Catholic Education Commission NSW

planning consultants

Submission

By Email: education.sepp@planning.nsw.gov.au

Dear Sir/Madam,

RE: DRAFT EDUCATION SEPP AND SUPPORTING DOCUMENTS
SUBMISSION ON BEHALF OF CATHOLIC EDUCATION COMMISSION

Catholic Education Commission NSW (CECNSW) represents 591 Catholic schools in NSW, which educate almost 258,000 students and employ more than 27,000 staff. CECNSW works closely with stakeholders in government and the education sector to provide leadership through services to dioceses, religious institutes, principal and parent bodies.

DFP Planning has prepared this submission on behalf of, and in close consultation with, CECNSW in regard to the draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (draft Education SEPP) and supporting documents placed on public exhibition by the NSW Department of Planning and Environment (DPE).

CECNSW and DFP Planning commend DPE on the broad range of changes, and in particular the new development standards for complying development, which address many of the shortcomings faced by non-government schools in their dealings with the planning system over many years.

We have jointly reviewed the draft Education SEPP and all supporting documents and now submit matters for consideration.

Draft Education SEPP

1. Clauses 30 & 33 (Development Without Consent and Complying Development): Clarify Car Parking Development Description

Suggestion: Make the provisions of Clause 30(1)(a)(v) and Clause 33(1)(a)(xi) consistent relating to car parks.

Discussion: Clause 30(1)(a)(v) of the draft SEPP identifies "*a car park that is not more than one storey high*" as works which can be undertaken without development consent. This provision could mean that a basement level car park could be constructed under these controls, which is in conflict with other forms of development under Clause 30, which are all limited to single storey built form.

Conversely, Clause 33(1)(a)(xi) of the draft SEPP identifies "*an at-grade car park*" as works which can be undertaken as complying development. This provision provides no confusion, as the car parking structure must be constructed at grade, and not as a basement level car park.

It is recommended that the provisions of Clause 30(1)(a)(v) and Clause 33(1)(a)(xi) are made consistent to avoid confusion as to the extent of car parking works which can be undertaken as development without consent.

2. Clause 30 (Development Without Consent): Allow for Pluralised Development Terms

Suggestion: Amend all development terms in Clause 30(1)(a) to be pluralised, rather than singular so as to avoid confusion.

Discussion: The draft Education SEPP lists works which can be undertaken as development without consent under Clause 30(1)(a), however each of these terms is described in 'singular' terms, rather than a 'pluralised' term. For example, the works include "*a library*", or "*a portable classroom*". We note that the wording of this clause reflects that of the current Clause 29 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP).

In contrast, all works which can be undertaken as complying development under Clause 33(1)(a) are described as 'pluralised' terms. For example, these works include "libraries", or "classrooms", or "halls". We note that the current provisions of Clause 31A of the Infrastructure SEPP are singular terms, so the draft Education SEPP has adopted pluralised terms for works permitted as complying development under Clause 33(1)(a).

The description of singular terms (particularly when pluralised terms are also listed in the draft Education SEPP) can lead to unnecessary confusion as to whether a Review of Environmental Factors (REF) for works proceeding under Part 5 of the EP&A Act could in fact address more than one type of development.

In order to avoid this unnecessary confusion, it is recommended that all development terms in Clause 30(1)(a) be pluralised, rather than being singular.

3. Clause 32 (Existing Schools – Exempt Development): Provision for Interim Use of Land or Facilities as Classrooms

Suggestion: Include an additional exempt development provision under Clause 32(1) allowing the interim use of land or facilities in connection with an existing school for the purpose of classrooms during the carrying out of construction works relating to that school.

Discussion: With the exception of the provisions set out under Clause 29 (relating to development permitted with consent), the draft Education SEPP does not contain any provisions relating to the *use of land* for the purpose of an educational establishment. The provisions of the draft Education SEPP largely deal with the construction, alteration and addition of, or demolition of buildings and associated works.

