

Subject **Development Application: 10.2015.265.1**
14-22 Bland Street & 97-99 Elizabeth Street, ASHFIELD

File No **10.2015.265.1**

JRPP REF: **2016SYE025**

Prepared by **Philip North - Specialist Planner**

Prepared for: **Sydney East Joint Regional Planning Panel**

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for alterations and additions to the existing school known as Bethlehem College as follows:

The Proposal					
Demolition	<ul style="list-style-type: none"> The Marion Building in the centre of the site; Various minor elements of the existing structures to facilitate the upgrade works. 				
Construction	Element	Storeys	Use	Existing GFA	Proposed GFA
3 and 8 storeys	Block A: Caritas & Rosina Burns Building: Additions	2	School: Demolition of south western corner	2455m ²	2370m ²
	Block B: Aikenhead Building: Additions	2	School: Addition of canteen servery	1149m ²	1112m ²
	Block C: Toilets No change	1	School: Toilet block No work	80m ²	80m ²
	Block D: Eora Building: Alterations	3	School: Demolition and alterations	672m ²	596m ²
	Block E: Sophia Building: Alterations & additions	3	School: Additions	1632m ²	3128m ²
	Block G: Marian Building: Demolition	3	School: Demolition	1437m ²	0m ²
	Link bridge and covered walkway between Sophia Building and eastern buildings	2-3	School: Enclosed walkway addition	0m ²	255m ²
	Total Gross Floor Area			7425m²	7,541m²

	FSR			0.72:1	0.73:1
	Site	Ground level	Communal open space		572.8m²
			Deep soil		674.1m²
	Public Open Space	Ground level	Publicly accessible square		598.3m²
	Car Parking	Details		Existing	Proposed
		Staff		37	39
		Students		6	7
		Total		43	46
Operational	Item	Details		Existing	Proposed
	Student Numbers	Increase students by 25 (incl. 4 in year 12) from 720 to 750.		720	750
	Staff numbers	Increase staff by 2 from 84 to 86.		84	86

Background

2.0 Summary Recommendation

In addition to compliance with all applicable development controls and standards, the proposed development avoids adverse impacts upon neighbouring properties and the locality generally. It also provides significantly improved site planning, legibility, pedestrian circulation, functionality and architectural design for the school itself. Finally, the additions both respect and enhance the heritage significance of this important heritage site.

Council's engineer has identified issues with the stormwater design which require rectification and has recommended that this be addressed by way of deferred commencement conditions.

The development is recommended for Deferred Commencement Approval.

3.0 Application Details

Applicant	:	Neeson Murcutt Architects
Owner	:	Trustees Of Roman Catholic Church
Value of work	:	\$7,000,000
Lot/DP	:	Various – see below
Date lodged	:	30/12/2015
Building classification	:	9B
Application Type	:	Local
Construction Certificate	:	No

4.0 Site and Surrounding Development

The subject site is located on the western side of Bland Street with secondary frontages to Elizabeth Street and access via a right of way to Alt Street. An existing educational establishment is located on the site. Surrounding development comprises dwelling houses, residential flat buildings, and other educational establishments. Refer to **Attachment 1** for a locality map. The site consists of the following individual lots:

Street Address	Lot No.	Deposited Plan	Title System	Total Site Area (by title)
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14-20 Bland Street	2	835767	Torrens	N/A
22 Bland Street	1	835767	Torrens	N/A
97 Elizabeth Street	1	79388	Torrens	N/A
99 Elizabeth Street	1	74878	Torrens	N/A
99 Elizabeth Street	10	1073765	Torrens	N/A
TOTAL AREA				10,370m ²

5.0 Development History

Previous building and development applications submitted to Council for the subject site include:

20 Bland Street			
No.	Date	Proposal	Determination
10.1997.21	25.03.1997	Amenities building	Approved

22 Bland Street			
No.	Date	Proposal	Determination
10.2003.308	21.01.2004	Alterations & additions to school	Approved
10.2002.154	18.11.2002	Alterations & additions to school	Approved
6.1963.4575	16.07.1965	Alterations & additions to school	Approved
6.1972.8319	21.01.1972	Enclose first floor verandah and WC	Approved
6.1967.6327	11.07.1967	Not available	Approved

