



7 April 2017

Director, Industry and Infrastructure Policy
Department of Planning and Environment
320 Pitt Street,
Sydney, NSW 2001

Re: Draft Education and Child Care SEPP

To the Director of Industry and Infrastructure Policy,

I am writing on behalf of Hayball Architects in relation to the Draft Education and Child Care SEPP. We are a Sydney based firm specialising in education projects with several public and private school projects currently active. We would like to express our concern over some of the changes that arise out of the new draft SEPP and request some provisions be revised accordingly.

Our objections are as follows:

- **Heritage**
 - *The removal of complying development pathway for works on schools containing local or State heritage items.*
This will impact 529 state and locally listed school sites across NSW. Often schools are located on large sites and the works proposed could be far away from the heritage item or very minor in nature posing no impact. In addition, this provision implies that if a heritage item is located on a separate site or Lot to the proposed works for the school, if it has the same DP number as a Lot on the school site the entire school will never be able to take advantage of an alternate approval pathway. We request this provision be removed from the Education SEPP.
- **State Significant Development**
 - *All new schools now being identified as State Significant Development (SSD) and expansions greater than \$20 million - reduced from \$30 million*
We are supportive of the change for new schools to be identified as SSD however the cap reduction will cause many schools that could have gone through the Complying Development pathway to now need to go through the State Significant Development process. This will significantly slow down the approval process. We request this change be removed and the threshold remain at \$30 million.
- **Traffic Impact Assessment**
 - *Complying Development that proposes to increase the school's capacity by 50 or more students will be required to obtain certification by the Roads and Maritime Service (RMS) that traffic impacts on the surrounding road network arising from the proposed development are acceptable.*
This additional provision means the speed of delivery of a Complying Development school will heavily rely on the RMS's capacity to provide certification. How much additional time this will add to the approval process is unclear, and the length could significantly vary depending on how many assessments they are making at one time. We request a short time frame be imposed on RMS's assessment period to prevent Complying Developments being delayed waiting for RMS certification.
- **Council as certifier**
 - *One option considered to be included in the Education SEPP is that all applications for complying development certificates for school infrastructure be issued by council certifiers.*
Private Certifiers are currently the main type of Certifier used for Complying Development. They are well trained and experienced in the approval process as they have been doing it for a long time whereas Council Certifiers do not have the same level of experience. This raises questions of what training they will be provided with, will they be more conservative in their assessment, and will they bring to the process a level of subjective examination. We are concerned removing the ability for experienced Private Certifiers to continue in the process will negatively impact the fast tracking of approvals. All schools having to rely on Council timing to certify and the consequences of their input will create potential timing delays and reduce streamlining of the process that choosing a Complying Development pathway aims to avoid. We request this provision not be included in the Education SEPP.

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- Setbacks
 - We believe standardising the setbacks is a positive contribution in standardising the planning process however can result in a landscape area along the side and rear boundaries that is not useable and will become a dead space. If the setback didn't need to strictly follow the prescribed distance along the entire boundary and could vary this would achieve a better landscape outcome. For example, where a setback is prescribed as 5 metres, if the building setback varied between 3-9 metres however when averaged still equated to the prescribed 5 metres, this would create an opportunity for higher quality outdoor learning spaces in the 9 metre deep zone. We propose an allowance in the setback provisions to consider the prescribed setback as an average figure only allowing flexibility to stagger the setback line and create outdoor areas that can be better integrated with the building, utilise the setback zone and achieve a greater learning outcome.

Our understanding is the intent of the proposed changes to the planning system is to make it easier for schools to build new facilities and improve existing ones by streamlining the planning process to save time, money and accommodate projected student growth throughout New South Wales. We appreciate that some of the changes will make aspects of the alternative approval pathways easier and extending the alternative pathways to private schools will have a positive impact on future growth. Unfortunately, the changes are achieving the opposite for many of our schools. Under the current Infrastructure SEPP we will be able to achieve about 90% of our current school projects through Complying Development. Under the new Education SEPP we will only be able to achieve about 50% of the schools through Complying Development with the remainder becoming either Development Application or State Significant Development. Significantly more work will be involved, more variables added and the planning process will be lengthened posing greater financial burden and enrolment strain to both public and private schools. This is of great concern when NSW has significant projected growth over the next 20 years and the speed of delivery is critical to the Department of Planning and the community. We believe this can be easily avoided and request some of the provisions be either removed from the SEPP, or further adjustments made as outlined above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'DT 24', is positioned above the typed name and title.

David Tordoff
Sydney Studio Director
Hayball Pty Ltd