It has been our experience that schools with constrained site layouts often struggle to provide sufficient classroom space for students during the carrying out of construction works. This often requires a strategy to be developed to decant students into alternative teaching facilities on an interim basis. In some occasions this may require the use of a building located within or adjacent to the School (such as a hall).

Presently, there are no provisions available for schools to utilise buildings or other facilities which are connected to the school but not approved to be used as classrooms on a temporary/interim basis. This can mean that while the construction works are carried out (often as exempt or complying development), the interim use of a building connected to the school would require a development application to obtain consent from the local council.

DFP Planning suggests that DPE give consideration to the inclusion of an additional exempt development provision under Clause 31(1) of the draft Education SEPP. The clause could allow the interim use of land or facilities in connection with an existing school for the purpose of classrooms during the carrying out of construction works relating to that school as exempt development.

If necessary, the clause could be limited to a timeframe reflective of the length the construction works might impact upon learning spaces.

4. Clauses 33 and 34 (Complying Development): Inclusion of Notes Referencing Proposed Requirements of Environmental Planning & Assessment Regulations

Suggestion: Include a Note in Clause 33(1) and Clause 34(2)(b) referencing the requirement for a written Design Verification Statement prepared by a qualified designer, and include a Note in Clause 33(1) referencing the requirement for a certificate issued by Roads and Maritime Services (RMS).

Discussion: Draft amendments proposed in the Environmental Planning and Assessment Amendment (Schools) Regulation 2017 (draft Regulations) were exhibited with the draft Education SEPP. The draft Regulations include two new relevant provisions as follows:

1. New Clause 129AA, requiring the submission of a written statement by a qualified designer verifying that a building or alterations to a building over 12m in height achieves the design quality principles set out in Schedule 4 of the draft Education SEPP; and
2. New requirement under Schedule 1 Clause 4(1)(j1), requiring a certificate to be obtained from RMS for any work that will result in the school being able to accommodate 50 or more additional students, certifying that any impacts on the surrounding road network resulting from the proposal are acceptable, or will be acceptable if specific requirements are met.

DFP Planning notes that these provisions are presently only referenced within the draft Regulations. There are no other references to these requirements in any other documents, including the draft Education SEPP.

In the interests of ensuring adequate consideration is given to these important requirements, it is recommended that DPE consider including appropriate notes following Clause 33(1) and 34(2)(b) of the draft Education SEPP which reference the requirement for a Design Verification Statement and certification from RMS pursuant to the draft Regulations, as relevant.

5. Clause 33(1)(a)(vii) (Exempt Development – Demolition): Removal of Maximum Footprint Standard

Suggestion: Remove the maximum footprint development standard from Clause 33(1)(a)(vii) to improve understanding and flexibility.

Discussion: In relation to the new/additional types of exempt development listed under Clause 33(1) of the draft Education SEPP, provision has been made for the following under Clause 33(1)(a)(vii):

> *"Demolition of buildings (unless the building is a State or local heritage item or is within a heritage conservation area), if the footprint of the building covers an area no greater than 250 square metres".*

The introduction of a specific provision for building demolition is supported by DFP and CECNSW, however the standard for a maximum footprint of 250m² is considered inflexible and could give rise to unnecessary complications for many school developments.

Firstly, there is ambiguity in the wording of the draft Clause in that the control is for the "*demolition of buildings*" (note: plural) while the standard referenced in the clause refers to "*the footprint of the building*" (note: singular). This introduces confusion particularly when a school is considering

development of multiple buildings, as to whether the footprint of all buildings must be considered, or only the primary building, or how this works if the demolition works are carried out in separate stages.