97 Elizabeth Street			
No.	Date	Proposal	Determination
6.1989.195	02.06.1989	Demountable classrooms	Approved
5.1996.195	11.11.1996	Change of use from residential to school	Approved

99 Elizabeth Street			
No.	Date	Proposal	Determination
10.2001.175	04.09.2001	Brick fence with metal bars	Approved

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
20.11.2015	Provisional development application submitted	17.2015.343
11.12.2015	Letter sent to applicant raising the following issues: 1. Clarification is required as to the correct boundaries of the site for the proposed development. It appears that some of the landscaping to the north of Sophia building and some of the car parking at the north east corner of the site is located across the northern boundary. If this is the case, the application must also be lodged in respect of these properties and have the consent of the property owner/s. 2. The drawings are inadequately dimensioned and should be provided with string dimensions for the internal and external envelope. 3. A survey plan prepared by a suitably qualified person is to be submitted. This plan is to include, but not be limited to, the boundaries of the site, spot levels where relevant, the location of all structures on the site and their relationship to the boundary and any trees on the site and adjoining	17.2015.343

	<p>properties.</p> <ol style="list-style-type: none"> 4. Please provide all documents as PDF files on a disk. 5. Please clarify the existing use of the open grassed area proposed to be used as multi-use court. 6. Details of the proposed deck between the multi-use court and the Sophia Building including proposed RLs, cross sections, elevations and any fencing or screening from adjacent properties 7. Details of the proposed multi-use court are to be provided including hours, intensity of use, any proposed lighting including illuminance levels and light spill, elevations and dimensions of any proposed court fencing and details of any new boundary fencing. 8. Details are to be provided of all boundary fencing including height and materials, in particular the fencing to the south of Marian Square where it adjoins the access lane to the south. 9. The fence between Marian Square and the access lane is noted as timber paling construction on the plans but appears to be an open palisade structure on the perspective renderings. Please clarify. In this respect, a solid masonry structure may be preferable in terms of durability, privacy and noise attenuation. 10. Lighting details for Marian Square should be provided. 11. The acoustic report is inconsistent with the SEE in respect of the maximum number of students proposed for the outdoor play areas. The acoustic report states a maximum number of 60 at a time whereas the SEE nominated 80. Please clarify. 12. Concern is raised regarding potential privacy impacts upon the dwellings to the south from the proposed elevated glazed link between Rosina Burns Building and the extension to the Sophia Building. Please address this issue to ensure adequate privacy is maintained for the existing dwellings. 13. Please provide an A3 PDF copy of the colours and finishes numbered and dated as part of the drawing set. 14. Please nominate the number of additional students proposed in each age group to enable calculation of parking requirements and also please indicate the proposed additional three parking spaces on the drawings. Clear calculations should be provided analysing compliance with Part C11 of Ashfield Interim Development Assessment Policy 2013 in respect of any additional staff and student car parking requirements. Please also note that the car parking for the proposed increase must be provided on site as no variation will be supported. 15. The acoustic report provided does not propose any constructional measures to ameliorate the noise impacts upon adjacent properties (eg boundary fence height and materials) or do minimise noise levels and reduce them to meet the non-mandatory acoustic guidelines. This should be addressed. 16. In addition to the lot nominated on the application form (lot 1, DP 835767), the proposal also appears to be located several other lots. Please nominate all lots and street addresses upon which the proposed works are located. 17. Council's records indicate that some parts of the site have an ownership which differs from that shown on the application form, in particular for 14-20 Bland Street and 24-26 Bland Street (upon which part of the proposal is located including car parking and landscape works). This must be clarified and appropriate consents provided. 	
24.12.2015	<p>Letter sent to applicant raising the following issues:</p> <p><i>In response to the request for comment upon the proposals for Bethlehem College, I have inspected the proposals and read the Statement of Heritage Impact prepared by John Oultram Architect.</i></p> <p><i>The SHI usefully considers the proposal against the CMP prepared for the site, and I note that much of the proposed work would not appear to raise concern, or that coming from the authoring firm of architects, its careful design development could be anticipated, with Mr. Oultram's input.</i></p> <p><i>One matter raises some considerable concern, however, and that is the form, scale and bulk of proposed roof elements upon the new classroom block. Mr. Oultram does not dwell upon these, mentioning them only in the following terms:</i></p> <p><i>"The building is in rendered lightweight construction, with large highlights to the central space."</i></p>	17.2015.343

