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05 April 2017

Ms Felicity Greenway
Director Industry and Infrastructure Policy
Department of Planning and Environment
PO Box 39
Sydney NSW 2001

Dear Felicity,

CRANBROOK SCHOOL - SUBMISSION TO DRAFT STATE ENVIRONMENTAL PLANNING POLICY (EDUCATION ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

This submission has been prepared by Urbis on behalf of Cranbrook School, an Anglican independent day and boarding school for boys, Pre-school to Year 12. We appreciate the opportunity to make this submission on the draft *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (the Draft SEPP) and its publicly available supporting documents which were placed on public exhibition by the Department of Planning & Environment (the Department) from 3 February 2017 to 7 April 2017.

We would welcome the opportunity to discuss any of these matters with the Department in greater detail and provide further information and advice throughout the implementation phase for the SEPP and its accompanying documents.

CRANBROOK SCHOOL

Cranbrook School is an Anglican independent day and boarding school for boys, Pre-school to Year 12 located in Sydney's Eastern Suburbs with two Pre-schools, a Junior School campus at Rose Bay and the main Senior School campus at Bellevue Hill. Founded in 1918, in order to uphold the great tradition of a liberal educational philosophy, and continues to do so by instilling, and supporting the development of academic rigour.

At Cranbrook, our vision is to be a world class school which encourages and enables all of our students to explore, enjoy and fulfil their potential. We lead our students to discover and make the most of their talents, give of their best and thrive in and love the pursuit of excellence. As a school, we energise the educational environment by offering a rich and distinctive schooling both within and beyond the curriculum and give powerful pastoral support. We uphold the character of our Anglican foundation in order to promote the moral and spiritual development of each student and foster the principles of service.

Cranbrook builds resilience and confidence so that each student can face the challenges of the twenty-first century with personal confidence, intellectual versatility, academic hunger and optimism. We inspire and support them to respect the integrity of differences, lead adventurous, courageous and generous lives contributing to the betterment of society.

OUR SUBMISSION

We applaud the Department for driving this policy change, which will create a more level playing field for development pathways for public and private educational establishments. We recognise the effort of the Department in seeking to streamline school approvals. The draft policy goes a long way to improving on the current approvals pathways.

Cranbrook supports the Department's acknowledgment that education delivery is a partnership between the private and public system; and their recognition of the requirement for equity between the public and private sector in delivery of infrastructure in order to support private schools lift their portion of their load.

The following submission represents a summary of the Cranbrook School's recommendations for how the Draft SEPP can be improved in order to more effectively achieve its stated goals.

WIDENING THE DEFINITION OF A 'PUBLIC AUTHORITY'

We applaud the Department's decision to widen the definition of 'public authority' for the purposes of undertaking development without consent under clause 30, to include registered non-government schools (RNS).

LOWERING THE COSTS ASSOCIATED WITH DEVELOPMENT

Significant benefits will be realised for RNS through the widening of the definition of a 'public authority' and consequentially endowing RNS with the ability to self-certify certain works. A key benefit of this decision will be expediting the development process for certain works by removing the requirement for applications to be assessed by either Council or the Department. This will serve to lower the cost of development, while also allowing schools to be more responsive to community needs by fast-tracking development to meet demand, and will facilitate a more equal delivery of school infrastructure between the public and private sector.

REGULATORY AND COMPLIANCE REQUIREMENTS

We acknowledge the significant benefits that being a 'public authority' will bring for RNS. In order to act on this ability schools will need to ensure that the requirements of Part 5 of the EP&A Act are met for the self-certification. The draft Code of Practice for Part 5 Activities goes a long way to setting out the processes that must be undertaken for RNS in this respect.

Cranbrook School is confident in their ability to accommodate all the regulatory and compliance requirements in order to meet the requirements of Part 5 of the EP&A Act. However, we are cognisant of the potential burden that this will place on smaller RNS for thorough assessment, determination and record-keeping.

We encourage the Department to think about an additional centralised system for storing of REFs and Decision Statements that fulfils the mandatory record keeping requirements so that smaller RNS are not burdened with the requirements associated with mandatory public access to records. This may be similar to the existing Major Project Register.

REDEFINING THE CIV THRESHOLD FOR SSD

The classification of all new schools and the reduction in the State Significant DA Capital Investment Value (CIV) threshold for alterations and additions to existing schools (with development consent) from \$30 million to \$20 million recognises the importance of the delivery of new schools, and the expansion of existing schools. This will serve to streamline and fast-track the delivery of critical new school infrastructure to meet the demands of a rapidly growing population. In order to deliver on the Draft SEPP's primary purpose – to prioritise school infrastructure delivery – it will be vital that there are sufficient resources both within the assessment team at the Department and within other referral authorities to ensure assessments and referrals are advanced in a timely manner. Without increased resourcing, the lower CIV threshold may inadvertently slow the approvals process.

COMPLYING DEVELOPMENT

The Complying Development provisions contained within the Draft SEPP do not allow for any underground development, including car parks or the refurbishment of underground spaces. The inability for schools to refurbish or alter any space underground, needlessly hinders the effective repurposing and upgrading of existing spaces within a school.

EXPANSION OF EXEMPT DEVELOPMENT

We support the expansion of the list of works allowable under exempt development to include a wider range of activities. This will allow schools to deliver improvements to school grounds more quickly, including the provision of new play equipment and sporting fields / courts.