Secondly, the limitation on the maximum footprint of the building subject to demolition is considered unnecessary on a number of grounds, including:

1. The extent of demolition has no relationship to the extent of building works permitted as exempt development (or complying development) under the draft Education SEPP;
2. With the exception of truck movements, there is no clear planning outcome achieved by limiting the extent of demolition, provided the building is not a heritage item or in a heritage conservation area and adequate and appropriate waste management practices are implemented. Therefore the quantum of demolition work able to be undertaken as exempt development need not be limited in order to achieve a specific planning outcome;
3. The extent of demolition on any school site would in most instances correlate to the extent of building works being proposed (in order to provide adequate facilities for staff and students). Given the planning controls in place for both exempt and complying development works, the extent of demolition works would be restricted naturally by the amount of building work which can be undertaken in the place of the demolished facilities. Therefore necessary restrictions are already in place within the draft Education SEPP;
4. School facilities such as halls, sporting facilities or large classroom blocks may quite easily exceed a footprint of 250m² and by their nature preclude those works as proceeding as exempt development.

Having regard to the matters raised above, the removal of the words "*if the footprint of the building covers an area no greater than 250 square metres*" from Clause 33(1)(a)(vii) would improve both understanding of the clause and flexibility of the clause, without resulting in adverse planning outcomes.

6. Clause 30, 32 and 33: Substitute Term "Property Boundary" with "Boundary of an Existing School"

Suggestion: Replace all instances of the term "*property boundary*" in Clause 30, 32 and 33 with the term "*boundary of an existing school*" to remove uncertainty about whether works must be set back from internal boundaries.

Discussion: The terms "*property boundary*" or "*any property boundary*" are used throughout the draft Education SEPP where regard must be given to impacts external to the school site.

The use of this term with planning controls such as setbacks results in uncertainty, as sites which comprise multiple allotments must consider whether the setback is provided to the boundary of the existing school (i.e. external boundary) or if it must be provided to a boundary between each allotment (i.e. including internal boundaries).

The draft Education SEPP uses other terms to describe the relationship of a matter to a School site, namely whether development "*is in connection with an existing school*", or whether development is "*within the boundaries of an existing school*". The latter of the two terms is considered an appropriate substitute for the term "property boundary" as the boundary of the existing school has qualifying statements built in:

1. Firstly that it is a boundary of a 'school', rather than a 'property'; and
2. Secondly that the school must be an 'existing' school, being a school approved and operating under a valid development consent (and therefore not an expanded school or land subject to a change of use to an educational establishment).

Therefore it is recommended that the terms "*property boundary*" and "*any property boundary*" are substituted for the term "*boundary of an existing school*" to provide clarity and improve certainty around relevant planning controls.

7. Clause 33 (Complying Development): New Provision to Enable SSD DA Consents to Authorise Complying Development Certificates

Suggestion: Insert a new provision under Clause 33 of the draft Education SEPP to enable a DA Consent for a State Significant Development to authorise the issuing of complying development certificates for each stage of a Staged Development Application, in certain circumstances.

Discussion: DPE is considering new legislative framework to require all applications for new schools to be classified as State Significant Development. The assessment process for SSD is considered to be overly onerous in some circumstances, as discussed further in this letter below – however it is also pertinent to consider that the SSD assessment process for a staged DA (pursuant to Section 83B of the EP&A Act) may benefit from the higher level of assessment required for a SSD application.

Unless a new school is designed so that every stage meets the complying development requirements set out in the draft Education SEPP, every stage of new school development would require separate consent from the Minister for Planning and Environment (unless that role was delegated by DPE to the local Council).

Under current and draft legislation, the Minister for Planning and Environment is not able to authorise works to be carried out as complying development unless those works satisfy the provisions of Clause 33 and Schedule 2 of the draft Education SEPP.

It is proposed that a new provision be inserted under Clause 33 which enables the Minister for Planning and Environment to issue a consent which authorises the issuing of complying development certificates for subsequent stages of development, notwithstanding that the development might not comply with the complying development standards as detailed in Schedule 2 of the draft Education SEPP, for applications which:

1. Are classified under Clause 15 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011; and
2. Have been submitted as a staged development application pursuant to Section 83B of the EP&A Act.

