



11230
7 April 2017

Ms Carolyn McNally
The Secretary
NSW Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Attn: Felicity Greenway, Director, Industry and Infrastructure Policy

Dear Ms McNally,

SUBMISSION TO DRAFT *STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES)*

This submission has been prepared by JBA on behalf of Macquarie University (MU). MU is one of Australia's leading and most innovative research universities with over 30,000 students and 2,000 staff. *State Environmental Planning Policy Infrastructure 2007* (Infrastructure SEPP) is a key planning instrument affecting the University, with a significant proportion of work on the campus, including building refurbishments and upgrades, being undertaken in accordance with Part 3, Division 3 of the Infrastructure SEPP.

MU supports the initiative of the Department of Planning & Environment in reviewing the Infrastructure SEPP and the proposed introduction of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (draft Education SEPP). The University has a strong interest in ensuring that the proposed amendments improve the planning process to assist in the delivery of their planned facilities and infrastructure. The objectives of the proposed amendments and the expanded provisions for tertiary institutions to undertake Complying Development and other development as Exempt Development and Development without Consent are therefore commended. The draft provisions would facilitate the efficient delivery of education related facilities in specialised education precincts, such as MU.

However, MU wishes to raise some potential issues with respect to the draft Education SEPP and how these issues may impact the SEPP's useability and effectiveness for future development at the MU campus. Whilst this submission focuses on the draft Education SEPP as it applies to universities, MU has two child care facilities on the campus, and so has also provided comment on the child care centre provisions.

1.0 EARLY CHILDHOOD EDUCATION AND CARE (ECEC) PROVISIONS IN THE DRAFT SEPP

The University is supportive of the proposed draft SEPP and accompanying draft Childcare Planning Guideline (the Guideline), and the clarification around how it relates to council development control plans. However, several comments are raised with respect to the child care centre provisions in the draft Education SEPP, as well as the Guideline.

1.1 ECEC Provisions in the draft Education SEPP

Under the draft Education SEPP, the use of existing facilities for a school-based child care can be Exempt Development, new school-based child care can be Complying Development and centre-based childcare on TAFE sites can be Complying Development. However, there are no such provisions for child care facilities associated with universities.

Early childhood education and care is a core service provided for university staff and students. This should be reflected in the new legislation by offering the same opportunities to universities as those proposed for schools and TAFEs. It is suggested that the Exempt and Complying Development provisions for child care facilities be extended to universities under Part 5 of the draft Education SEPP.

1.2 Draft Childcare Planning Guideline

The Guideline establishes the aim of encouraging design quality in ECEC, however there are several areas which MU believes require further clarification to ensure that the Guidelines is effective. These areas are outlined below.

Section 2.6, Toilets

There is no allowance for the use of hydraulic nappy change tables, there is only reference to fixed height nappy change tables. The Guideline therefore requires a *'space not less than 800mm high, 500mm wide and 800mm deep for the storage of steps'*, however steps are not required if using a hydraulic nappy change table as it is height adjustable and designed to avoid the need for steps. It is requested that an allowance be made for hydraulic change tables in the Guideline.

Section 2.8, Fencing

The Guideline states that *"All side and rear boundary fences, including boundary fences within outdoor play areas, must:*

- *Be made from solid prefinished metal, timber or masonry,*
- *Have a minimum height of 1.8m,*
- *Have no rails or elements for climbing higher than 150mm from the ground."*

Whilst the height controls are acceptable, the need for fencing to be solid is considered unnecessary. The University's preference, considering the nature of the campus and the location of the centres, is to have a transparent external fence which maintains a connection with the external environment. It is suggested that the type of fencing required be considered in relation to the context and location of the centre, which might include a solid type fence but also the option to have a semi-transparent fence which might utilise screen planting.

Section 3L, Car and Bicycle Parking

Whilst the Guideline is clear around the number of parking spaces that are required per child, it does not specify the number of spaces for staff and visitors.

Further, where the site is within 400m of a metropolitan train station the parking requirements is reduced from 1 space per 4 children to 1 space per 10 children. The University would suggest that the catchment be extended to 800m to provide consistency with the distance contained in the Apartment Design Guide. Whilst the two guides apply to very different uses, the 800m distance is an established walking catchment, and should be applied consistently across the Department's guidelines. The University also suggests that some allowance be made for child care centres in proximity to other public transport infrastructure, such as buses.

