' report regarding the planning proposal as lodged and addressing submissions received during a preliminary notification process.

The officers' report concluded:

The planning proposal is supported in principle. It is considered there is sufficient justification to proceed with rezoning. Applying an SP2 (School) zone rather than maintaining an R2 residential zone for those properties currently used for school purposes would mean that the development standards currently applicable to residential development including supporting development control plan provisions would no longer apply and would be replaced by site-specific development standards that are more appropriate to existing and proposed educational land uses and associated built forms.

This outcome is reasonable in the circumstances given that in the medium to longer term, development and land uses within the suggested Planning Proposal area will comprise non-residential (school) purposes. A specific SP2 (School) Zoning would also be consistent with Council's past actions when it zoned all schools in the Ashfield LGA SP2 under LEP 2013. It is also recommended that property 8 College Street be zoned SP2 Infrastructure (School) for the reasons stated in the report.

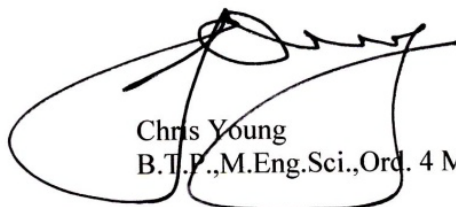
*In conclusion, it is also recommended that any new SP2 Zone incorporate appropriate development standards as detailed in this report. This includes maintaining existing applicable height and floor space ratio standards for 114 Edwin Street North and limiting the potential height and floor space of new school buildings in College Street in order to achieve a sympathetic built form outcome (refer to amendments proposed by Council officers illustrated in **Attachment 5**).*

Council resolved to support the officers' recommendation which stated:

RECOMMENDATION

- 1/5 That Council resolve to progress a Planning Proposal to commence the process to amend Ashfield Local Environmental Plan (LEP) 2013 to rezone properties at 2-12 College Street Croydon (even numbers inclusive) from a low density R2 residential zone to an SP2 Infrastructure (School) Zone with:**
- (a) maximum permitted building height of 14.0 metres and a maximum permitted Floor Space Ratio of 1:1 to apply to properties 2-12 College Street (even numbers inclusive): and,**
- (b) maximum currently permitted building height of 8.5 metres and a maximum permitted Floor Space Ratio of 0.7:1 to remain as is for property 114 Edwin Street North.**
- 2/5 That Council resolve to forward the Planning Proposal amended as recommended in this report to the Department of Planning and Environment for Gateway determination to allow the LEP plan making process to commence under Section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).**
- 3/5 That Council resolve to request the Department of Planning and Environment to issue written authorisation to Council's General Manager to exercise and implement delegations in accordance with Section 23 of the EP& A Act 1979 to facilitate the plan making process following the Gateway determination.**
- 4/5 That following Gateway determination a report be submitted to Council detailing the determination requirements and specified community engagement methodology.**
- 5/5 That all persons who made a submission as part of the community engagement process be advised of Council's decision and thanked for their input.**

The College agrees with the officers' report and Council's resolution.



Chris Young
B.T.P., M.Eng.Sci., Ord. 4 M.P.I.A.

APPENDIX 1

PHOTOS



Photo 1, Existing college 2 College Street from Hennessey Street: zoned B2



Photo 2, Existing college 2 College Street intersection College and Hennessey: zoned B2



Photo 3, College Street from Hennessey Street 2 College Street on Left and 13 Hennessey "The Croydon " right both existing college zoned B2



Photo 4,"The Croydon" existing college from College Street view southeast : zoned B2



Photo 5, Rear of "The Croydon" , 11 College Street to left , a dwelling all zoned B2.



Photo 6, "The Croydon" existing college. 13 Hennessey Street.



Photo 7. College Street view north from 4 College Street. Lands to right all zoned B2, to left existing college zoned R2.



Photo 8, "The Croydon" existing college from 4 College Street. "The Croydon" and land to right zoned B2 to left R2, all existing college.



Photo 9, 2 College Street zoned B2, existing college



Photo 10. 2 College Street zoned B2, existing college



Photo 11, 2 & 4 College Street existing college zoned B2 & R2



Photo 12 Buildings 2 College zoned B2, playground 4 College Street zoned R2



Photo 13, Rear of 6 College Street, existing college building zoned R2



Photo 14, Municipal boundary at 6 College Street, 4 & 2 College in distance, existing college zoned R2 and B2.



Photo 15, 6 College Street from 4 College Street existing college zoned R2.



Photo 16, 6 College Street from 4 College Street existing college view to sites opposite zoned B2.



Photo 17. Rear of 6 College Street existing College zoned R2, 8 College Street to left

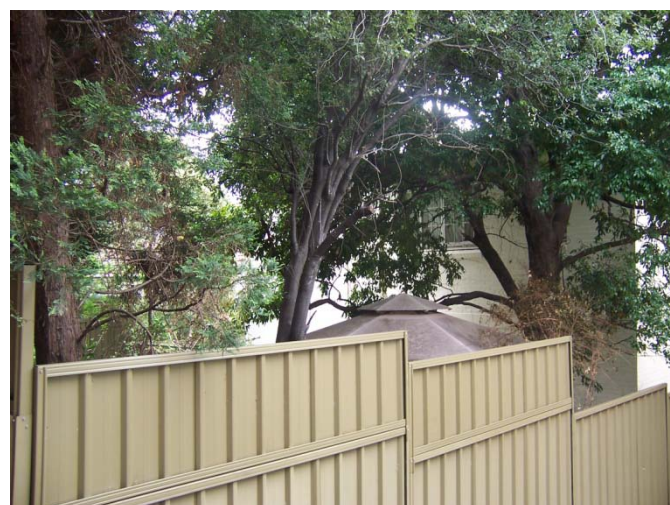


Photo 18, Rear of 8 College Street from College and Burwood Council area.



Photo 19, Municipal boundary rear of 8 College Street to left and college building to right in Burwood area.



Photo 20. College building at municipal boundary to 8 College Street, foreground 6 College Street zoned R2



Photo 21, 6 College Street existing college use zoned R2



Photo 22, 2 & 4 College Street existing College use zoned B2 and R2 respectively.



Photo 23, 6 College Street existing college boundary to 8 College Street zoned R2



Photo 24, 8 College Street to left, 10 College Street right. Both zoned R2, 10 College Street used as college.



Photo 25. 10 College Street existing college use, zoned R2



Photo 26. 12 College Street existing college use zoned R2



Photo 27. 12 College Street and section of Elizabeth Street , building used as college existing , zoned R2



Photo 28. College Street view south from Elizabeth Street, College lands on right zoned R2, lands on left zoned B2.



Photo 29. 12 College Street existing college use zoned R2. 114 Edwin Street to right out of photo existing college use, zoned part SP2 and part R2.



Photo 30. Elizabeth Street and 12 College Street from main campus.



Photo 31. 12 College Street, zoned R2, existing college use from main campus



Photo 32. Rear of 12 College Street, with 114 Edwin Street in background, existing college use, zoned R2



Photo 33. Rear of 12 and 10 College Street existing college use zoned R2.



Photo 34. 8 College Street, not part of College Council resolution to SP2



Photo 35. 11 College Street opposite 8 College Street, zoned B2



Photo 36. 15 College street opposite 10 College Street zoned B2



Photo 37. Rear of Church lands to right and 17 College Street opposite 10 & 12 College street zoned B2



Photo 38. 17 College street zoned B2 opposite 10 College Street.



Photo 39. Hennessey Street in Burwood area west of 2 College Street



Photo 40. Municipal boundary, 2 College Street and existing college building to right of 2 storey building zoned B2. 2 storey building is in Burwood area.

