



KNOX GRAMMAR SCHOOL

Infrastructure SEPP	Education & Childcare SEPP	Comments	Implications
31A Complying development-existing schools and TAFE establishments	33 Existing schools—complying development	<p>How will current CDC approvals be managed?</p> <p>Will the current CDC approval endure the new legislation and still maintain its approval timeframe?</p>	
31 Exempt development	33 Existing schools—complying development	<p>What do we do about projects we have been working on in the Design phase that are currently considered Exempt Development under the current planning instrument eg internal fitout of an existing building?</p> <p>How will these be treated under the new planning instrument?</p>	Existing projects that are due to complete the Design phase that were to be constructed under an Exempt Development, may now require an additional approval pathway that will put the project at risk, from a financial and programme perspective.
<p>29 Development permitted without consent</p> <p>(3) Development for the purpose of a portable one storey classroom may be carried out by any person without consent on land on which a school is located, if the classroom is located more than 5m from any property boundary.</p> <p>30 Notification of carrying out of certain development without consent</p>	<p>Part 2 General</p> <p>Division 1 Consultation and notification</p> <p>8 Consultation with councils—development with impacts on council-related infrastructure or services</p> <p>(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies unless the authority or the person has: (a) given written</p>	<p>Many schools in NSW are located in areas that are bush fire prone, in a heritage conservation area, have buildings that are classified as heritage items and are located on flood prone land.</p> <p>The current planning instrument facilitates urgent relief required by a school in a situation where classroom space is suddenly and unexpectedly needed. This current process is relatively simple notwithstanding that the school may be affected by the foregoing environmental factors, and allows a swift response and resolution to the need for the additional classroom space.</p>	<p>An example is where if a classroom was affected by water damage from a leak requiring us to decommission that classroom and urgently provision a portable classroom. Because we are located in a heritage conservation area we would need to seek expert advice to assist the preparation of an environmental assessment as part of the process under Part 2, Division 1 of the new policy.</p> <p>This would add expense to the process as well as time delay.</p>



Infrastructure SEPP	Education & Childcare SEPP	Comments	Implications
<p>(1) This clause applies to development to which clause 29 (1) (a) or (3) applies that is not a project to which Part 3A of the Act applies.</p> <p>(2) Before development to which this clause applies is carried out, the proponent of the development must:</p> <p>(a) give written notice of the intention to carry out the development to the council for the area in which the land is located (unless the proponent is that council) and to the occupiers of adjoining land, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p>	<p>notice of the intention to carry out the development (together with a scope of works) to the council for the area in which the land is located, and (b) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.</p>	<p>The nature of the environmental assessment that is required to be assessed and prepared under Part 2, Division 1 of the new policy will invariably require most schools to engage experts to undertake this assessment. This could potentially add significant time and cost to the process of installing a portable classroom building.</p>	
	<p>28 Development for the purpose of student accommodation</p> <p>In this Part, development for the purpose of a school does not include development for the purpose of student accommodation associated with a school, regardless of whether, or the extent to</p>	<p>Boarding schools and student accommodation have been excluded from the Education and Child Care SEPP.</p> <p>Clause 28 carves out student accommodation from the SEPP. The SEPP shouldn't carve out student accommodation as student accommodation is a very much a part of the way non-government schools now operate.</p>	<p>Having a different planning instrument that deals with the development standards and controls associated with the use and construction of buildings associated with student accommodation is going to make it very confusing and complex.</p> <p>Why does the new SEPP not deal with it? The student needs in this context is no different to the school context, therefore,</p>



