



7 April 2017

Director, Industry and Infrastructure Policy
Department of Planning and Environment
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SYDNEY NSW 2001

Contact: Martin Johnson
Our Ref: DOC2017/017848
Your Ref:

Dear Sir / Madam

Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Thank you for the opportunity to provide comment on the *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* ('the Draft SEPP'). Council has reviewed the Draft SEPP and provides the following comments.

New Dictionary Terms

Council supports the inclusion of the new group term, *early childhood education and care facility* and the individual sub-term definitions for *centre-based child care*, *home-based child care*, *school-based child care* and *mobile child care*.

The new land use definitions articulate the range of child care facilities that are presently available and address a shortfall in NSW legislation relating to out of school hours care. The Draft SEPP simplifies the approvals process for existing schools seeking to provide out of school hours care.

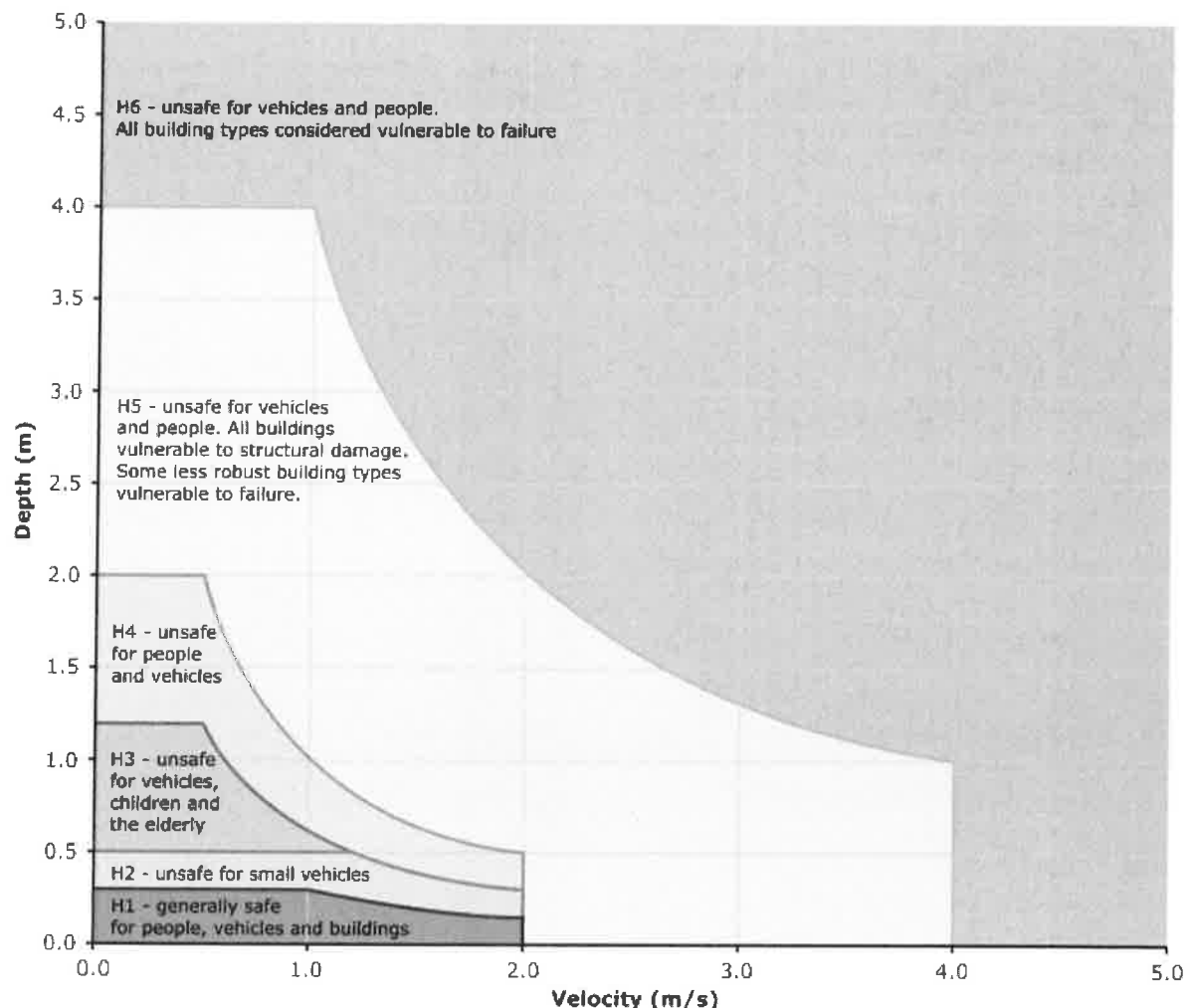
Development of Educational Establishments on Flood Prone Land

Council does not support the development of *educational establishments*, *early childhood education and care facilities*, or any other sensitive land uses on land identified as flood prone. It is recommended that a mandatory development standard is included in the Draft SEPP specifying that *educational establishments* and *early childhood education and care facilities* are prohibited on flood prone land.