APPENDIX 2

PROJECT TIMELINE

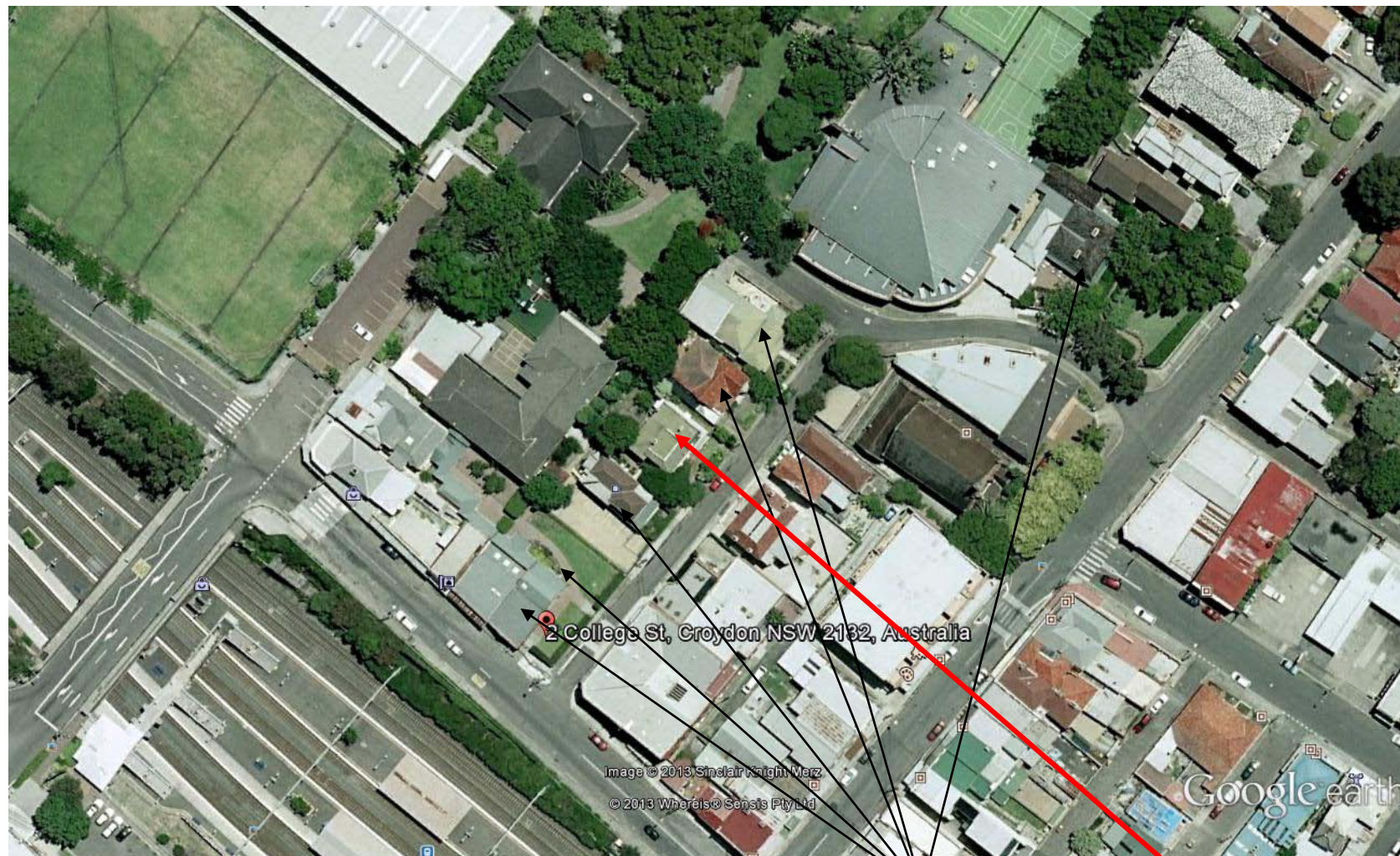
The table below provides a proposed timeframe for the project.

Stage	Completion Date
Lodgement of Planning Proposal to the Department of Planning and Infrastructure	March 2015
Gateway determination issued by the Department	April-May 2015
Anticipated timeframe for completion of required technical information	N/A
Timeframe for government agency consultation	June- July 2015
Commencement and completion dates for public exhibition period	June - July 2015
Timeframe for consideration of submissions	August 2015
Timeframe for consideration of a proposal post exhibition	Sept 2015
Date of submission to the Department to finalise the LEP	Oct 2015
Anticipated date RPA will forward to the Department for notification	Nov 2015

APPENDIX 3

AERIAL PHOTO OF GENERAL AREA

Source Google Earth.



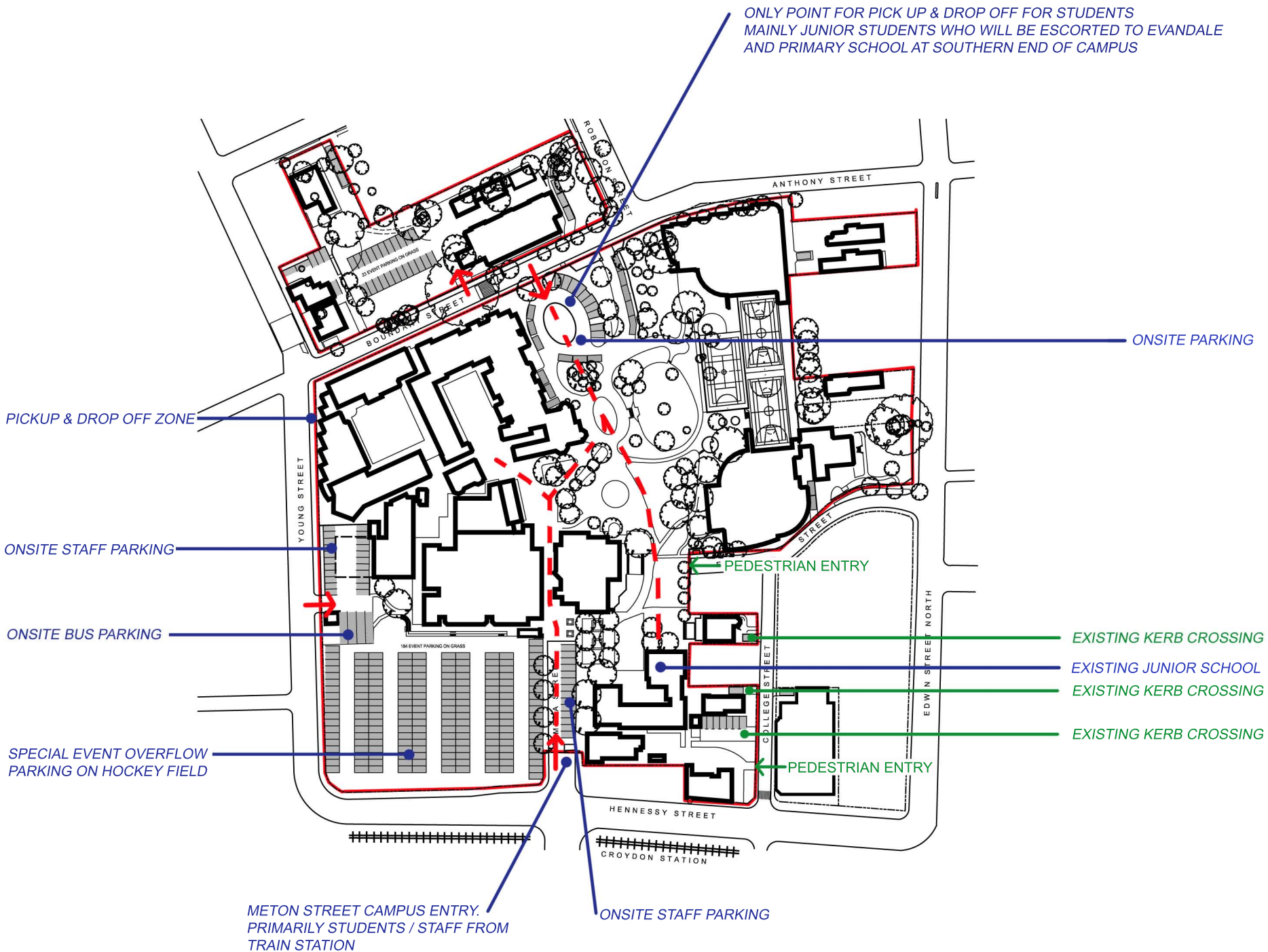
Source Google Earth.; PLC Prior to the Macindoe extension