Such a provision would enable DPE to undertake a detailed assessment of a development scheme including each stage of the development, and where appropriate, include provisions within the consent for that application which enables the carrying out of future stages as complying development.

This proposal would:

- Provide certainty to schools for the purposes of planning a growth strategy for the school;

- Encourage the undertaking of detailed design development as part of a staged development application;
- Promote a more detailed assessment of new School sites and give an incentive for schools to do so;
- Be contingent upon the approval of a "Complying Development Plan" which would set out clear parameters for new buildings (including locations, heights and setbacks), staging of works and the relationship of built form to student and staff numbers;
- Avoid the need for detailed planning assessment and the inevitable time delays associated with this, for each subsequent stage of a staged DA.

Potential wording for a new provision under Clause 33 is proposed below:

Clause 33(7):

"*a) Development for the purpose of complying development may be carried out in accordance with a determination issued by the Minister for Planning and Environment for the following:*

i) Development for the purpose of an Educational Establishment; and
ii) Development which is classified as State Significant Development under Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011; and
iii) Development for which the conditions of consent refer to this clause and include reference to a Complying Development Plan.

b) The development standards set out under Schedule 2 do not have any effect in relation to complying development carried out pursuant to this clause.

c) For the purposes of this clause, a Complying Development Plan is a plan which details design parameters of new buildings, staging of works, and any relationship of built form to student and staff numbers, forming part of the approved set of plans."

8. Schedule 2 Clause 8 (Waste): Additional Clause to Clarify that Waste Storage Works are also Complying Development under Clause 33(1)

Suggestion: Include an additional clause after Clause 33(3) (i.e. as Clause 33(3A) or 33(4)) to clarify that works required to satisfy the waste development standard under Clause 8 of Schedule 2 of the draft Education SEPP are permitted as complying development for the purposes of the Policy.

Discussion: The draft Education SEPP contains a number of additional development standards for educational development being carried out as complying development under Schedule 2 of the Policy. Clause 8 of Schedule 2 includes development standards for the provision of adequate waste facilities, including the provision of an adequate garbage and waste storage area.

If a school proposes new works as complying development and is looking to satisfy Clause 8 of Schedule 2 (regarding a waste storage area), it may be necessary to carry out some minor works to ensure the appropriate waste storage area is provided in accordance with the development standard.

At present, it is not clear if these associated works would be capable of being considered as part of the complying development works. Similar questions could also be raised in regard to works required to satisfy the landscaping and drainage development standards as well.

In order to improve understanding and avoid confusion in these circumstances, it is recommended that DPE give consideration to the inclusion of an additional clause (as Clauses 33(3A) or 33(4)) to clarify that works required to satisfy the development standards under Clause 8 of Schedule 2 are permitted as complying development for the purposes of the Policy.

9. Schedule 2 Clause 11 (Bush Fire Prone Land): Inclusion of Note Referencing Rural Fires Act 1997

Suggestion: Include a note at Clause 11 of Schedule 2 referencing Section 100B of the Rural Fires Act 1997 to avoid confusion and improve understanding.

Discussion: The draft Education SEPP contains a number of additional development standards for educational development being carried out as complying development under Schedule 2 of the Policy. Clause 11 of Schedule 2 includes development standards for *development on a lot that is wholly or partly bush fire prone land*.

Section 100B of the Rural Fires Act 1997 contains provisions which preclude development for the purpose of a school (and other works classified as a 'special fire protection purpose') from proceeding as complying development, if that development is proposed on bush fire prone land.

It is our experience that there is ambiguity as to whether development carried out on that part of the land which is not mapped as being bush fire prone land (but might be proximate to such land within the school site) can proceed as complying development. This topic has been the subject of multiple legal opinions and expert bushfire opinions over recent years.