2.0 UNIVERSITY PROVISIONS IN THE DRAFT EDUCATION SEPP

The University's comments on the draft provisions for Exempt, Complying and Development without Consent are outlined in the following sections of this submission. The University has also provided comment on some of the general provision proposed under the draft Education SEPP, as outlined below.

2.1 Prescribed Zones

The MU campus is zoned part B4 Mixed Use and part SP2 Infrastructure, both of which are nominated as 'prescribed zones' under clause 37(b) of the draft Education SEPP.

The draft Education SEPP seeks to reduce the list of prescribed zones currently provided at clause 27 of the Infrastructure SEPP. The draft Education SEPP then includes a series of additional provisions at clause 39(3) which enables development on land adjacent to an existing university. It is suggested that the list of prescribed zones be reverted to the current, more comprehensive list provided at clause 27 of the Infrastructure SEPP to eliminate the need for the additional provisions.

2.2 Student Accommodation

The University notes that student accommodation is often integrated with a range of complementary education uses and services, and should be considered part of the 'university' use. Under clause 38 of the draft Education SEPP, student accommodation would not be considered development for the purpose of a 'university', and therefore would not be able to take advantage of the provisions of Part 5 of the draft SEPP. Student accommodation is a fundamental part of the University's development plans moving forward, and this exclusion may preclude the efficient delivery of new facilities.

Whilst boarding houses and residential flat buildings are permissible on the main part of the MU campus under the B4 Mixed Use zoning, MU notes that their student housing precinct (as approved under the 2009 Macquarie University Concept Plan) is partially zoned SP2 Educational Establishment. Under the SP2 zoning neither boarding houses nor residential flat buildings are permissible.

We seek confirmation that student accommodation would be considered '*development that is ordinarily incidental or ancillary to...*' an Educational Establishment for the purpose of permissibility in the SP2 zone. Whilst MU would support the deletion of clause 38 of the draft Education SEPP, if the Department is of a mind to retain clause 38, the Department needs to ensure that there is no ambiguity around the permissibility of student accommodation in the SP2 Infrastructure zone.

2.3 Traffic Generating Development

Under clause 51(5), development with capacity to accommodate 50 or more students is considered traffic generating development. To avoid unnecessary referrals to RMS, it is requested that this clause be amended to clarify that this threshold only relates to 'additional' students.

A new building which has capacity for over 50 students, but which does not increase the overall number of students at the university, should not be considered traffic generating development.

2.4 Exempt Development

There are limited changes to the Exempt Development provisions, however the extension to the list of works which can be carried out as Exempt Development is supported. Enabling works such as landscaping to be carried out as Exempt Development is important, as this has been ambiguous in the past.

Notwithstanding this, the University makes the following comments with respect to the proposed Exempt Development provisions.

Comments on Specific Clauses

Clause	Comment / Suggestion
Part 5, clause 42(1)(l)	<p>It is suggested that the term 'portable or temporary classroom' be extended to reflect the broad range of activities and functions carried out by universities. The term 'learning and teaching facility' is preferred.</p> <p>42 Existing universities—exempt development</p> <p>...</p> <p>(l) a portable or temporary classroom learning and teaching facility, a temporary office or portable or temporary amenities, (including its removal);</p> <p>(i) that is not more than one storey high, and</p> <p>...</p>
Schedule 1 – Exempt Development	
Car Parks	<p>There are currently no limitations on the quantum of at-grade car parking that can be constructed as Exempt Development. The University questions why the Department is seeking to put limitations around this, particularly when car parking on a large university campus is in a constant state of flux. Universities should be able to manage their own parking arrangements, as is currently the case. Further, councils across Sydney are typically trying to reduce car parking in preference of more sustainable modes of transport, and so it seems counterintuitive to put a limit on reducing parking numbers.</p> <p>...</p> <ul style="list-style-type: none"> Must be open (unenclosed) car parking (but may include associated gates including security booths and boom gates). Must not reduce car parking spaces. <p>...</p>
Fences	<p>These standards should be broadened to enable fencing on 'development site' boundaries, as well road frontages and non-road boundaries. The MU campus is on one large lot, and the current controls are ambiguous when it comes to fencing around individual buildings or development sites, which may not necessarily be defined by a formal road or non-road boundary.</p> <ul style="list-style-type: none"> Must be for infrastructure facility and erected along road frontage, or non-road boundary or development site boundary. Height must not exceed 3m above ground level (existing).