The sites

8 College Street

APPENDIX 4

PLC SCHOOL OPERATING PRINCIPLES PLAN



APPENDIX 5

***STAGE 1 PRELIMINARY ENVIRONMENTAL SITE
ASSESSMENT***

APPENDIX 6

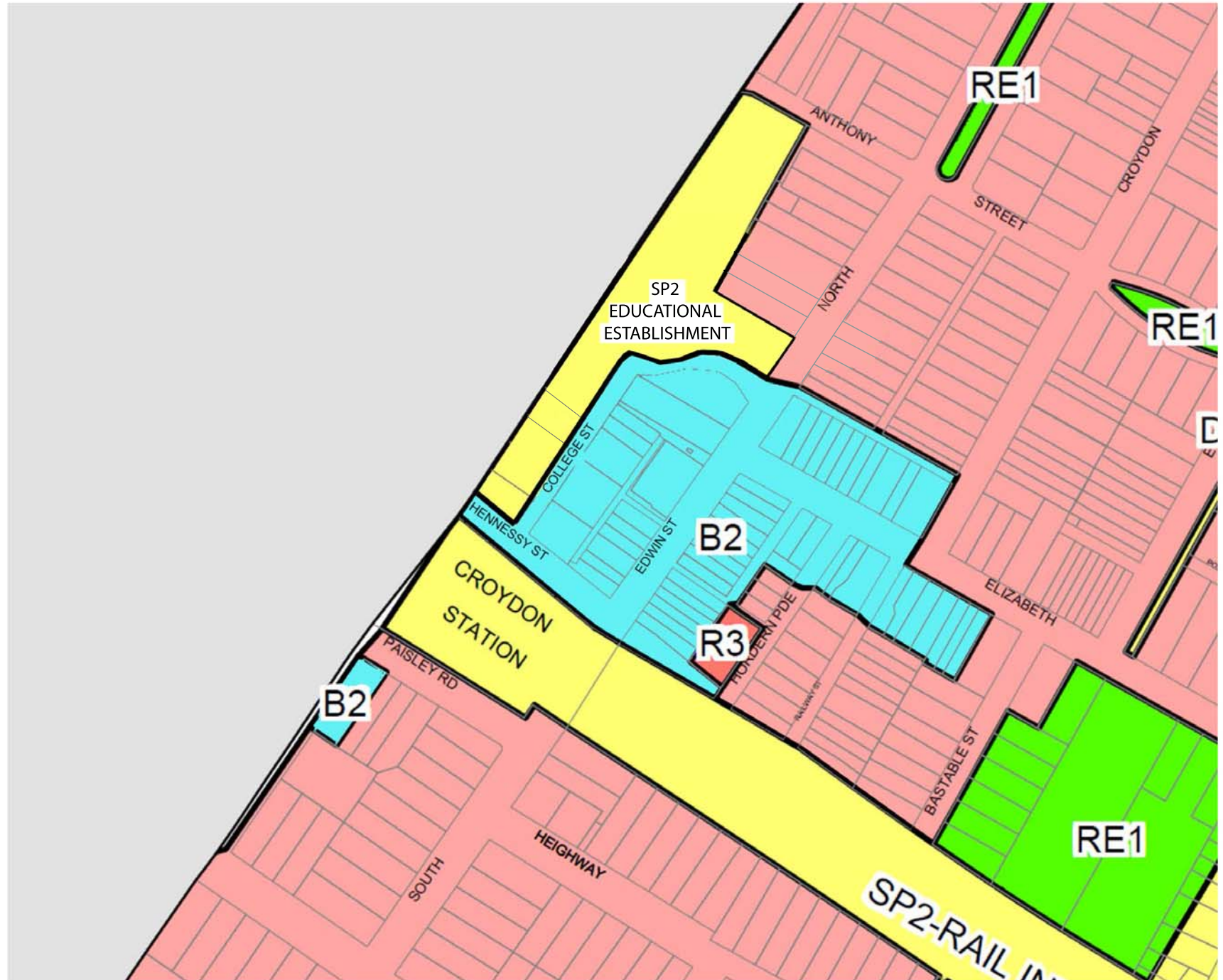
INDICATIVE ALEP AMENDMENT MAPS

PLC PLANNING PROPOSAL

Zoning Map February 2015

Zone

B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B6	Enterprise Corridor
IN2	Light Industrial
R2	Low Density Residential
R3	Medium Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP2	Infrastructure



PLC PLANNING PROPOSAL

Floor Space Ratio Map February 2015

Maximum Floor Space Ratio (n)

D	0.5
H	0.7
N	1.0
S1	1.5
S2	1.8
T	2.0
U	2.5
V	3.0



PLC PLANNING PROPOSAL

Height of Buildings Map February 2015

Maximum Building Height (m)

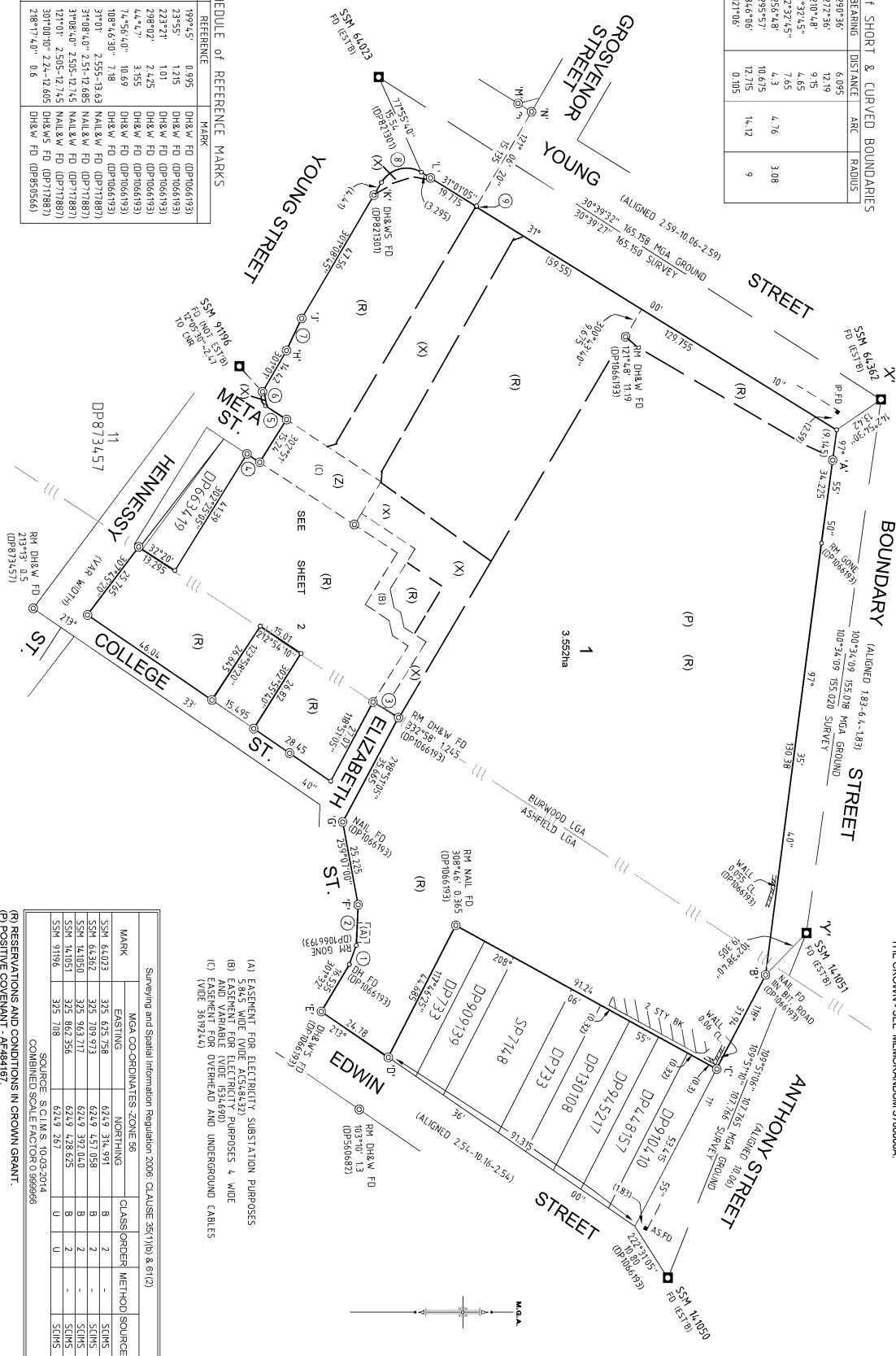
G	7
I	8.5
J	9
K	10
M	12.5
N	13
N1	14
O1	15
O2	15.5
P	17
Q	20
R	22
S	23
T	29



APPENDIX 7

CONSOLIDATION DP 1196849

1	290°36'	6.095	
2	272°36'	12.19	
3	210°48'	9.15	
4	32°32'45"	4.65	
5	272°32'45"	7.65	
6	255°58'	4.3	4.76
7	395°57'	10.675	3.08
8	245°06'	12.715	14.12
9	127°06'	0.105	9



POINT	REFERENCE	MARK
A	189-45° 0.995	D8xH.FD (DP066/193)
B	23-55° 1.215	D8xH.FD (DP066/193)
C	223-21° 1.01	D8xH.FD (DP066/193)
D	298-02° 2.425	D8xH.FD (DP066/193)
E	4-4-7° 3.955	D8xH.FD (DP066/193)
F	75-56-40° 1.8	D8xH.FD (DP066/193)
G	108-4-30° 7.68	D8xH.FD (DP066/193)
H	51-01° 2.955-15.63	NALxM.FD (DP071/2883)
I	34-08-07° 2-51-12.065	NALxM.FD (DP071/2883)
J	17-01° 2-505-12-15	NALxM.FD (DP071/2883)
N	30-0100° 23-24-12.065	D8xH.FD (DP071/2883)
N	218-17-44° 0.6	D8xH.FD (DP055/564)

Siting and Spatial Information Regulation 2006 CLAUSE 34(1)(b) & 61(2)					
MGA CO-ORDINATES - ZONE 56					
MARK	EASTING	NORTHING	CLASS	METHOD	SOURCE
SSM 64.023	375 625.598	62.9 314.991	B 2		SIMS
SSM 64.362	375 709.973	62.9 457.058	B 2		SIMS
SSM 14.050	375 967.117	62.9 392.410	B 2		SIMS
SSM 14.051	375 862.356	62.9 428.025	B 2		SIMS
SSM 91796	375 718	62.9 267	U		SIMS
SOURCE: S.C.I.M.S. 10/03/2014					
COMBINED SCALE FACTOR 0.980896					

