

# Friends of Narrabeen Lagoon Catchment



P.O. Box 845, Narrabeen NSW 2101

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To: Director, Industry and Infrastructure Policy  
Department of Planning and Environment  
PO Box 39  
Sydney NSW 2001  
Email: [education.sepp@planning.nsw.gov.au](mailto:education.sepp@planning.nsw.gov.au)

7 April 2017

Re: Draft SEPP (Educational Establishments and Child Care Facilities) 2017

Concerns about the draft policy:

Proposals for new facilities and the expansion of existing educational establishments often have adverse impacts on the sites and the surrounding communities and the environment.

Impacts on surrounding communities include substantial increases in traffic volumes and parking for students, teachers and administration staff. State government facilities provide very little on site parking.

This proposed SEPP will result in private facilities to be assessed as State government facilities.

The SEPP does not provide for any public submissions for any proposed developments, even those that require a certificate to change zonings.

Part A: The Educational and Child Care Sector Policy Framework

Page 6:

Concern about proposal to 'switch off some local planning controls that are inconsistent with the National Regulations'. Is this intended to update or negate local planning controls?

Concern about "New school buildings up to four storeys (or 22m) in height...can be approved as complying development".

Depends on the development standards. Consultation and a merit based assessment should be required for proposals likely to have an adverse impact on the community or the environment.

Page 7:

Agree with the proposal for all applications for complying development to be issued by council certifiers, rather than private certifiers. This will ensure

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councils have some oversight and involvement, even though this is limited to the confines of development standards in the SEPP.

Do NOT agree with private schools 'using similar planning provisions as public authorities' or "with using the same self-assessment process as government schools may currently do."

Development for private schools should be subject to development assessment and public consultation under the EP&A Act, similar to other applications for private development.

Do NOT agree with a Code of Practice for self-assessment. This does NOT ensure that the potential impacts of private development are identified, avoided or mitigated. A public planning authority is a more appropriate agency to assess development for private schools, as it does not have a vested interest in the development.

Do NOT agree with classifying all new schools and all major expansions of existing schools (with capital investment value of \$20m or more) as State significant development (SSD).

A SSD does not allow for adequate consideration of local planning controls or environmental impacts of development. Offsets permitted under SSD do not replace in situ environmental values.

Page 8:

Concern that expanded provisions for tertiary institutions to undertake 'development without consent' would bypass community consultation, local planning controls and assessment processes. A development consent should continue to be required for most developments.

## Part B: Early Childhood Education and Care Facilities

Page 10:

Do NOT support the amendment to permit home-based child care as exempt development on all land, by removing the current restriction on bushfire prone land. The current restriction is justified.

A planning assessment should be required to consider the suitability of the site, safety for emergency service workers, environment and other impacts associated with the development.

An assessment is also warranted to consider ways to avoid or minimise impacts.

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Page 13:

Do NOT support the proposal to amend the Codes SEPP by introducing development standards which will allow home-based child care on bushfire prone land as exempt developments.

“The proposed standards required to ensure occupants’ safety in the event of bush fires, include:

- provision of an Asset Protection Zone around the dwelling;”

The ‘strict fire safety development standards’ include the removal of native vegetation for APZ purposes. A development assessment is required to consider the environmental impacts of asset protection zones.

## Part C: Schools

Page 18:

Complying development will include “a covered outdoor learning area”.

The current SEPP (Infrastructure) qualifies this by excluding land that is bushfire prone or that contains a heritage item:

s31A (1) (vi) Complying development – existing schools

“if the development is not on bush fire prone land or if the educational establishment is not, or does not contain, a heritage item – an outdoor learning or play area and associated awnings or canopies”

This provision should be retained in the draft SEPP.

Page 19:

Concern about the proposal for small scale developments permitted without a development consent. A public (consent) authority should undertake and oversee the environmental assessment of the likely impacts of the proposed activity in accordance with Part 5 of the EP&A Act.

Page 20:

Do NOT support the amendment to prescribe non-government schools as public authorities for the purpose of carrying out development without consent. A public authority should oversee the notification, public responses and carrying out of development proposals without consent.

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Do NOT support classification of State Significant Development (SSD) for new schools and additions to existing schools (with a project cost of more than \$20m). Community consultation, local planning controls and environmental impacts associated with school development require due consideration.

Page 21:

Do NOT support a school site adopting the zoning of adjoining land to enable development that is permissible on adjoining land to also be carried out on the school site despite the provisions of the applicable LEP. This provision would bypass land use and environmental assessments normally required for rezoning proposals.

Do NOT support the rezoning of land to facilitate the disposal of surplus educational sites. Public assets should be retained for education or public purposes.

Concern: This provision has the potential to allow over-development of land in sensitive locations. It also has the potential for land to be rezoned for higher uses, such that a school building / site can then be converted to other uses within the new zone, or sold for re-development.

The provision could lead to increased development and land speculation for purposes other than schools on private land.

Yours sincerely,

A handwritten signature in black ink, reading "J. C. Bennett". The signature is written in a cursive style.

Judith Bennett  
President