	<i>These are not adequately described as “large highlights” for they are gigantic in scale, and in my opinion, will have a significant impact upon the context of this building, and of the School. They will be more than noticeable and promise an un-neighbourly loss of light leakage at night. Their capacity to dominate the locality is difficult to judge from the information I have seen, but is sufficiently concerning to warrant acceptable clarification for Council to be assured that no adverse impact will occur. This will need the generation of images to accurately show the building in context and scale.</i>	
30.12.2015	Development Application lodged “As-is”.	10.2015.265.1
	Request made to applicant for further information regarding playing courts and fencing.	10.2015.265.1

6.0 Zoning/Permissibility/Heritage

The site is zoned SP2 - Infrastructure (Educational Establishment) under the provisions of Ashfield LEP 2013. The property is listed as a heritage item and is located within the vicinity of heritage items.

The proposed works are permissible with Council consent.

Section 23G of the EP&A Act - Joint Regional Planning Panels

Pursuant to Section 23G and schedule 4A of the EP&A Act, the Minister by Order as published, constituted the Sydney Region East Joint Regional Planning Panel (JRPP) to determine any DA for an educational establishment with a Capital Investment Value (CIV) greater than \$5 million on land within the local government area of Ashfield. The proposed development is an educational establishment with a CIV of \$7,000,000, and therefore the determining authority is the Sydney Region East JRPP.

7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal. The following table summarises the compliance of the application with ALEP 2013.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
2.3	Zone objectives and land use table	Zone SP2 Infrastructure (Educational Establishment)	School	Yes
4.1	Minimum subdivision lot size	N/A	10,370m ²	N/A
4.4	Floor space ratio	N/A	0.73:1	N/A
5.9	Preservation of trees or vegetation	(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other	No removal of significant vegetation proposed.	Yes

		vegetation.		
5.10	Heritage Conservation	Listed as: • Heritage Item I-41 (14-22 Bland Street) Located in the vicinity of: • Heritage Item I-40 (12 Bland Street) • Heritage Item I-92 (81 Elizabeth Street) • Heritage Item I-93 (83 Elizabeth Street) • Heritage Item I-94 (93 Elizabeth Street) • Heritage Item I-95 (95 Elizabeth Street) • Heritage Item I-19 (23 Alt Street) • Heritage Item I-34 (11-13 Bland Street) • Heritage Item I-35 (1-9 Bland Street)		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	A heritage management document has been prepared.	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	A heritage management document has been submitted. The impact of the proposal upon the heritage item in the vicinity of the site is assessed as satisfactory by Council's Heritage Adviser.	Yes

As demonstrated in the above table above table, the proposed development satisfies the provisions of ALEP 2013 with no non-compliances.

7.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 - Remediation of land

Given the continuous use of the site for educational purposes for a substantial period of time, it is not considered that the site is likely to be contaminated.

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

Not applicable.

7.3 The provisions of any Development Control Plan.

Although the Ashfield DCP 2007 is still in force, the way it should be interpreted is by reference to the Ashfield Interim Development Assessment Policy IDAP which specifically addresses how the ADCP 2007 is to be interpreted in the context of ALEP 2013. Please see Section 7.8 below.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered as part of the assessment of the development application.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

Section 79C(1)(b) requires consideration of the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

7.5.1 Solar access:

The provided shadow diagrams demonstrate that the proposal will not result in unacceptable overshadowing of adjacent properties in excess of that which would ordinarily be considered acceptable in an R2 zone.

7.5.2 Visual and Acoustic Privacy:

Visual privacy: The adjoining lower density residential properties to the south and the west are currently subject to extensive overlooking from the existing school buildings, in particular the three storey Sophia Building (to be renovated) and the three storey Marian Building (to be demolished). The proposed demolition of the Marian Building and the renovation of the Sophia Building to include screening devices on its windows will significantly reduce the current degree of overlooking.