(P) POSITIVE COVENANT - AF484167.
RESTRICTION ON THE USE OF LAND - AF484166

4166

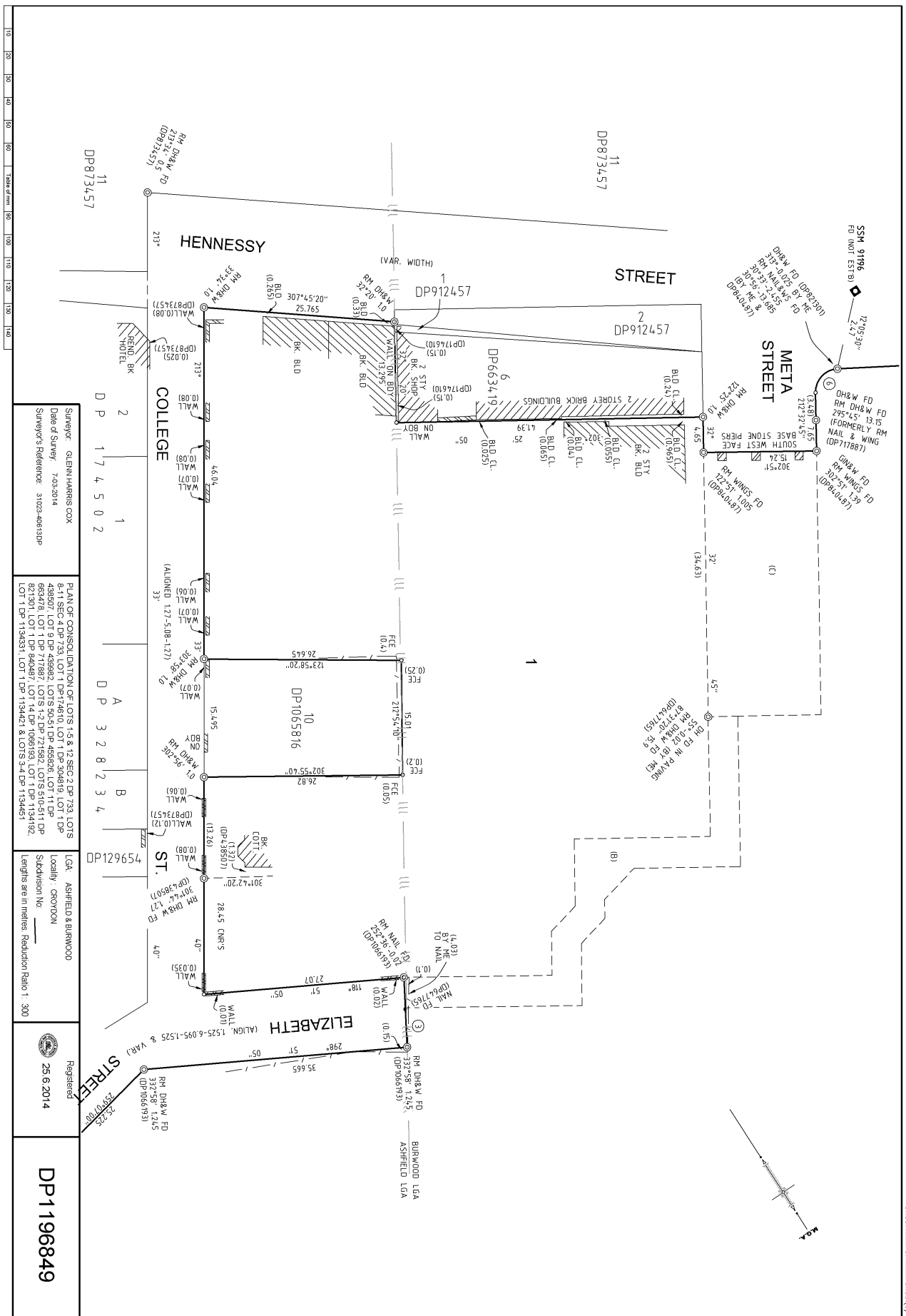
LGA: ASHFIELD & BURWOOD

Locality : CRUTON
Cubefication Area :

Lengths are in metres. Reduction Ratio 1: 800

Registered
25.6.2014

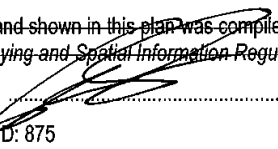
DP1196849



PLAN FORM 6 (2013)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)																		
Registered:  25.6.2014 Title System: TORRENS Purpose: CONSOLIDATION	DP1196849																			
PLAN OF CONSOLIDATION OF LOTS 1-5 & 12 SEC 2 DP733, LOTS 8-11 SEC 4 DP733, LOT 1 DP174610, LOT 1 DP304819, LOT 1 DP438507, LOT 9 DP439982, LOTS 50-51 DP455826, LOT 11 DP663478, LOT 1 DP717887, LOTS 1-2 DP721582, LOTS 510-511 DP821301, LOT 1 DP840487, LOT 14 DP1066193, LOT 1 DP1134192, LOT 1 DP1134331, LOT 1 DP1134421 & LOTS 3-4 DP1134451	LGA: ASHFIELD & BURWOOD Locality: CROYDON Parish: CONCORD County: CUMBERLAND																			
Crown Lands NSW/Western Lands Office Approval I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given. Signature: Date: File Number: Office:	Survey Certificate I, GLENN HARRIS COX of LTS LOCKLEY, LOCKED BAG 5, GORDON NSW 2072 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that: *(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on 7-3-14 *(b) The part of the land shown in the plan (*being/*excluding ^.....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on..... the part not surveyed was compiled in accordance with that Regulation. *(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>. Signature:  Dated: 22/4/14 Surveyor ID: 875 Datum Line: 'X' - 'Y' Type: *Urban/*Rural The terrain is *Level-Undulating / *Steep-Mountainous. *Strike through if inapplicable. ^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.																			
Subdivision Certificate I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein. Signature: Accreditation number: Consent Authority: Date of endorsement: Subdivision Certificate number: File number: *Strike through if inapplicable.	Statements of intention to dedicate public roads create public reserves and drainage reserves, acquire/resume land.																			
Plans used in the preparation of survey/compilation:- <table style="width:100%;"> <tr> <td>DP733</td> <td>DP821301</td> </tr> <tr> <td>DP174610</td> <td>DP840487</td> </tr> <tr> <td>DP304819</td> <td>DP1066193</td> </tr> <tr> <td>DP438507</td> <td>DP1134192</td> </tr> <tr> <td>DP439982</td> <td>DP1134331</td> </tr> <tr> <td>DP455826</td> <td>DP1134421</td> </tr> <tr> <td>DP663478</td> <td>DP1134451</td> </tr> <tr> <td>DP717887</td> <td></td> </tr> <tr> <td>DP721582</td> <td></td> </tr> </table> If space is insufficient continue on PLAN FORM 6A	DP733	DP821301	DP174610	DP840487	DP304819	DP1066193	DP438507	DP1134192	DP439982	DP1134331	DP455826	DP1134421	DP663478	DP1134451	DP717887		DP721582		Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	
DP733	DP821301																			
DP174610	DP840487																			
DP304819	DP1066193																			
DP438507	DP1134192																			
DP439982	DP1134331																			
DP455826	DP1134421																			
DP663478	DP1134451																			
DP717887																				
DP721582																				
Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	Surveyor's Reference: 31023-40613DP																			

PLAN FORM 6A (2012)

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

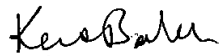
Sheet 2 of 2 sheet(s)

Office Use Only Registered:  25.6.2014	Office Use Only
PLAN OF CONSOLIDATION OF LOTS 1-5 & 12 SEC 2 DP733, LOTS 8-11 SEC 4 DP733, LOT 1 DP174610, LOT 1 DP304819, LOT 1 DP438507, LOT 9 DP439982, LOTS 50-51 DP455826, LOT 11 DP663478, LOT 1 DP717887, LOTS 1-2 DP721582, LOTS 510-511 DP821301, LOT 1 DP840487, LOT 14 DP1066193, LOT 1 DP1134192, LOT 1 DP1134331, LOT 1 DP1134421 & LOTS 3-4 DP1134451	DP1196849
Subdivision Certificate number: Date of Endorsement:	This sheet is for the provision of the following information as required: • A schedule of lots and addresses - See 60(c) SSI Regulation 2012 • Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919 • Signatures and seals- see 195D Conveyancing Act 1919 • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Given under the Common Seal of
THE PRESBYTERIAN CHURCH (NEW SOUTH WALES) PROPERTY TRUST
by


Geoffrey Robert Falls

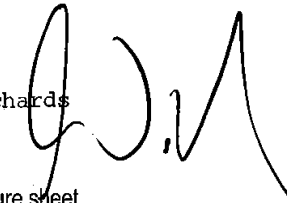

David Murray Seaman


Keith Robert Boulden


Philip Bruce Paul

in the presence of:

Wayne David Richards
Secretary



If space is insufficient use additional annexure sheet

Surveyor's Reference: 31023-40613DP

APPENDIX 8

PLC SYDNEY LETTER REGARDING EXPANSION

ADDRESS

Boundary Street
Croydon NSW 2132 Australia

PHONE

(+612) 9704 5666

FAX

(+612) 9744 0519

EMAIL

enquiries@plc.nsw.edu.au

www.plc.nsw.edu.au

14 July 2014

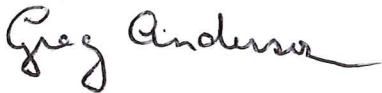
Ashfield Council
260 Liverpool Road
ASHFIELD NSW 2131
Attention: Mr Ron Sim

Dear Mr Sim

With the exception of purchase and future incorporation of No. 8 College Street, PLC has no current plan for expansion of the educational establishment into surrounding sites of Croydon. The recent amalgamation of sites, again with the exception of No. 8 College Street, was undertaken to define the College site for those educational purposes.

