LIVERPOOL CITY COUNCIL

Director, Industry and Infrastructure Policy
Department of Planning and Environment
PO Box 39
Sydney NSW 2001

Dear Sir/Madam

Re: Draft Educational Establishments and Child Care Facilities SEPP

I write in response to the exhibition of the Draft Educational Establishments and Child Care Facilities SEPP and accompanying documents.

Council is supportive of efforts to facilitate provision of necessary infrastructure and to align inconsistent regulatory frameworks. However, concern is expressed regarding several of the proposed provisions, as noted below.

Child Care Development

<u>DCP Controls</u>

The proposed SEPP would nullify almost all of council's DCP controls regarding child care centres, and replace them with a standardised set of controls applying across NSW in the form of the draft *Child Care Planning Guideline*. The stated objective of this change is to remove planning controls which are inconsistent with national child care regulations. While this is supported, the implementation of this change confuses the objectives of childcare regulations with those of the planning system. The objects of the planning system extend well beyond ensuring that child care services are provided to the appropriate pedagogical standard. Turning off planning controls with aims other than those of child care regulations risks frustrating the achievement of orderly and sustainable development. For example:

- While the National Regulations determine the amount of outdoor space required to run a child care centre as well as how useable it must be for educational purposes, council DCP controls for the natural environment have a variety of other aims such as minimising the urban heat island effect, preventing rising groundwater, minimising stormwater runoff, improving the amenity of the public realm and maintaining neighbourhood character.
- Standards in DCPs regarding number of children and operational plans have the aim of regulating off-site impacts of child care centres, such as traffic and noise impacts.
- Placement of child care centres on sites, including setbacks, is regulated to control neighbourhood character and urban design.

Schools

Revised heights in complying development

Council does not support the proposed four storey height limit for complying development. It is considered that a building of this height would have the potential to have significant adverse impacts, which would make it inappropriate for complying development.

Consideration of school applications by council certifiers

Given the relatively high impact of school developments, it is considered that complying development applications for school infrastructure should be required to be considered by council certifiers.

Design excellence statements

The Draft SEPP would require a design verification statement to be provided to support all complying development applications for schools with heights of more than two storeys. This is considered an inappropriate way to mitigate the potential adverse impacts of three and four storey school buildings.

Complying development bypasses the planning process by allowing building certifiers to assess applications against a straightforward set of numeric controls. This development pathway depends upon straightforward quantifiable standards and does not allow for an assessment regarding planning and design issues. Such as assessment would be required to properly determine the merit of an application for a four storey school and to verify the contents of a design statement. Under the proposed documents, the provision of a design excellence statement would amount to an unassessed tick-box which does not ensure good design.

Revised setbacks in complying development

Council does not support the proposed reduced setbacks for complying development. While a 1m setback bordering a business zone may be an appropriate outcome, it does not constitute a low-risk application and so should not be allowed as complying development.

If the reduced setbacks allowed under complying development are retained, it is considered that these setbacks should be disallowed in rural use zones as well as residential zones. A 1m setback in a rural use zone would not be consistent with the character of a rural or semi-rural landscape.

Student number caps

Council objects to the Draft Planning Circular, which discourages consent authorities from placing caps on student numbers in schools. Student caps are the primary way in which councils can ensure that traffic impacts of proposed developments can be mitigated. If expansion of a school beyond a cap is proposed, councils are able to assess the proposed student numbers and to ensure that conditions are in place requiring the proponent to undertake appropriate local infrastructure works. Without assessment of an application, councils have no way of requiring that these works take place, or that adverse impacts can be minimised.

Council supports the suggestion in the EIE that complying development be restricted to the SP1 and SP2 zones, as a way of restricting complying development in Liverpool City Centre.

TAFE complying development considerations

The Draft SEPP contains significantly weaker complying development standards for TAFEs than for universities and schools. It is unclear why this is the case, given the similar planning considerations relevant to universities and TAFEs.

It is recommended that the TAFE complying development standards be amended to reflect the university standards.

Council would welcome the opportunity to discuss the concerns raised. Should you require any further information on this matter, please contact Kieran Woolfe, Strategic Planner, on 9821 9306 or woolfek@liverpool.nsw.gov.au.

Yours sincerely

Barry Millwood
Strategic Planning Coordinator