If this is not supported by the Department, then at the very least, the Draft SEPP should include development standards that reflect the Hazard Classifications identified in the Australian Rainfall and Runoff Guidelines 2016, identified in **Figure 1**. In accordance with the Guidelines, *educational establishments* and *early childhood education and care facilities* would be considered unsafe on land that is identified as Hazard Category H3 or above in the 1:20 year flood event and that all habitable finished floor levels are to be at or above the Flood Planning Level.

The inclusion of mandatory development standards relating to flood prone land will clearly identify to developers that *educational establishments* and *early childhood education and care facilities* are not appropriate in flood risk parcels of land.

Figure 1 – Australian Rainfall and Runoff Guidelines: Hazard Classifications



Development of Home Based Child Care on Bushfire Prone Land

Council has reservations regarding the proposed amendment to Division 1 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* relating to *home-based child care* on certain bushfire prone land.

It is noted that under the amended provisions, development of *home-based child care* on bushfire prone land will need to comply with certain exempt development standards. It is also noted that *Home-based child care* will still require a Service Approval from the Regulatory Authority, which is presently the NSW Department of Education.

Council's concern with the amendment relates to the associated Service Approval, which under current arrangements, is not subject to any ongoing compliance or site audit. It is understood that the Service Approval process involves an initial confirmation that the standards have been complied with, but there is no ongoing certification by the Regulatory Authority.

To ensure that *home-based child care* complies with the exempt development standards for the life of the development, it is recommended that the Service Approval, which includes a physical inspection of the premises, be subject to renewal after a reasonable period of time. The renewal could be handled in a similar manner to on-site sewage management systems, which require periodic inspection and renewal under the *Local Government Act 1993*. A fee for the renewal and inspection process applies under the Act.

Temporary Events associated with Educational Establishments

Clause 32, 42 and 49 of the Draft SEPP provide exemptions for certain development associated with schools, universities and TAFEs, respectively. It is recommended that these exemptions are expanded to include temporary events, such as fairs and fetes and other related community uses (e.g. weekend or after school sport) which might be carried out within the grounds. Fairs and fetes typically require development consent, but are considered 'low impact' given the context in which they occur.

Centre-based Child Care in Industrial Zones

Clause 22 of the Draft SEPP provides for *centre-based child care facilities* in the IN1 General Industrial Zone and IN2 Light Industrial Zone. The objective of the Clause is to ensure that the Consent Authority considers the impact of a proposed *centre-based child care facility* on existing industrial development nearby.

However, Clause 22 of the Draft SEPP does not address the situation, which may arise, whereby a *centre-based child care facility* is established before the surrounding industrial land is developed. In this instance, the *centre-based child care facility* has the potential to sterilise the surrounding industrial land for future industrial development.

While Council does not object to the inclusion of *centre-based child care facilities* in the IN1 General Industrial Zone or IN2 Light Industrial Zone, it is recommended that additional development standards are provided in the Draft SEPP to address appropriate siting of *centre-based child care facilities* in an industrial setting. Furthermore, it is recommended that the mandatory objectives of the IN1 General Industrial Zone and IN2 Light Industrial Zone are amended to ensure that these types of land uses are consistent with the objectives of the zones.

Car parking for complying development

The complying development standards of the Draft SEPP that relate to educational facilities do not consider possible increases in staffing or student population as a result of the complying development. Council's concern is that an increase in staffing or student population is likely to increase demand for car parking.

It is recommended that the Draft SEPP include a provision that complying development will not result in additional staff or students; alternatively, that Clause 50(3) and Schedule 2 and Schedule 3 of the Draft SEPP include specific car parking standards for complying development.

Site Compatibility Certificates

Council does not support the inclusion of provisions for site compatibility certificates. In rare instances where schools are located in zones that do not permit educational facilities, it is recommended that a planning proposal is lodged with Council to rezone the land.

Draft Child Care Planning Guideline and Better Schools Design Guide

Council would like to commend the Department of Planning and Environment on the structure and presentation of the Draft Child Care Planning Guideline and Better Schools Design Guide, considered to be comprehensive and user friendly. This will create improved certainty and efficiencies for both developers and councils across the state.

General Comments relating to Traffic Generation and Complying Development

Council would like to highlight a problem which has arisen through the ongoing improvements to the SEPP whereby schools who originally had masterplan consent designed to trigger further development applications, can now avoid that process by gaining complying development approval. This has resulted in a lost opportunity to ensure cumulative traffic impacts are considered when student and staffing numbers increase through complying development. Council does not know what the solution to this would be, however we would suggest there could be certain trigger points in the CDC process whereby a DA or other process would then be required which could then assess the traffic impacts generated, and any necessary road works to improve traffic flow or safety, though growth of student numbers.

If you require any further information, please do not hesitate to contact Martin Johnson, Manager Strategic Land Use Planning, on telephone 02 4993 4229.

Yours faithfully



Gareth Curtis
Director Planning and Environment