Any future building program is orientated to provision of state of the art modern facilities and programs to the students and upgrading of buildings and services to meet that objective. The land requested in this Planning Proposal reflects the amalgamated sites and together with 13 Hennessey Street known as The Croydon represents the extent of the educational establishment at this time.

Yours faithfully



GREG ANDERSON

BURSAR

APPENDIX 9

**OFFICERS' REPORT AND COUNCIL RESOLUTION
DECEMBER 2014**

1. REPORT

Overview of Report

This report outlines the outcome of community engagement associated with a Planning Proposal (LEP Amendment) for PLC Croydon. It is recommended that Council proceed with a Planning Proposal in the form as recommended in the report and forward it to the Department of Planning & Environment for a 'Gateway determination' so that the LEP plan-making process may commence. It is also recommended Council seek authorisation to exercise appropriate delegation to progress a future Draft LEP.

1.0 BACKGROUND

A Planning Proposal (**Attachment 1**) has been received from Presbyterian Ladies College Sydney (PLC) Croydon seeking to amend Ashfield Local Environmental Plan 2013 in respect of land at College Street and with frontage to Hennessey Street. 114 Edwin Street North, Croydon is also part of the Proposal..

A Planning Proposal is a document that explains the intended effect of a proposed Local Environmental Plan (LEP) amendment and the justification for proceeding.

The Planning Proposal is to amend Ashfield LEP 2013 to rezone land at 2-6 and 10- 12 College Street Croydon & 114 Edwin Street North from a Residential R2 Zone & Business B2 Local Centre Zone to a SP2 Infrastructure Zone.

Note 1: The area to which the Planning Proposal applies includes properties (former business premises) owned by the school with a frontage to Hennessey Street but excludes a dwelling-house at No. 8 College Street not owned by the School). PLC has not requested that No.8 College Street be included in the Planning Proposal.

It is understood that the owner of this property has been in negotiations with the school concerning possible sale to PLC but that negotiations between the parties have been unsuccessful. The school has indicated that it may seek to purchase this property in the future if circumstances change.

Refer to **Figures 1-6 below** (Maps) detailing current and proposed zoning, building height and floor space ratio configuration sought by PLC.

PLC PROPOSAL - EXPLANATORY MAPS

(2- 6 & 10-12 COLLEGE STREET and 114 EDWIN STREET NORTH)

Figure 1 - Existing Zoning

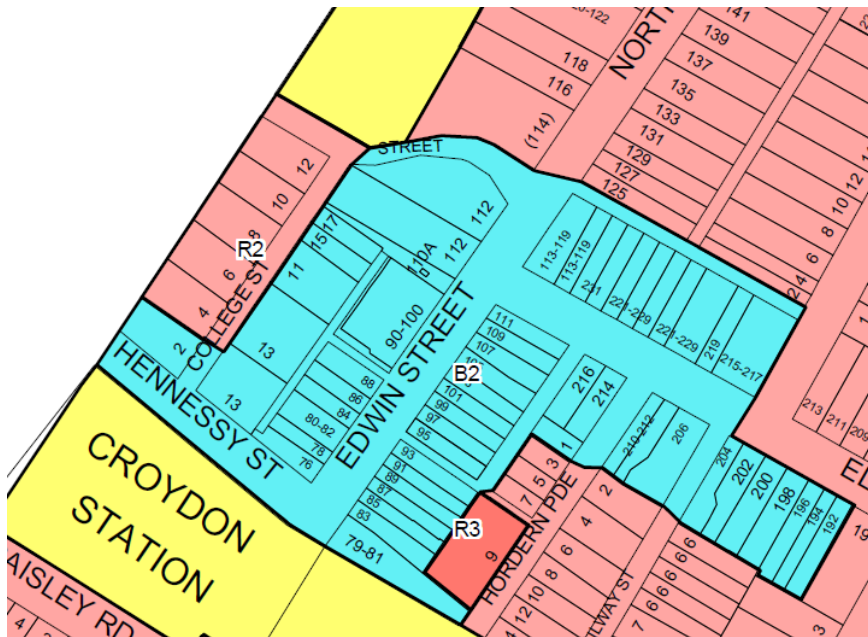


Figure 2- Proposed PLC SP2 Zoning (Note: 8 College Street excluded)



Figure 3 Existing Floor Space Ratio Code S1 = 1.5:1, H = 0.7:1



Figure 4 Proposed PLC Floor Space Ratio (uncoloured = no FSR control)



Figure 5 Existing Building Height Code I = 8.5m, K = 10m



**Figure 6 Proposed PLC Maximum Height of Buildings
(uncoloured = no height controls)**



Table 1 below provides a comparison between the existing applicable zones, relevant development standards and the proposed SP2 Zone sought by PLC Croydon.

Table 1.

	Current	Proposed Change Sought by PLC
Land Zoning	R2 Low Density Residential Zoning and B2 Local Centre	SP2 - Infrastructure Zoning - Educational Establishment
Maximum Floor Space Ratio	0.7:1 Floor Space Ratio	No maximum Floor Space Ratio proposed
Maximum Building Height	8.5 Metres	No maximum Building Height proposed

2.0 Overview

A consultant Planning **Proposal Report** was submitted by PLC in support of the proposed LEP amendment - see **Attachment 1**. The report is self explanatory and comprehensively argues a case for rezoning the subject properties. In summary, the

school requests rezoning so that it can redevelop the subject sites including existing older school buildings for a new Junior School within the PLC campus.

An architect's design statement submitted as part of the Planning Proposal argues that the proposed built form, building setbacks and landscaping associated with a (future) new suite of junior school buildings are sensitive to the local environment and will both complement and improve built form in this part of Croydon. It is also stated in the consultant report that vehicle access will be rationalised and that off-street car parking availability for school staff and visitors will be improved given that the school intends to close some existing driveways and construct a new off street car park at 10-12 College Street.

The report also points out that the SP2 zoning requested will mirror the zoning of the nearby PLC aquatic centre and that "it is the result of a recommendation of Council officers to the Extraordinary Council meeting of 28 February 2013 where Council considered submissions to the exhibition of the then (Draft) Ashfield LEP 2013".

Architects engaged by PLC heritage have provided a comprehensive design statement with the Planning Proposal outlining the concept for the new junior school facility (refer to pages 5 & 6 of **Attachment 1**). Architectural plans of the proposed junior school were not included with the original Planning Proposal, notwithstanding a suggestion from Council officers that these be exhibited concurrently with the proposal (but noting also that submission of architectural plans to support any Planning Proposal is not a mandatory requirement).

PLC's intention as expressed to Council officers at the time by their consultant was that it did not wish to withhold data but rather wished to avoid clouding the issue for residents. The aim was to focus debate clearly around the relative merits of the Planning Proposal as opposed to more detailed built form and heritage impacts to be considered at a future development application stage (PLC's junior school proposal will require development consent because the junior school proposal does not comply with the complying development provisions of the Infrastructure SEPP).

However, following completion of Council's preliminary community consultation process (see below) and PLC's initial response to a synopsis of resident's primary concerns (**Attachment 2**), architectural plans illustrating the proposed junior school were received from PLC (**Attachment 4**). It is important to note that these are indicative plans only - they are not final - and are provided by PLC in a spirit of co-operation to assist and inform the debate around the Planning Proposal, enhance understanding of substantive issues and potentially allay resident concerns.

2.0 Planning Proposal - Preliminary Community Engagement

2.1 Process

Preliminary community engagement has been carried out to obtain feedback on the Planning Proposal to align with current Council notification policies. The community engagement process extended from 13 August 2014 to 19 September 2014.

Relevant Council protocols, i.e. Council's community engagement toolkit and community engagement policy informed the engagement process. Individually addressed letters were sent to property owners within and adjacent to the Planning Proposal area. In addition, the Proposal was notified on Council's web site and in Council's newspaper column. The website display (also referenced in a letter to residents) contained hyperlinks to the Planning Proposal report. State Environmental Planning Policies and Ministerial Directions relevant to the planning proposal process were referenced and responded to in the consultant report (**Attachment 1**). All electronic data was also made available to the public in hard copy format at the Ashfield Council's Customer Service Centre and at Ashfield Library.