We acknowledge that the development standards under Clause 11 of Schedule 2 considerably improve this situation by providing clear standards to be considered on land which might only have part of the site mapped as bush fire prone.

In our opinion, the term "wholly" in Clause 11(1)(a) of Schedule 2 is misleading. Without reference to the Rural Fires Act 1997, this word may give the false indication that complying development for the purpose of a school can be undertaken on land which is 'wholly' mapped as bush fire prone land. Pursuant to Section 100B of the Rural Fires Act, this is not the case.

However it is also acknowledged that to remove the word 'wholly' could introduce further confusion by not including a reference to such sites.

Therefore it is recommended that DPE give consideration to the inclusion of a note at Clause 11(1) outlining that Section 100B of the Rural Fires Act 1997 applies to land which is mapped as bush fire prone land. This will ensure that the reader is directed to the appropriate legislation relating to bush fire prone land under the Rural Fires Act 1997 and the draft Education SEPP is not then considered in isolation of these provisions.

Draft Regulation

10. Schedule 1 Forms (RMS Referral): Improve RMS Referral Procedures

Suggestion: Clause 4(1)(j1) of Schedule 1 of the Regulations be updated to limit extra-departmental liaison prior to the issue of the RMS certificate, and be updated to apply a minimum timeframe for a response.

Discussion: New provisions are set out under Clause 4(1)(j1) of Schedule 1 of the Regulations for the requirement to obtain a certificate from RMS for a complying development certificate if that work will result in a school being able to accommodate 50 or more additional students.

Concern is raised in regard to the impact of this process upon the certainty of a complying development certificate process due to the potential for RMS procedures to include extra-departmental liaison (e.g. with a local traffic committee or local Council engineering staff) before being required to provide a written response. Further, there is no mandated timeframe within which the RMS must provide a response.

Firstly, if extra-departmental liaison is to be undertaken by RMS, this could have a flow-on effect whereby the opinion of (for example) a local traffic committee has been requested, however the advice must wait for the next available monthly meeting. By the time this process has concluded, the delay in the complying development certificate process would have eroded certainty and it would have been more beneficial to have proceeded through a Development Application instead.

In situations where RMS are of the view that a further local authority opinion is required, the draft Regulations could direct the RMS to require this take place directly with that authority prior to the commencement of works.

Secondly, without a minimum timeframe being specified (such as 21 days), the certainty regarding the outcome of a complying development certificate could be eroded while the RMS works to provide appropriate resources to the enquiry.

Therefore it is recommended that Clause 4(1)(j1) of Schedule 1 of the Regulations be updated to limit extra-departmental liaison prior to the issue of the RMS certificate, and to apply a minimum timeframe for a response.

Draft Code

11. Section 3.5 (Stage 4 Determination): Clarify Authorised Person

Suggestion: Give additional clarification as to the definition of an 'authorised person'.

Discussion: The draft Code of Practice (draft Code) sets out the procedure if development without consent under Part 5 of the EP&A Act 1979 is proposed to be undertaken by registered non-governmental schools (RNSs).

Under Section 3.5 of the draft Code, procedures are set out for the determination stage of the process, including the object for a person authorised by the RNS to discharge the RNS's duty to comply with the draft Code and produce a Decision Statement.

The 'authorised person' is only clarified to be "*an individual authorised by the RNS to determine the proposal*".

In our understanding of the Code, the 'authorised person' would be someone from within the school/educational organisation (as opposed to an external expert) who has been assigned as the individual authorised to determine the proposal – however in discharging this duty the authorised person would likely seek the services of an external expert to review the relevant material and provide a direction as to which decision is supported.

It is recommended that the draft Code give additional clarification as to the definition of an 'authorised person' to assist in the understanding, establishment and correct execution of the determination process.

12. Section 3.5 (Stage 4 Determination): Consider Probity or Process for Production of a Decision Statement

Suggestion: Give consideration to improving probity in the process for the production of a Decision Statement whereby the 'authorised person' must not be from the same organisation or company as the person who conducted the assessment.