2.5 Complying Development

General Comments

MU welcomes the move to enable universities to carry out development as Complying Development under the draft Education SEPP. However, the University raises several comments and concerns with respect to the draft provisions.

The University's key concern relates to heritage, and the continual restriction that the University's local heritage listing places on the ability to carry out Complying Development on the campus. As currently drafted, it is unlikely that the University would be able to utilise any of the Complying Development provisions on the main campus.

As the Department may be aware, the whole of MU's main campus is mapped as a local heritage item under *Ryde Local Environmental Plan 2014* (LEP 2014). The description of the item under LEP 2014 relates only to the 'Macquarie University ruins'. The University campus has an area of approximately 126ha, however the presence of this small item in an isolated location, is currently precluding Complying Development Certificates (CDCs) from being issued anywhere on the main campus.

Whilst the introduction of clause 1.17A of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) sought to rectify anomalies such as this, because the Section 149 Certificate for the campus continues to call up the heritage listing (the majority of the University campus is on one large lot) Private Certifying Authorities are unwilling to issue CDCs for work on the main campus.

If this matter cannot be resolved, it would place a significant restriction on MU's ability to undertake Complying Development and would work against the intentions of the draft Education SEPP.

As outlined in the table below, the University proposes a provision which enables Complying Development to be carried out on heritage listed sites where a heritage consultant has provided advice confirming that the works will have no more than a minimal impact on the item. This would be similar to the provisions around tree removal and bushfire at clause 42(1)(v) and Schedule 3, clause 14 of the draft Education SEPP, respectively.

MU also notes that the Explanation of Intended Effects (EIE) talks to only allowing Complying Development on land zoned SP1 Special Activities or SP2 Infrastructure. Whilst this is not reflected in the draft Education SEPP, the main MU campus is zoned B4 Mixed Use in recognition of the changing nature of university campuses as dynamic, mixed use precincts. If this position was adopted, it would preclude Complying Development on all but very limited parts of the MU campus.

Comments on specific clauses are provided below.

Comments on Specific Clauses

Clause	Comment / Suggestion
Part 2, clause 17(2)(a)	<p>Part 2, clause 17(2)(a) states that development must meet the requirements for Complying Development at clause 1.17A of the Codes SEPP. Clause 1.17A restricts Complying Development from being carried out on heritage listed sites, however provides some flexibility, as follows:</p> <p>...</p> <p>(4) <i>If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that instrument.</i></p> <p>...</p>

Clause	Comment / Suggestion
	<p>As noted above, despite the introduction of clause 1.17A(4) of the Codes SEPP, the University's heritage listing continues to prevent CDCs from being issued at MU. Whilst the description of the University's heritage item is limited to the 'ruins', the heritage map and Section 149 Certificate continue to apply to the whole of the University's main lot, which has prevented Private Certifiers from issuing CDCs.</p> <p>It is requested that a provision be added either at Part 2, clause 17 or Part 5, clause 43(1) to the effect that Complying Development can be carried out if the works have been 'assessed by an appropriately qualified heritage consultant as having no more than a minimal impact on the heritage significance of the item or area'.</p>
Part 5, Clause 43(1)(b)	<p>Clause 43(1)(b) provides a list of works which can be carried out as Complying Development in connection with an existing university. The University proposes the following minor changes to clause 43(1)(b):</p> <ul style="list-style-type: none"> ▪ Clause 43(1)(b)(iii) – delete the reference to a classroom and replace with 'teaching and learning facility' to reflect the broad range of uses which take place at modern universities. ▪ Clause 43(1)(b)(xiii) – include provisions to enable demolition of a building on a heritage listed site if advice has been obtained from a heritage consultant confirming that there would be no more than a minimal impact on the heritage item. It is also considered that the limitation of the building area is unnecessary. ▪ Clause 43(1)(b)(xix) – delete reference to 'or alterations to address work health and safety requirements or to provide access for people with a disability'.
Part 5, clause 43(1)(d)	<p>Clauses 43(1)(d) and 43(1)(e) provide gross floor area limitations for work carried out as Complying Development.</p> <p>It is noted that there are no floor area limitations for Complying Development at schools or TAFEs and so it is considered unreasonable for university development to be limited in this manner.</p> <p>If this standard is imposed, it is considered that it results in unnecessary duplication with Schedule 3, clause 3 (refer to discussion below). Further, the limitation that additions can only be up to 50% of the gross floor area of an existing building would limit additions to existing, smaller buildings. This would be unreasonable given that new buildings of up to 2,000m² can be constructed as Complying Development. It is requested that this 50% limitation be removed.</p> <p>Finally, it is requested that 'alterations' be deleted from this clause to ensure that it does not inadvertently prevent alterations to existing buildings with a gross floor area of greater than 2,000m².</p> <p>43 Existing universities—complying development</p> <p>...</p> <p>(d) for development that involves an alteration or addition to a building:</p> <p style="padding-left: 40px;">(i) it does not extend the gross floor area of the existing building by more than 50%, and</p> <p style="padding-left: 40px;">(ii) it does not result in the building having a gross floor area of more than 2,000 square metres, and</p> <p>...</p>
Part 5, clause 43(1)(e)	<p>Refer to discussion above and below.</p> <p>It is requested that this clause be deleted. The MU site is well over 2,000m² and so the University would not be limited by clause 43(1)(e)(i). However, it is considered that this provision results in unnecessary duplication with the provisions at Part 5, clause 43(1)(d) and Schedule 3, clause 3, and will not assist in the application of the draft SEPP. Further, clause 43(1)(c) would ensure that development is consistent with any floor space ratio or gross floor area restrictions imposed by a LEP.</p> <p>43 Existing universities—complying development</p> <p>...</p> <p>(e) for development that is on a site with an area of:</p> <p style="padding-left: 40px;">(i) 2,000 square metres or less—it does not result in the floor space ratio for all buildings on the site exceeding 1:1, or</p> <p style="padding-left: 40px;">(ii) more than 2,000 square metres—it does not extend the existing gross floor area for all buildings on the site by more than 2,000 square metres,</p>