2.2 Summary of submissions & officer comments

Written submissions comprised nine (9) objections to the proposal. This included one (1) submission from Burwood Municipal Council. Letters were received from owners living within and in close proximity to College Street, from property owners/businesses in Edwin Street and from further afield. Copies of community submissions are included at **Attachment 3**.

Submissions (all comments received were in the form of objections) are summarised below together with officer comments.

(i) Community submissions

(a) Adverse Heritage impacts will occur

- *Proposal will result in destruction of Victorian heritage character - College Street has character Victorian homes/heritage value. Inconsistent planning approach. compared to Burwood Council and concerns re impact on adjacent heritage items.*

- *Rezoning of 114 Edwin incompatible with its heritage status. Adverse effect on heritage item at 15 College Street and on adjacent heritage conservation area.*
- *PLC “disrespects” heritage - views of Shubra Hall will be further restricted – no longer visible from the Strand – only from a back street.*
- *Buildings to be demolished e.g. 2-4 College Street (shops facing Hennessey Street) are intrinsic to the character of the area and contribute to an understanding of the development of Croydon.*
- *Rezoning and later school development will irrevocably destroy and change the character of the suburb from a village atmosphere to a suburb devoid of life after school hours. Demolition of buildings to construct a car park is an attack on the unique characteristics that are valued by the local and broader community.
Construction of a car park for school use only, does not replace the special values that are lost by demolition of the residential cottages.
New car park will have adverse impact on heritage qualities of street and heritage item at 15 College Street – school should work with existing grain of buildings and lots.*
- *Proposal does not respect the public domain, does not celebrate our heritage and does not preserve the unique character of Croydon and is contrary to Council's planning policies.*

Officer Comment:

It is acknowledged that College Street does contain a number of attractive Victorian buildings. However, there are no proposals to remove or alter any properties which have heritage listings. No.15 College Street and the rear part of 112 Edwin street North (German Catholic Church) are both heritage items and their impact of any future development on the setting of these properties would need to be carefully considered as part of a future development assessment process informed by a comprehensive heritage impact statement. If this statement highlights adverse impacts remedial measures will require to be undertaken including redesign of buildings if necessary.

The nearby Edwin Street North heritage conservation area is separated from the School's College Street properties by 13-17 College Street. The Croydon Precinct (of which College Street is a part) was also examined as part of the Heritage Review

carried out by Mr. Robert Irving in 2003-2004. No new heritage items were identified in College Street although a new conservation area was created in part of Edwin Street North.

Views of Shubra Hall (a proposed State Heritage Item) will not be eliminated - see specific officer comment below and comments from PLC consultant at **Attachment 3**. Importantly, the traditional architectural language expressed in the indicative plans provided by the School do not depict buildings that will be disrespectful of surrounding built form and/or the heritage qualities of Croydon Urban Village.

Rezoning of the heritage item at 114 Edwin Street North is not necessarily incompatible with its heritage status. This property is used for school purposes and there are no plans to alter it. It is also physically and visually separated from the College Street properties by Elizabeth Street.

Although removal of the (traditional) former shop premises fronting Hennessey Street is proposed, they are not heritage items nor are they within a heritage conservation area.

The scale of structures in this location proposed to replace them is also generally compatible with the existing Hennessey Street streetscape.

Council's heritage adviser has provided the following comment:

I've read the proposal, and more particularly the response of Chris to the concerns raised in resident submissions. There is a perception amongst residents, naturally, of what the area is about, and the impact of the changes that the school is foreshadowing, and these may not be fully and properly informed and expert on heritage dimensions.

This is not a DA, but the report strongly presages substantial development and the drawings thus far provided give an indication of the concerns that will likely arise. The scale, bulk and character that the projected buildings, especially the car park, will promise for the context will eventually be of crucial concern.

I note that Bob Irving's review of the area did not recommend more individual listings or change any HCA listings. I also note with interest the proposal by the School that Shubra Hall be State listed. This will add to concerns about the curtilage of the building, sight lines to it, and the way in which development will continue upon the site.

It seems that all over Sydney, private schools like PLC are intensifying upon their sites, with more students and larger buildings to accommodate them. These can turn into major issues of character, bulk and scale of development, and conflict, particularly in older suburban or village contexts. They bring serious transport issues as well, given the lack of alternatives to

private car usage. PLC is well placed to stress use of public transport by its students, if not staff.

There does not seem to be, at least till now, a conflict with heritage items or a HCA that switches on the provisions of Council's LEP as to the assessment of impact. The general compliance of the proposal, and the development likely to flow from it, with Council's planning objectives as regards heritage is, we are assured, established and acceptable. However, that will not be fully appreciable and assessable until the design of buildings is fully formed and proposed.

I am expecting that exhibition of the proposal will proceed, and more will be said about these matters. I would foreshadow that as with many developments now coming before Council, the urban design issues raised by the proposal will be very important.

The above comments for Council's heritage adviser comments are supported. A detailed heritage impact assessment will be required with any future development application.

(b) Further school expansion will be encouraged

If proposal succeeds PLC will expand further to include more properties in Edwin Street North – Rezoning sets a precedent - will destroy/residential/retail character if the rezoning is approved. PLC will continue to purchase residential/local centre land knowing that they can successfully apply for a rezoning until the residential nature of the suburb is destroyed. Rezoning the area is a step towards expanding the college and destroying the built environment of Croydon. There is no room for such expansion. No justification to expand even further and adversely affect the amenity of the residents of Ashfield council area.

Officer Comment:

There is nothing to prevent PLC from purchasing additional residential properties to expand the school campus in the future. Rezoning would not set a precedent having regard to the fact that the Infrastructure SEPP allows certain types of development for educational establishments as complying development within residential zones.

In addition, non-complying development is permissible with consent (although planning considerations applicable to residential development would need to be observed).

The Bursar of the school has also responded as follows:

With the exception of purchase and future incorporation of No. 8 College Street, PLC has no current plan for expansion of the educational establishment into

surrounding sites of Croydon. The recent amalgamation of sites, again with the exception of No. 8 College Street, was undertaken to define the College site for those educational purposes. Any future building program is orientated to provision of state of the art modern facilities and programs to the students and upgrading of buildings and services to meet that objective. The land requested in this Planning Proposal reflects the amalgamated sites and together with 13 Hennessey Street known as "the Croydon" represents the extent of the educational establishment at this time.

(c) No development standards apply in SP2 Zone – new zone will permit unsympathetic development

- New zone is incompatible with preservation of village character – allowing unlimited floor space ratio and unlimited building height in a residential area of Croydon is outrageous. No restrictions on residential zoning, floor space and building height mean local residents face losing the village atmosphere of this part of Croydon as PLC attempts to dominate suburb even more than it does now.
- Planning proposal should address issues such as height, setbacks, privacy overshadowing visual impact and amenity on adjacent properties
- New junior school will be too high – will overshadow properties to east. Proposal before Council is a very poor example of respect for others to set for the students at the school. This proposal is based on the yield of the successful application, no respect for others. In addition proposed school extension, which will be higher than the former Croydon Hotel, (now PLC's art gallery) does not conform to the character, scale and form of the surrounding area, including the Conservation Area included in Council's LEP. The design does not acknowledge or refer to the historic character filled surroundings.

Officer Comment:

It is proposed that building height and floor space ratio development standards be applied to all properties affected by the Planning Proposal. Matters such as height setback and privacy have been considered as part of this assessment (see separate officer comment regarding built form). The development standards proposed will ensure the scale/intensity of any new development is acceptable. It is not agreed that the School dominates the suburb. Although the school is intensively used and the PLC campus is extensive, it generally operates in a manner consistent with other schools. Traffic management measures implemented by the school ensure efficient drop-off/pick-up of students and school activities are well managed. In addition, the school's presence undoubtedly provides many economic benefits to Croydon including the many businesses in the area.

(d) Rezoning is unnecessary

Changing to an SP2 zoning is not required – schools are permitted in R2 residential zones

Officer Comment:

Rezoning is necessary because the junior school development does not align with LEP development standards and development control plan provisions that apply to residential zones.

(e) Views of Shubra Hall blocked from “The Strand”

Recent PLC Building Education Revolution (BER) funded research centre is not good architecture and blocks views of heritage listed Shubra Hall.

Officer Comment:

This is not directly relevant to the current Planning Proposal. The Research centre lies within Burwood LGA and was approved by that Council. College Street is not a primary vantage point from which to view Shubra Hall. Views of this impressive building are still available from Boundary Street and the school has improved the setting of the building with numerous improvements to gardens and gates. Skyline views of the upper structure of Shubra Hall are also available from many parts of Croydon and from much further afield. To its credit PLC has carefully restored/maintained the building and is currently supporting the listing of Shubra Hall on the State Heritage Register.

(f) Tree Removal will occur

Proposal involves removing mature trees.

Officer Comment:

Removal of trees and their replacement is a matter for future development assessment.