Discussion: Similar to Matter No. 6 discussed above, Section 3.5 of the draft Code sets out procedures for the determination stage of the process, including the need for an 'authorised person' to produce a Decision Statement, and that this person cannot be the same person who conducted the assessment.

Given the nature of assessment required to prepare a Review of Environmental Factors, it is recommended that DPE give consideration to improving the probity of the process for the production of a Decision Statement by stating under Section 3.5 that the 'authorised person' must not be from the same organisation or company as the person who conducted the assessment.

Intended Effect Report

Note: DFP Planning has reviewed the Intended Effect Report, which discusses various changes proposed within and around the draft Education SEPP. It is apparent that there are a number of legislative or regulatory changes discussed/considered for which a public consultation draft document has been prepared, for example the proposed changes to State Environmental Planning Policy (State and Regional Development) 2011 and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The following matters are raised in regard to the Intended Effect Report as they do not relate to a specific public consultation draft document exhibited by DPE.

13. Part A (Policy Framework): Objection to Council as Certifiers for All Complying Development Works

Suggestion: Objection is raised to the option being considered that applications for complying development certificates for school infrastructure may only be issued by council certifiers.

Discussion: Part A of the Intended Effect Report outlines under the discussion for 'public and private schools' that "*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*".

There are two key issues raised in regard to this option.

Firstly, the option is not supported as it would contribute to a slower and more complicated development process due to the limitations of local council resources compared to the private certification industry.

Due to the increased development standard requirements for complying development under Schedule 2 of the draft Education SEPP, it is also likely that local council certification staff will liaise with internal assessment staff to discuss matters such as engineering, landscaping or waste management.

As outlined on Page 18 of the Intended Effect Report, "*straightforward developments will be permitted within school grounds as complying development to enable additional classrooms and educational facilities to be installed rapidly in response to increased student numbers*". Complying development is considered to be 'straight forward' and therefore a better planning outcome will not result by enforcing the certification of these works to be undertaken only by local council certifiers.

Secondly, if such an arrangement were to be enforced, no details have been provided which set out limitations on certification of complying development certificates by local councils, the timeframes within which a certificate should be issued, procedures for certificates held up by excessive delay or other matters which pertain only to services being rendered by a public authority. These issues do not arise under private certification because the market keeps the services in check, and the NSW Building Professionals Board provides oversight of the private certifying authorities.

Therefore objection is raised to the option being considered for complying development certificates for school infrastructure only being issued by council certifiers.

More broadly, CECNSW objects to any other changes to the structure of certification of School development whether for complying development, local development, regional development or State Significant Development. The bottleneck that would be created by a local Council certification process for any School development would be detrimental to the timely and costly delivery of School facilities across the State.

14. Part C (Schools): Objection to No Minimum SSD Threshold for New Schools

Suggestion: Objection is raised to the proposed legislative framework requiring all new schools to be classified as State Significant Development (SSD). Proposed minimum threshold of $3 million for SSD, and proposed new regional development threshold for new schools up to a value of $3 million.

Discussion: Part C of the Intended Effect Report outlines that "*All new schools, and significant alterations and additions to existing schools that have a project cost of more than $20 million are proposed to be categorised as State Significant Development*".

DFP Planning and CECNSW do not object to the reduced threshold for significant alterations and additions to existing schools (from $30 million to $20 million), however objection is raised in regard to the proposed legislative framework requiring all new schools to be classified as SSD.

It will often take many years before a new non-governmental school reaches its optimum operating capacity and therefore by nature, the initial stages of work reflect the reduced enrolments and staffing, with facilities being added as required.

The requirement to make all new schools classified as SSD will require extensive consideration of development impacts not likely envisioned under the scope of the initial development application. This will either result in the development application being forced to pursue a staged concept development application consent (under Section 83B of the EP&A Act), or the consideration of development impacts which might not be relevant to the scope of works being proposed under that application.