Clause	Comment / Suggestion
	and ...
Part 5, clause 43(4)	This clause precludes Complying Development over a registered easement. This provision does not apply to schools or TAFEs and it is requested that this be deleted so as not to unnecessarily limit Complying Development from being carried out by universities.
Schedule 3 Universities – Complying Development	
Schedule 3, clause 2	<p>Schedule 3, clause 2 limits the height of buildings constructed as Complying Development to 3 storeys and 22m.</p> <p>It is requested that the storey limit be removed from Schedule 3. There is scope to achieve a 4 storey building within the suggested 15 metre height limit. The maximum height limit is the development standard that most influences the impact of a development. For example, a building of 15m will cause the same amount of shadowing irrespective of whether it is 3 or 4 storeys in height.</p> <p>Further, MU questions why universities are subject to a 15m height control when schools are allowed to construct buildings of up to 22m as Complying Development. It is requested that universities be subject to the same height limit as schools. Given that universities are typically on larger campuses with fewer sensitive neighbours, it seems counterintuitive for schools to have more generous height controls than universities.</p> <p>2 Building height <i>The building height of a building (whether a new building, or an existing building as a result of an addition or alteration):</i> (a) must not exceed 3 storeys, and (b) must not exceed 22m from ground level (mean)</p>
Schedule 3, clause 3	<p>Schedule 3, clause 3 provides additional limitations around gross floor area. When combined with the controls at 43(1)(d) and 43(1)(e) they seemingly create unnecessary duplication. If the Department is of a mind to retain these gross floor area standards, it is suggested that they be consolidated into single control, noting that the provisions at Schedule 3 are clearer than those in Part 5.</p> <p>Further, the University is concerned that limiting additions to 50% of the gross floor area of an existing building would unnecessarily limit additions to existing, smaller buildings. Given that new buildings of up to 2,000m² can be constructed, this 50% limitation is considered unreasonable and it is requested that it be removed. As outlined above, it is also requested that the word 'alterations' be deleted from this clause to ensure that it does not inadvertently prevent alterations (which do not create new floor space) to existing buildings with a gross floor area of greater than 2,000m²</p> <p>3 Maximum gross floor area (1) The maximum gross floor area of a new building is: (a) the maximum gross floor area for a building on the land, imposed by an environmental planning instrument, or (b) if no environmental planning instrument imposes a development standard referred to in paragraph (a)—2,000m². (2) If the development is an alteration or addition to an existing building, the maximum gross floor area of the building as altered or added to is: (a) the maximum gross floor area for a building on the land, imposed by an environmental planning instrument, or (b) if no environmental planning instrument imposes a development standard referred to in paragraph (a)—the lesser of: (i) 2,000m², or (ii) 50% of the gross floor area of the existing building.</p>
Schedule 3, clause 4	Schedule 3, clause 4 relates to side and rear setbacks. Given the campus-style of many universities, a large number of development sites do not have a defined side or rear boundary, or a side or rear boundary that adjoins neighbouring land. It is requested that the language '... property boundary...' be added each time the word 'boundary' is used. This will prevent any unnecessary ambiguity in the future.
Schedule 3, clause 5	Schedule 3, clause 5 relates to front setbacks. Given the campus-style of many universities, a large number of development sites do not have a defined front boundary, and many have a front boundary to a