(g) Traffic and Parking problems will be exacerbated

- *Narrow roads and lack of parking provided by the school already makes for increased traffic congestion, lack of parking space for residents and dangerous road conditions for children attending*

Croydon Public as well as PLC. Proposal will generate more traffic and congestion around the school. During school hours, the additional traffic will continue to clog the small suburban streets around the school, particularly during drop off and pick up times. Surrounding Council infrastructure cannot cope with the current enrolment and PLC Croydon expanding will only exacerbate the situation.

- *PLC has destroyed surrounding areas and made life difficult for the residents, with extra traffic and occupation of resident parking. Croydon residents are already subjected to a daily invasion of PLC traffic along small quiet streets which should not be used as thoroughfares and parking spots for PLC, which has already disregarded residential and heritage needs, and is proposing to further damage the community environment. Retain the current residential zoning.*
- *PLC previously wanted to make Boundary Street a private road but Burwood Council rejected this. There should be an enrolment limit on PLC before our suburb is decimated.*

Officer Comment:

Enquiries to PLC's consultant confirmed that there are no proposals to increase student numbers as a result of the future junior school redevelopment. However, additional off street parking is being provided for school staff and for visitors in College Street and the indicative plans received also show a pedestrian entry from this one way narrow street. This is likely to increase traffic generation into College Street (a one way narrow street) at peak periods. The new car park should theoretically increase availability of on-street parking, however, the availability of on-street car parking in this locality is always likely to be in demand given the density, character of existing residential development and proximity to the railway station.

The school also states that "the existing highly staffed internal drop off and pick up system off Boundary Street has been developed in close consultation with Council and other authorities resulting in high praise, as a comparative school system, from many private and government traffic engineers. There is no intention to change that and this will not be affected by the Planning Proposal or any redevelopment." However, junior school pupils are more likely to be accompanied by a teacher or parent to classrooms rather than being dropped off. Whether or not future redevelopment as proposed will have acceptable traffic and parking impacts in College Street can be examined as part of the future development assessment process when a detailed traffic and parking study is available.

(ii) Burwood Municipal Council Response.

- *SP2 zoning would not contain development standards such as height and floor space which exist in a residential zone.*
- *Development needs to transition in scale to nearby dwellings – issues such as height/setbacks/amenity/overshadowing need to be investigated.*
- *School site within Burwood Council area has a maximum height of 8.5 -10 metres and FSR 0.55 -1:1.*
- *SP2 Zoning is not necessary – schools are permitted in residential zones.*

Officer Comments:

See comments below regarding zoning principles.

3.0 Discussion - Zoning Principles/Built Form

3.1 Zoning Principles

The substantive issue is whether changing the current R2 Residential zone to an SP2 Infrastructure (School) zone is appropriate, the extent of the new zone and whether the built form heritage and environmental outcomes as a result of rezoning are likely to be acceptable. These issues are discussed below.

(a) Why should the residential/business zoning be changed if schools are also permitted in a R2 Residential and B2 Local Centre Zone?

The area covered by the Planning Proposal currently comprises an R2 low rise, low density residential zone (maximum height 8.5 metres and maximum floor space ratio 0.7:1) and part B2 Local Centre zone (2 former shop properties fronting Hennessey Street). Maximum permitted height within the B2 zone, which extends eastwards towards Edwin Street North is 10 metres and maximum permitted Floor Space ratio 1.5:1. The remainder of the school lying to the west (within Burwood Council) is currently zoned R2 low density Residential. The SP2 Infrastructure zone, as requested by the School, does not include any proposal to incorporate development standards such as building height or floor space ratio.

Development for educational establishments is currently permitted in both zones either via Ashfield LEP 2013 or the Infrastructure SEPP. However, rezoning is sought by PLC because the proposed junior school does not comply with current Infrastructure SEPP height and building setback standards which allow complying development. The development standards and supporting development control plan provisions applying to an R2 low density zone are incompatible with the scale of the proposed junior school development and the

required substantial variation of these to permit the school development could not be supported by Council (LEP variations are generally intended to be minor).

From a planning perspective, the applicable land use zone should as far as possible accurately reflect the primary activity being carried out on the land and, if possible, encourage its continuation. Council has zoned most schools SP2 in Ashfield LEP 2013 rather than R2 Residential. This ensures that educational establishments (important public and private community assets) cannot be easily sold off for apartments or other forms of development. Whilst not an issue in the relation to PLC, with the exception of the single property excluded by PLC (8 College Street), all other properties within the area covered by the Planning Proposal are already used for (permitted) school or school related purposes.

The R2 low density residential zone in College Street is also separated from other residential zones in Ashfield by the PLC Aquatic Centre to the north (zoned SP2 and the B2 local business centre zone to the east.

Although Burwood Council applies a R2 residential zone to the west, in the opinion of Ashfield Council officers, this does not accurately mirror the current use of the PLC campus for school purposes. It appears from Burwood Council's response that the continued maintenance of the R2 residential zoning for the school in Burwood LGA is based on the (incorrect) premise that no development standards can be applied within a SP2 zone. In the circumstances, it is not improbable that in the future that Burwood Council may wish to change the zoning of the school to SP2 (School) given that development standards can be applied within the zone.

For example, officers of the Department of Planning and Environment were contacted on the possibility of applying development standards within an SP2 Infrastructure zone and responded as follows:

The Department has examined other SI (Standard Instrument) LEPs to ascertain if development standards have been applied to land zoned SP2, in particular SP2 Educational Establishment. It is noted that:

- *North Sydney LEP 2013 applies height of building controls for land zoned SP2 Educational Establishment adjacent to the North Sydney centre.*
- *Leichhardt LEP 2013 applies floor space ratio controls for land zoned SP2 Educational Establishment.*

- *The Draft Sutherland LEP 2014 proposes height of building controls for land identified as zone SP2 Educational Establishment.*

There is nothing to prevent a planning proposal to zone land SP2 Educational Establishment containing provisions to introduce appropriate development standards. The planning proposal would need to provide adequate justification for the proposed standards, commensurate with the schools future intention for the land and integration with adjoining controls. The Department would undertake a merit assessment of the Planning Proposal when submitted for a Gateway determination.

(b) 114 Edwin Street North and 8 College Street

The implications of rezoning the above properties for SP2 (School) purposes raises particular site - specific issues, which are discussed below.

(i) 114 Edwin Street North

This property is a heritage item. It is considered that (subject to inclusion of appropriate development standards) an SP2 Infrastructure zone (School) is appropriate because it more accurately describes the current and future use of the building. Maintaining the R2 low density zone and B2 Local Centre zone would serve no useful purpose in circumstances where the property has been used exclusively for school purposes for many years. It is proposed, however, that the current maximum height and floor space ratio applying to this property be retained given its proximity to adjoining residentially zoned properties.

(ii) 8 College Street

PLC has not requested that this property be rezoned. However, it is considered that this property should also be zoned SP2 Infrastructure. To retain this property as R2 Low Density Residential would:

- achieve nothing in terms of retaining the residential character of the area (College Street following redevelopment by PLC would have a very different (educational establishment) character.
- fragment the proposed SP2 zone and would mean a single residential zoning for one property is retained with no direct physical relationship to other residential zones within Ashfield LGA.

- would conflict with the land use objectives and development standards for the proposed SP2 zoning of immediately adjoining land if the planning proposal is progressed.
- may mean that future rezoning would be required if the property were ultimately acquired by PLC.

It should be noted that even if 8 College Street were rezoned SP2, it can continue to be used indefinitely for residential purposes. There is no onus on the owner of the property to sell the property to PLC or for that matter to anyone else if an SP2 zoning applies. The current owners and possible future purchasers may continue to use the property as a residence or another use permitted in the SP2 Zone.

The owner of 8 College Street has also requested that his property be rezoned B2 Local Centre to match the current zoning of properties on the opposite side of College Street.

This is not agreed with. There is no rationale in terms of zone objectives, the range of permissible land uses within the different zones and related development standards that would justify an extension of the current business zone on the opposite side of College Street to a single property located centrally in College Street within a proposed SP2 (School) zone.

3.2 Built Form

The junior school plans submitted (post-exhibition) by PLC have been examined. Their role is that of a suite of indicative supporting documents at this stage. There is currently no development application before Council because the junior school proposal:

- (c) does not comply with current development standards for the R2 residential zone and,
- (d) would breach the maximum building height (12 metres) and setback controls (minimum 5 metres) specified in the Infrastructure SEPP complying development standards for an educational establishment. The indicative junior school configuration school includes building heights up to of 13.5 metres and variable setbacks, some of which are less than 5 metres.

There is a reasonable degree of sensitivity in this locality to issues of building height and FSR including the impact of taller buildings on the dwelling at 8

College Street, which is to remain. Maintaining an appropriate and sympathetic built form interface between taller buildings and lower rise buildings in the vicinity is important and should be controlled by introducing appropriate building articulation, height and FSR standards.