The proposed new site layout has been carefully configured to minimise any additional overlooking impacts upon adjoining sites. In particular, the new addition to the Sophia Building features extensive angled privacy screens on all side facing windows to comprehensively direct sight lines away from the rear private open spaces of adjacent properties. In addition, the southern side of the new Marian Square is to be fenced and planted with a screen of 6m high canopy trees to provide privacy to the dwellings to the south; this is in addition to the existing separation provided by the rear lane. Despite this, there is potential for some overlooking – albeit from a substantial distance - from the elevated “link” bridge, before the trees mature; to address this, a condition can be applied to require the planting of semi-mature non-deciduous specimens to a height of 4 metres.

Acoustic privacy has been addressed in the acoustic report provided – its recommendations will be required by way of condition of consent. In addition, solid masonry walls are proposed

to the side boundaries of the proposed playing court to ameliorate any adverse acoustic and visual privacy impacts.

7.5.3 Bulk and Scale:

The proposal is a maximum of three storeys and generally not exceeding 9.5m which is consistent with the height of the existing buildings on the site and is not unacceptably at odds with the scale of the surrounding R2 Residential zone surrounding the site.

7.5.4 Traffic:

The increase in the intensity of use of the site is minimal with an addition of only 25 students and 2 teachers. The resultant traffic impacts have been addressed by Council's traffic engineer and are deemed to be satisfactory.

7.5.5 Streetscape and Urban Design

The proposal is generally not visible from any street frontage and will not impact upon the streetscape.

Although contemporary in detail, the massing of the design has been carefully integrated with the existing buildings on the site and is respectful to their heritage significance. In addition, the site planning carefully rationalises the structure and of the site to render it more legible, improve pedestrian circulation and provide a functional focal point around a new internal school square.

7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The proposed development is considered suitable in the context of the locality.

7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants, and Councillors from 12 January 2016 until 2 February 2016. Notification was checked during site inspection and was acceptable.

7.7.1 Summary of submissions

One submission (**Attachment 3**) was received during the notification of the development application.

Submission from
J. & V. Ryan 95 Elizabeth Street Ashfield NSW 2131

Submission Issue	Assessing Officer's Comment
The location of the multi-use court would have adverse amenity impacts on adjacent residential properties.	It is considered that any adverse impacts can be managed by conditions of consent and changes to the design as follows: <ul style="list-style-type: none">• Solid masonry wall can be built along the boundary;• A condition has been recommended for the public address system to be located low down and away from the residential properties;

	<ul style="list-style-type: none"> The courts will be limited in use to daytime and weekdays only.
The playing courts should be relocated.	It is considered that adverse impacts from the courts can be managed by way of conditions of consent and addition of a masonry boundary wall.
A masonry boundary wall should be provided between the site and the side boundary of 95 Elizabeth St.	The application has been amended to provide a 1.8m high masonry boundary fence to this location. Conditions will be applied to any consent to ensure that it is constructed before occupation of the buildings.
Public address speakers should be maintained as per the acoustic report.	A condition has been recommended requiring compliance with the acoustic report.
No use of the playing courts should be permitted after hours.	A condition has been recommended to ensure no after hours or weekend use.
The raised deck and access ramp adjacent the boundary with 95 Elizabeth Street should be provided with a masonry screen and planting to ensure acoustic and visual privacy.	The plans have been amended to show an extension of this wall as requested.
Any new trees along the southern boundary of the site should not result in overshadowing of the residential properties to the south.	The trees will grow to a height no greater than 6m and should not create unacceptable overshadowing impacts.