Clause	Comment / Suggestion
	<p>private university road or footpath rather than a public road. To reflect the nature of university development, it is requested that this standard be amended to reference public roads, as outlined below.</p> <p><u>5 Front setback for development fronting a public road</u></p> <p>(1) A new building must have a front setback:</p> <p>(a) that is not less than the average distance of the front setbacks of all existing development that is located within 70m of the building, or</p> <p>(b) if there is no development located within 70m of the building—of at least 5m.</p> <p>(2) Alterations or additions to an existing building must not result in the building having a front setback:</p> <p>(a) that is less than the average distance of the front setbacks of all existing development that is located within 70m of the building, or</p> <p>(b) if there is no development located within 70m of the building—of less than 5m.</p>
Schedule 3, clause 12	<p>The carrying out of earthworks for the purposes of development is proposed to be capped at a depth of 1m below existing ground level for land identified as Classes 3 or 4 acid sulfate soils and 3m below existing ground level for land not identified as Classes 3 or 4 acid sulfate soils.</p> <p>A university building of up to 15m in height is most likely to be built in an urban area where space is limited and parking, or other university facilities, are therefore required to be placed within a basement. As such, it is questioned whether the proposed 3m limit on excavation would accommodate a basement level due to the clearance heights and structural support required. This would result in a large proportion of developments in urban areas not making best use of the site or requiring a development application regardless of the proposed Complying Development provisions. Accordingly, the allowable excavation depth should be amended to allow for at least one basement level in order to support a building of up to 15m in height.</p> <p>It is noted that the proposed maximum excavation depths are based on the need to avoid acid sulfate soils. To ensure that any risks associated with acid sulfate soils are avoided, universities could be required to obtain a certificate from an appropriately qualified person to confirm that the land is not identified as a risk for acid sulfate soils. A clause could be added after clause Schedule 3, clause 12(1) stating that:</p> <p>12 Earthworks</p> <p>....</p> <p><u>(2) Despite subclause (1), a complying development certificate may be issued for the carrying out of works involving up to a single basement level if:</u></p> <p><u>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</u></p> <p><u>(b) the preliminary assessment has been provided to the certifier and the certifier has confirmed the assessment by notice in writing to the person proposing to carry out the works.</u></p> <p>...</p>
Schedule 3, clause 14	<p>Schedule 3, clause 14 relates to bushfire prone land and relates to all lots that are wholly or partly bushfire prone.</p> <p>Similar to MU's concerns around heritage, the University campus contains an isolated pocket of bushfire prone land. As the provisions at Schedule 3, clause 14 applies to 'all development on a lot that is wholly or partly bush fire prone land', any development on the University's 126ha campus would be subject to these provisions.</p> <p>To overcome this unnecessary restriction, it is requested that wording be added to the effect that the provisions of Schedule 3, clause 14 do not apply to development if a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant has confirmed that the development site is not bushfire prone land.</p>

2.6 Development without Consent

MU currently uses the Development without Consent provisions of the Infrastructure SEPP for a range of works across the campus. Whilst the Development without Consent provisions remain largely unchanged, they are more prescriptive in-part, and in the University's view, could be extended to enable a more comprehensive range of works to be carried out as Development without Consent.