It is our experience that new schools can range from entire new campuses (with values up to and exceeding $50 million), to start-off campuses with a single administration building and 2-3 classrooms (with a value of work between $1 million - $2 million), to a change of use of a dwelling for a kindergarten or early-learning educational establishment (with a value of less than $1 million).

The proposed new legislative framework under State Environmental Planning Policy (State and Regional Development) 2011 would trigger SSD for all of these 'new schools'. While the SSD assessment process may be appropriate for major proposals, it is definitely not appropriate for smaller/minor proposals.

In this regard, we submit that a minimum value threshold be established for new schools with a value of $3 million or more. This would provide a degree of means-testing for the SSD process and prevent non-significant applications from proceeding down an inappropriate assessment pathway.

A further suggestion would be to establish a separate threshold that all new schools with a value of up to $3 million be classified as regional development (as discussed below). This would ensure that a high-level of determinative weight is provided to such applications, without unnecessary assessment procedures being required for less significant proposals.

15. Part C (Schools): Consider Minimum Value Threshold for Regional Development

Suggestion: Consider the inclusion of a minimum value threshold for the trigger for Regional Development under State Environmental Planning Policy (State and Regional Development) 2011 to reduce unnecessary congestion of Planning Panel agendas.

Discussion: Part C of the Intended Effect Report outlines that "*separate amendments to the EP&A Act are also being considered to provide that developments comprising alterations and additions to existing schools with a project value of less than $20 million that are not complying development will be categorised as regional development*".

The general basis for these separate amendments being considered by DPE are clear and understood, however they may also result in some unintended adverse effects. Complying development for the purpose of a school is precluded where the requirements of Clause 1.17A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 are not met. The most common example of this is where the site comprises a heritage item, however there are other constraints which are also relevant.

Where such a school proposes to undertake minor work that is not exempt or complying development, or work able to be undertaken without consent, these works would require a development application which would need to be determined by the relevant Planning Panel, under the 'separate amendments' being considered.

There could be instances where minor-scale development requires development consent, but would not involve issues which warrant determination by the relevant Planning Panel. Therefore in order to reduce unnecessary congestion of Planning Panel agendas, it is recommended that DPE give consideration to the inclusion of a minimum value threshold for the trigger for Regional Development under State Environmental Planning Policy (State and Regional Development) 2011.

In this regard, and consistent with the recommendation in Point 13 above, it is proposed that a minimum threshold for all applications involving new schools or alterations to existing schools of $3 million be established.

The recommendations relating to thresholds for development categories made in Points 13 and 14 is visualised in the following table:

Proposed Cost of Development Thresholds – Local, Regional and State

Value	$0	$3 Million	$20 Million	>$20 Million
New Schools	< Regional >	< State Significant Development (SSD) >		
Alterations/Additions	< Local >	< Regional Development >	< SSD >	

General Commentary

In general, CECNSW and DFP Planning support the proposed planning controls, considering them as a timely response to a long history of requests to improve the planning system for school development.

In particular, we support the amended development standards for complying development under the draft Education SEPP, permitting building works up to 22 metres in height, subject to the appropriate boundary setbacks which responds to the zoning of the adjoining land. This is considered to be a thorough and appropriate response to the need to increase the capacity of schools, particularly on sites which are constrained in terms of providing a balance between teaching and play spaces within metropolitan locations.

If DPE would like to discuss the technical aspects of the above matters further, please liaise with Stephen Earp or Ellen Robertshaw of DFP Planning on 9980 6933.

Yours faithfully

Catholic Education Commission NSW

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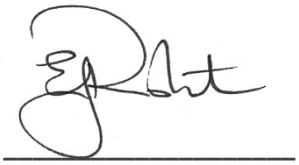
STEPHEN EARP
PRINCIPAL PLANNER

Reviewed: 

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