7.8 The public interest

The proposal is subject to the provisions of Ashfield Interim Development Assessment Policy 2013. A summary compliance table follows below:

Ashfield Interim Development Assessment Policy 2013 Part C1: Access, Adaptability and Mobility Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Part C1	Access, Adaptability and Mobility			
4.0	Non-residential development	For non - residential development, reference is to be made to the access requirements of the Building Code of Australia (BCA). A brief report should be submitted with the development application explaining that the design is capable of complying with BCA access requirements without the need for future modifications to any development consent.	An access report has been provided which confirms BCA compliance.	Yes

Ashfield Interim Development Assessment Policy 2013 Part C11: Parking Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
3.3	Parking Credits	Do not apply if more than 50% of the building is being demolished.	Less than 50% of the buildings are to be demolished and the proposal is thus eligible for parking credits. Parking requirements are therefore calculated only on the additional students and staff proposed.	N/A

4.2	Bicycle Parking	Calculation of spaces for ADDITIONAL students/staff: Employee spaces: • 1 per 20 staff = 0 Student spaces: • 1 per 5 students = 5	Employee spaces: • 0 space Student spaces: • 5 space	Yes
	Motor Cycle Parking	Calculation of spaces for ADDITIONAL students/staff: Spaces: • 1 space per 25 car spaces = 0	Spaces: • 0 spaces	Yes
4.3	Parking Rates for Specific Land Uses	Calculation of spaces for ADDITIONAL students/staff: Primary School Spaces: • 1 set down per 40 = 0.6 Year 12 Student Spaces: • 1 per 8 = 0.5 Staff Spaces: • 1 per 1 staff = 2 Disabled Spaces: • 1/20 spaces = 0 TOTAL NEW SPACES: 3	Primary School Spaces: • Set down:0.6 Year 12 Student Spaces: • 0.5 NB: Both above combined into one. Staff Spaces: • 2 TOTAL NEW SPACES: 3	Yes
5.0	Design Requirements	Compliance with relevant Australian Standards and detailed requirements of the Part.	Satisfactory or capable of compliance (see comments from traffic engineer).	Condition

Ashfield Interim Development Assessment Policy 2013 Part C10: Heritage Conservation

Assessed as satisfactory by Council's heritage adviser.

Yes

Ashfield Interim Development Assessment Policy 2013 Part C12: Public Notification Summary Compliance Table

No.	Standard	Required	Proposed	Complies
Section 2	Notification Process		The application was notified in accordance with this part.	Yes

Ashfield Interim Development Assessment Policy 2013 Part D1: Planning for Less Waste

Assessed as satisfactory by Council's waste management officer.

Yes

It is considered the application generally complies with the Ashfield Interim Development Assessment Policy as indicated and ultimately achieves the aims and objectives of the AIDP 2013. Where there are minor non-compliances, it is a matter of detail and these matters may be addressed by way of consent conditions.

8.0 Referrals

Internal Referrals		
Officer	Comments	Support
Building Surveyor	Supported subject to conditions.	Yes
Traffic Engineer	Supported subject to conditions.	Yes
Drainage Engineer	Supported subject to conditions.	Yes
Heritage Adviser	Supported.	Yes
Environmental Health Officer	Supported subject to conditions.	Yes
Tree Officer	Supported.	Yes
Waste Management	Supported.	Yes

9.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

Financial Implications

Developer contributions are applicable and included in the consent conditions.

Other Staff Comments

See 8.0.

Public Consultation

See 7.7

Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

In addition to compliance with all applicable development controls and standards, the proposed development avoids adverse impacts upon neighbouring properties and the locality generally. It also provides significantly improved site planning, legibility, pedestrian circulation, functionality and architectural design for the school itself. Finally, the additions both respect and enhance the heritage significance of this important heritage site.

Council's engineer has identified issues with the stormwater design which require rectification and has recommended that this be addressed by way of deferred commencement conditions.

The development is recommended for Deferred Commencement Approval.

Recommendation

- A. That the Joint Regional Planning Panel as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) grant deferred commencement consent to Development Application No. 10.2015.265.1 for alterations and additions to existing school structures, demolition of the Marian Building, construction of a link bridge, relocation of the multi-use court, additional parking spaces, and provision for 25 additional students to a total of 750 and an increase of two staff to a total of 39 on Lot 2, DP 835767, Lot 1, DP 835767, Lot 1, DP 79388, Lot 1, DP 74878 and Lot 10, DP**

**1073765 known as 14-22 Bland Street and 97-99 Elizabeth Street, Ashfield,
subject to the following conditions:**