Comments on Specific Clauses

Clause	Comment / Suggestion
Clause 40(1)(a)	<p>Clause 40(1)(a) provides a list of works that can be carried out as Development without Consent. The University requests that the Department consider including a more comprehensive list of works which better reflects the activities carried out on university campuses. It is requested that the list be extended to include all of those works which can be carried out as Complying Development under Part 5, clause 43.</p> <p>It is also requested that the Department consider enabling more extensive landscaping and public domain works within universities such as terraced seating, raised garden beds and lawns etc. Whilst 'landscaping' can now be carried out as Exempt Development, it is likely that other standards would prevent more comprehensive landscaping projects.</p> <p>Finally, it is suggested that a provision be included which explicitly enables universities to carry out infrastructure upgrades and services diversions as Development without Consent.</p>
Clause 40(1)(b)	<p>Clause 40(1)(b) relates to minor alterations or additions. The current limitations on 'minor' alterations and additions, and the absence of a category of development which enables external works as Development without Consent, has resulted in MU submitted DAs to Council for reasonably modest external alterations to existing buildings.</p> <p>Further, there is currently an imbalance between new development that can be undertaken as Development without Consent, and the extent of alterations and additions allowed to existing buildings i.e. only 'minor' alterations and additions are allowed. The following changes are suggested to overcome this anomaly:</p> <ul style="list-style-type: none"> ■ Delete the word 'minor'. ■ Delete the requirement for alterations and additions to be associated with 'work to address work health and safety requirements or access for people with a disability'. ■ Add a provision which enables external refurbishments and minor external additions. ■ Add a provision which enables recladding of existing buildings.
Clause 40(2)(d) Clause 40(2)(e)	<p>Clauses 40(2)(d) and 40(2)(e) provide gross floor area limitations for work carried out as Development without Consent.</p> <p>It is requested that these clauses be deleted. There is currently no gross floor area limit on Development without Consent, and it is considered that this new provision would unreasonably limit the extent of works that could be undertaken without consent. The relevance of these clauses is further questioned given the presence of clause 40(2)(c), which would ensure consistency with a floor space ratio or gross floor area control imposed by a LEP.</p> <p>However, if the Department is of a mind to retain clauses 40(2)(d) and 40(2)(e) it is requested that the word 'alteration' be deleted from clause 40(2)(d) to make it clear that this area restriction relates to additions only (and to ensure that buildings of greater than 2,000m² can still be subject to internal fit-out works as Development without Consent – as currently drafted, there may be ambiguity around this). Further, and as noted above, the University is concerned that the limitation of additions to 50% of the gross floor area of an existing building would unnecessarily limit additions to existing, smaller buildings. This seems unreasonable given that new buildings of up to 2,000m² can be constructed. If clause 40(2)(d) is retained, it is requested that this 50% limitation be removed.</p> <p><i>40 Universities—development permitted without consent</i></p> <p>...</p> <p>(d) if the development involves an alteration or addition to a building: (i) does not extend the gross floor area of the existing building by more than 50%, and</p>

Clause	Comment / Suggestion
	<p>(ii) does not result in the building having a gross floor area of more than 2,000 square metres, and</p> <p>(e) if the development is on a site with an area of:</p> <p>(i) 2,000 square metres or less—does not result in the floor space ratio for all buildings on the site exceeding 1:1, or</p> <p>(ii) more than 2,000 square metres— does not extend the existing gross floor area for all buildings on the site by more than 2,000 square metres</p> <p>...</p>
Clause 40(2)(b)	<p>Clause 40(2)(b) requires that development carried out under Clause 40(1) does not cause the contravention of any existing condition of consent that applies to the university relating to, amongst other things, hours of operation, noise, car parking, traffic, student and staff numbers.</p> <p>The University questions whether this new restriction is necessary, as there are currently no such restrictions for work carried out as Development without Consent.</p> <p>The University is so large and contains such a diverse range of uses, that a development consent for a retail shop at the University, for example, should not restrict the use of a library constructed as Development without Consent.</p> <p>The University suggests that this clause be deleted, however if the Department is of a mind to retain it, it is requested that clause 40(2)(b) be clarified to the effect that development carried out as Development without Consent cannot result in any other development being unable to satisfy the conditions of consent relating to that other development.</p>

3.0 CHANGES TO STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

The University welcomes the ability to access the change of use provisions under the Codes SEPP, however suggests that the area restriction of 60m² be removed. There is no restriction on any of the other change of use provisions, and it seems unreasonable to limit tertiary institutions in this manner.

4.0 CONCLUSION

Macquarie University welcomes the review of the Infrastructure SEPP, and the expansion of the Exempt, Complying and Development without Consent provisions proposed under the draft Education SEPP. The University would like to thank the Department for the opportunity to provide input into this important initiative. The University is generally supportive of the draft amendments, however requests that several changes be considered to improve the useability and effectiveness of the provisions.

The University would be happy to meet with the Department to further discuss this submission. Should you have any queries in relation to this submission, please do not hesitate to contact JBA on 9956 6962.

Yours faithfully,



Kate Tudehope
Principal Planner



Tom Goode
Director