An analysis of the planning proposal area and environs was carried by Council staff to inform the town planning and urban design analytical thinking process. The analysis indicated that the 13.5 metre building height proposed by the school for some junior school buildings (to permit 3 storey buildings with higher ceilings and a pitched roof) was a reasonable fit within the streetscape (see **Attachment 6**) and could be accommodated within an LEP 14 metre maximum building height plane. New structures fronting Hennessey Street will also be of a similar scale to the existing shops to be removed.

In general terms the built form proposed expresses what is considered a traditional architectural language and materials in keeping with the heritage qualities of other parts of the school. Voids and protrusions provide visual interest as well as a gradation in light and shade. Setbacks are provided to the dwelling at 8 College Street to protect its setting. Building setbacks to College Street are minimal although the buildings here are articulated and visually separated using lower level podiums, void areas and curved wall features. It was noted that the maximum height of buildings is closest to College Street and decreases further to the west as landform slopes up towards Meta Street. College Street itself provides separation to properties in the nearby business zone where buildings of up to 10 metres high are permissible.

It is not agreed, however, (as argued in PLC's consultant report) that the proposed SP2 zone should be applied without any development standards. As indicated elsewhere in this report there is some degree of sensitivity concerning the relationship of new school buildings to existing structures in the vicinity including existing properties within the business zone opposite at 13-17 College Street some of which are still used for residential purposes.

College Street is also quite narrow, so the scale of any new buildings needs to be relatively modest to avoid creating a canyon like effect and possible overshadowing of nearby buildings. The general scale of buildings within the Croydon village is also relatively low and this rather gentle, attractive built form is a key contributory element in maintaining its general character.

An indicative built form for the new junior school buildings has also been provided by PLC. Given this, it is considered that the school buildings should be restricted to a maximum height of 14 metres and maximum FSR of 1:1 which accommodates the proposed pitched roof PLC design. This would permit the junior school development (with a reasonable built - in margin to allow for

minor variations to height and floor space ratio) as proposed by PLC whilst providing the community with a degree of certainty concerning future built form outcomes. Refer to Figures 1-6 at **Attachment 5**.

Note: The application of development standards as proposed would not remove the need for PLC to ensure that any future development is acceptable in terms of its ultimate built form and impact on the amenity and heritage attributes of nearby properties.

4.0 Next Steps

If Council resolves to proceed with the Planning Proposal the next steps are to follow the Department of Planning & Environment's LEP plan making process.

To summarise:

1. Council considers whether to initially support the Planning Proposal including the amendments proposed by Council officers and to commence the LEP plan making process (current stage).
2. The Planning Proposal incorporating any amendments is submitted to Department of Planning and Environment.
3. Department of Planning and Environment undertakes an assessment and, if supportive of the Proposal, will issue a Gateway determination which will give Council the authority to continue the process and specifying whether any additional studies are required.
4. Council exhibits the Planning Proposal
5. Council considers submissions received and following community engagement decides whether or not to amend/re-exhibit the proposal and submit it to Department of Planning and Environment to undertake a final assessment or Council can choose to submit the Planning Proposal (LEP document) directly to Parliamentary Counsel if the plan making function is delegated to Council.
6. The plan is then notified and comes into effect.

The main document to support any LEP amendment is the attached Planning Proposal (**Attachment 1**) submitted by the applicant which explains the intended effect of the proposed LEP amendment and justification for making the LEP. The document has been prepared in accordance with NSW Planning and Environment - 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans'.

5.0 LEP (Plan-Making) Delegation

In November 2012 the Minister for Planning & Infrastructure delegated certain plan making powers to make and determine an LEP back to councils. Delegations can be issued by the Department of Planning & Environment which enables Council to exercise the Minister's plan making functions after Gateway determination stage (i.e. to draft and make the LEP in addition to the standard steps). The delegations operate when a Council requests NSW Planning and Infrastructure to issue a 'Written Authorisation to Exercise Delegation' (the Authorisation). This Authorisation can be issued to Ashfield Council as part of the Gateway determination and was successful in terms of the Ashfield East Planning Proposal currently being progressed.

Council previously resolved to apply for delegation provided the General Manager exercises the delegation only with prior approval from Council. The delegation was subsequently granted. It is therefore recommended Council instruct the General Manager to apply for authorisation to exercise the relevant delegation.

Council will of course be kept fully informed as part of the plan-making process including future submissions and agreement on the final form of the LEP amendment. Assuming the delegation is available it will significantly streamline the plan-making process as the need for multiple primarily administrative referrals to the Department of Planning at various stages of the process will be unnecessary. Exercising the delegation also means that Council will have greater autonomy and control over the plan-making process.

Financial Implications

The applicant has provided the requisite fees to progress the Planning Proposal.

Public Consultation

A preliminary Stage 1 Council consultation process has been completed to align with current Council notification policies. A comprehensive second stage consultative process will be undertaken as part of the statutory Planning Proposal community engagement process should the Council agree to support the proposal.

Referrals

Internal and external referrals have taken place. Further referrals will be undertaken if Council resolves to progress the Planning Proposal.

6.0 Conclusion

The planning proposal is supported in principle. It is considered there is sufficient justification to proceed with rezoning. Applying an SP2 (School) zone rather than maintaining an R2 residential zone for those properties currently used for school purposes would mean that the development standards currently applicable to residential development including supporting development control plan provisions would no longer apply and would be replaced by site-specific development standards that are more appropriate to existing and proposed educational land uses and associated built forms.

This outcome is reasonable in the circumstances given that in the medium to longer term, development and land uses within the suggested Planning Proposal area will comprise non-residential (school) purposes. A specific SP2 (School) Zoning would also be consistent with Council's past actions when it zoned all schools in the Ashfield LGA SP2 under LEP 2013. It is also recommended that property 8 College Street be zoned SP2 Infrastructure (School) for the reasons stated in the report.

In conclusion, it is also recommended that any new SP2 Zone incorporate appropriate development standards as detailed in this report. This includes maintaining existing applicable height and floor space ratio standards for 114 Edwin Street North and limiting the potential height and floor space of new school buildings in College Street in order to achieve a sympathetic built form outcome (refer to amendments proposed by Council officers illustrated in **Attachment 5**).

ATTACHMENTS

Attachment 1	Planning Proposal	30 Pages	
Attachment 2	Copies of submissions	15 Pages	
Attachment 3	PLC consultant response to submissions	8 Pages	
Attachment 4	Indicative plans of junior school proposal	4 Pages	
Attachment 5	Figures 1-6, Council officer recommended development standards	4 Pages	
Attachment 6	Explanatory height diagrams	1 Page	

RECOMMENDATION

- 1/5 That Council resolve to progress a Planning Proposal to commence the process to amend Ashfield Local Environmental Plan (LEP) 2013 to rezone properties at 2-12 College Street Croydon (even numbers inclusive) from a low density R2 residential zone to an SP2 Infrastructure (School) Zone with:**

- (a) maximum permitted building height of 14.0 metres and a maximum permitted Floor Space Ratio of 1:1 to apply to properties 2-12 College Street (even numbers inclusive); and,
- (b) maximum currently permitted building height of 8.5 metres and a maximum permitted Floor Space Ratio of 0.7:1 to remain as is for property 114 Edwin Street North.
- 2/5 That Council resolve to forward the Planning Proposal amended as recommended in this report to the Department of Planning and Environment for Gateway determination to allow the LEP plan making process to commence under Section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
- 3/5 That Council resolve to request the Department of Planning and Environment to issue written authorisation to Council's General Manager to exercise and implement delegations in accordance with Section 23 of the EP& A Act 1979 to facilitate the plan making process following the Gateway determination.
- 4/5 That following Gateway determination a report be submitted to Council detailing the determination requirements and specified community engagement methodology.
- 5/5 That all persons who made a submission as part of the community engagement process be advised of Council's decision and thanked for their input.

2. MINUTES

PLC CROYDON PLANNING PROPOSAL.

CM 10.8

RESOLVED Lofts/Cassidy

- 1/5 That Council resolve to progress a Planning Proposal to commence the process to amend Ashfield Local Environmental Plan (LEP) 2013 to rezone properties at 2-12 College Street Croydon (even numbers inclusive) from a low density R2 residential zone to an SP2 Infrastructure (School) Zone with:
- (a) maximum permitted building height of 14.0 metres and a maximum permitted Floor Space Ratio of 1:1 to apply to properties 2-12 College Street (even numbers inclusive); and,
- (b) maximum currently permitted building height of 8.5 metres and a maximum permitted Floor Space Ratio of 0.7:1 to remain as is for property 114 Edwin Street North.
- 2/5 That Council resolve to forward the Planning Proposal amended as recommended in this report to the Department of Planning and Environment for Gateway determination to allow the LEP plan making process to commence under Section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).
- 3/5 That Council resolve to request the Department of Planning and Environment to issue written authorisation to Council's General Manager to exercise and implement delegations in accordance with Section 23 of the EP& A Act 1979 to facilitate the plan making process following the Gateway determination.
- 4/5 That following Gateway determination a report be submitted to Council detailing the determination requirements and specified community engagement methodology.