HERITAGE

We understand the wider importance of protecting built and environmental heritage within the community and specifically within schools. The Draft Education SEPP's requirements regarding heritage are more limited than the current Infrastructure SEPP requirements, which allows for certain development on sites with heritage significance as complying development. We question this approach as many schools throughout the state contain items of heritage which would severely limit the application of this clause.

It is our understanding that the Draft SEPP will remove complying development pathway for works on schools containing local or State heritage items. It is our understanding that it was not the Department's intention to remove the ability of schools with heritage items to use the complying development pathway, however, the way in which the Draft SEPP is written removes this ability. We seek clarity from the Department on the application of CDCs to heritage schools, and whether or not this is an intended outcome of the proposed Draft SEPP.

It is our recommendation that the application of CDCs to heritage schools should be consistent with the Infrastructure SEPP. A balance between protecting the heritage value of schools and allowing for the efficient and timely delivery of new / additional school infrastructure could be achieved by requiring the impacts of a development on any heritage items to be assessed at the Classification stage for Part 5 determinations.

Alternatively, it may be possible to allow Complying Development on those parts of the site not affected by the stated heritage item or element of significance, or that the impact of the development application is no more than minor on the heritage item or artifact.

Removing the CDC pathways for all heritage-affected schools contradicts the Draft SEPP's purpose to streamline and fast-track approvals for education infrastructure.

STUDENT ACCOMMODATION

No controls exist within the Draft SEPP pertaining to either boarding school accommodation or on-site accommodation for students and staff. We seek clarity on why all works in relation to student and staff accommodation (boarding houses and associated development) have been explicitly excluded from the Draft SEPP provisions. We are of the opinion, that if a boarding school is existing, improvements to it should be allowable as either development without consent and complying development under the SEPP.

BETTER SCHOOLS DESIGN GUIDE

We recognise the importance of the Design Guide in setting out the principles and requirements intended to support the delivery of good design for schools across NSW, however it is our opinion that they should serve as guidelines and not operate as a 'quasi-control' document similar to the current interpretation by authorities of the Apartment Design Guide attached to SEPP 65. The guidelines need to be reflective of the importance of good design, by acting to encourage high quality outcomes and innovation, and not just 'level out' the quality of product (as the SEPP 65 ADG does).

We feel strongly about the importance of fostering and encouraging innovation in school design in order to support educational outcomes and create the best possible learning environments for children. As such, it is our opinion that the design guidelines need to be an adaptive document, that focus on innovative design of both internal and external spaces, with the emphasis placed on how the internal design supports innovation and evolving pedagogy over the 'appearance' of a school. In contrast to the public sector where pedagogy is consistent, RNS each have a unique pedagogy with unique requirements which the design guidelines will need to support and facilitate.

We encourage the Department to explore how the SEPP and design guidelines will support the evolution of educational pedagogy, in recognition of the average lifespan (50 years) of educational buildings, and subsequently the need for them to be designed in order to facilitate flexibility of use and configuration over time. As part of this, developments should be designed with an understanding of the likely and projected future capacity requirements of a school, as opposed to the current cap in order to ensure that development within and of schools is future-proofed, ensuring that they are fit for purpose not just in the short term, but in the medium to long term as well.

DRAFT PLANNING CIRCULAR – REGULATING EXPANSION OF SCHOOLS

The government's partnership with RNS, such as Cranbrook School, to deliver education infrastructure is projected to become critical to meet the anticipated population increases in growth centres and urban renewal areas. The ability to be able to review and assess caps to meet population growth is critical in a school's ability to support its community. Cranbrook School is currently limited in its ability to serve the community demand at its Bellevue Hill campus due to a cap imposed on the School based on enrollment figures from May 1990.

While Cranbrook understands the importance of regulating the expansion of schools, we strongly believe that cap conditions on both student and staff numbers should only be applied in circumstances justified by a comprehensive and evidence-based assessment.

A degree of flexibility should be built in to school caps recognising the arbitrary nature of such caps and the negligible impact that one additional student creates on the surrounding environment. Further, consent authorities need to be cognisant of the evolving nature of school operations, critically that as school hours extend with before/after school activities, the associated traffic impacts are being diluted over a longer period of time. Therefore, it is conceivable that while the size of a school's cohort may grow the perceivable impacts may reduce as school hours are extended. Additionally, there are usually other means by which off-site impacts can be ameliorated that are specific to the impacts generated.

If the consent authority considers it necessary to impose a condition limiting student and staff numbers at the school site, the numerical cap imposed should be for a valid planning reason supported by a strong evidence base as outlined in the draft Planning Circular.

While not applicable in Cranbrook's case, it is vital that government schools are not subject to caps as they are legally obliged to provide a place for each eligible child within their catchment zone.

CONCLUSION

We appreciate the opportunity to provide a submission in response to the public exhibition of the draft Education and Child Care SEPP.

Based on our review, the Department should take immediate steps to address the matters identified within this submission to ensure that the Department's aim of facilitating the effective delivery of educational establishments across the state is realised.

We would welcome the opportunity to discuss any of the matters addressed within our submission in greater detail. Please do not hesitate to contact me on (02) 8233 9900.

Yours sincerely,

A handwritten signature in black ink, appearing to read "JParker", written in a cursive style.

Jacqueline Parker
Associate Director - Planning