

Director, Industry and Infrastructure Policy

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7 April 2017

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

GENERAL COMMENTS

We support the provision of education facilities, but have some concerns about the draft SEPP.

In our experience, there is no substitute for early consultation with the community and consideration of matters related to the suitability of the site and the likely impacts associated with a development proposal.

Early consultation and environmental assessment provides the opportunity to amend a proposal to achieve a better planning outcome.

Proposed changes in the draft SEPP to speed up development approval will bypass development assessment processes, community consultation and local planning controls. These changes provide no certainty or reliability that good planning decisions will prevail.

The changes may provide greater certainty and reliability for the approval of school buildings, but this would be at the expense of planning processes that take into account broader issues relating to the environment and public interest.

Development approvals that fail to take into account community and environmental issues can have a negative impact on our quality of life, environment and education.

The draft SEPP would override local environment plans and the requirement for development assessment.

The draft SEPP would provide legislation that allows proponents to persist with inappropriate development proposals that should be rejected at the preliminary consultation phase.

It will allow proponents to ignore the advice of councils, government agencies and independent specialists with relevant expertise in planning and environment issues.

It will also allow proponents to ignore the legitimate concerns of the community and members of the public who will be most affected by the proposal.

COMMENTS on DRAFT SEPP PROVISIONS

Part A: The Educational and Child Care Sector Policy Framework

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Re Inconsistency

“The proposed SEPP will switch off some local planning controls that are inconsistent with the National regulations”.

Does this mean that the SEPP will override the local planning controls or that they will be updated to comply with the National regulations?

Object to the ‘switching off’ some local planning controls if they are relevant to the assessment of the development proposal.

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Council certifiers

“One option being considered as part of the reforms is that all applications for complying development certificates for school infrastructure be issued by council certifiers.”

Support the oversight and involvement of council appointed certifiers.

However, the advice of a local planning authority will be ineffective if local planning controls are ‘switched off’ and State Significant Development applies to school development proposals.

Private schools

The draft SEPP proposes that “private schools will also be able to expand and upgrade school facilities using similar planning provisions as public authorities.”

Object to private schools using similar planning provisions as public authorities.

Object to ‘development without consent’ and self-assessment process being introduced for private schools. Planning assessment for buildings and car parks in private schools should be undertaken by a public authority and not by a proponent with a vested interest in the approval. This would undermine public confidence and scrutiny in the planning process.

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Tertiary institutions

Object in principle to the expanded provision of complying development, which includes buildings up to three storeys. Development that is likely to have a social or environmental impact should be subject to a development application process.

Part B: Early Childhood Education and Care Facilities

Pages 10 and 13

Home based child care

Object to home-based child-care as exempt development for bushfire prone land. Exempt development does not allow for consideration of likely impacts or the suitability of the site.

Standards include the provision of an APZ. The impact of the APZ needs to be assessed as part of a development application. A planning authority should have the discretion to reject an application that is not suitable for the location.

Part C Schools

Pages 19 and 20

Development without consent

Object to the proposal to amend the EP&A Regulation 2000 to prescribe non-government schools as public authorities for the purpose of carrying out development without consent.

Self-assessment under Part 5 of the EP&A Act should be undertaken and determined by a public authority.

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State Significant Development (SSD)

Object to proposal to amend SEPP (State and Regional Development) 2011 to classify all new schools and all major expansions of existing schools as State significant development (SSD).

This will allow development approval to override local environment plans and undermine the importance of other relevant matters for consideration, including social and environmental impacts.

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Zoning of school sites

Object to the rezoning of school sites to facilitate the disposal of surplus educational sites. Also object to the rezoning of school land without a planning proposal to consider the implications of the change in land use.

The draft SEPP allows for rezoning and development to be approved under the auspices of education use. Rezoning of land and approval of development for education purposes can subsequently be converted to any other use that is permitted in the zone. Potentially, this provides for a change in land use and development that otherwise would not have been permitted.

The draft SEPP would allow the rezoning of education land without the requirement for a planning proposal. This would facilitate the subsequent sale of education land and its conversion to a different use permitted under the new zone. The rezoning of education land should require a planning proposal that considers the implications of the change in land use.

Ann Sharp