KNOX GRAMMAR SCHOOL

Infrastructure SEPP	Education & Childcare SEPP	Comments	Implications
	which, the school is involved in, or exercises control over, the activities and life of the students living in the accommodation.		it should be included in the new instrument.
<p>31A Complying development-existing schools and TAFE establishments</p> <p>(1) Development carried out by or on behalf of any person on land within the boundaries of an existing school or TAFE establishment is complying development if:</p> <p>(a) it consists of the construction of, or alterations or additions to, any of the following:</p> <p>(i) a library or an administration building,</p> <p>(ii) a gym, indoor sporting facility or hall,</p> <p>(iii) a classroom, lecture theatre, laboratory, trade or training facility,</p> <p>(iv) a tuckshop, cafeteria, bookshop or child care facility to provide for students or staff (or both),</p>	<p>33 Existing schools—complying development</p> <p>(1) Development carried out by or on behalf of any person on land within the boundaries of an existing school is complying development if:</p> <p>(viii) 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,</p>	<p>Demolition of a structure will no longer be able to be carried out as Complying Development if the structure is located on land that is within a Heritage Conservation Area, even if such demolition doesn't affect a heritage item. This will delay the development of the types set out in clause 33(1)(a) that can otherwise be Complying Development and thereby effectively erodes the benefit of Complying Development.</p>	<p>If a building is greater than 250 square metres, it will no longer be able to be carried out as Complying Development. A DA will be required for the demolition component of the project.</p> <p>This will severely inhibit a school's ability to use complying development provisions where a site is within a Heritage Conservation Area.</p>



KNOX GRAMMAR SCHOOL

Infrastructure SEPP	Education & Childcare SEPP	Comments	Implications
<p>(v) a hall with an associated covered outdoor learning area or tuck shop,</p> <p>(vi) if the development is not on bush fire prone land or if the educational establishment is not, or does not contain, a heritage item-an outdoor learning or play area and associated awnings or canopies,</p> <p>(vii) a car park, and</p> <p>(b) it complies with this clause and clause 20B (General requirements for complying development).</p>			
	<p>29 Schools—development permitted with consent</p>	<p>The policy talks about land that is adjacent.</p> <p>The following development may be carried out by any person with consent on the following land that is not in a prescribed zone:</p> <p>(a) development for the purpose of a school—on land within the boundaries of an existing school,</p> <p>(b) development for the purpose of the expansion of an existing school—on land adjacent to land within the boundaries of an existing school.</p> <p>The term adjacent needs to include land that is separated from an existing school by a public road.</p>	



KNOX GRAMMAR SCHOOL

Infrastructure SEPP	Education & Childcare SEPP	Comments	Implications
	<p>Clause 33(6)</p> <p>Nothing in this clause authorises development (including excavation) that is for the purpose of underground facilities or usable spaces located underground.</p>	<p>ISEPP does not prevent development from being Complying Development simply because it is below the existing ground level.</p> <p>In contrast, clause 33(6) of the new policy prevents development that involves facilities that are below ground from being Complying Development eg carparks, store rooms, plant rooms etc.</p>	<p>This would force many schools back through a DA process for no apparent reason.</p>
	<p>33 Existing schools—complying development</p> <p>(1) Development carried out by or on behalf of any person on land within the boundaries of an existing school is complying development if: (a) it consists of the construction of, or alterations or additions to, any of the following:</p> <p>(ix) minor alterations or additions such as internal fitouts, or alterations or additions to address work health and safety requirements or to provide access for people with a disability</p> <p>Schedule 2 – Schools Complying Development</p> <p>2 Building height</p>	<p>It is important to make it clear in the legislation that internal fitouts that are permitted as complying development under Clause 33 (1) (a) (ix) are not prevented from being complying development simply because they are undertaken in an existing building that exceeds the limits in Schedule 2 (2) (a) and (b).</p>	



KNOX GRAMMAR SCHOOL

Infrastructure SEPP	Education & Childcare SEPP	Comments	Implications
	<p>The building height of a building (whether a new building, or an existing building as a result of an addition or alteration):</p> <p>(a) must not exceed 4 storeys, and</p> <p>(b) must not exceed 22m from ground level (mean).</p>		
	<p>Explanation of Intended Effect guidance document</p> <p>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. This proposal would ensure that councils still have some oversight and involvement in the development of school infrastructure in their local area.</p>	<p>The Explanation of Intended Effect guidance document released with the draft Education and Child Care SEPP has indicated a proposal that Council certifiers will be the only responsible body for issuing complying development certificates for schools.</p>	<p>This will create an undue delay to all complying development applications as Council will not be able to cope with the influx generated from this proposal.</p> <p>What will happen if Council doesn't issue a Complying Development Certificate within the 10 days required by the Act?</p> <p>Will this then be considered a deemed refusal?</p>
	<p>Explanation of Intended Effect guidance document</p> <p>Ensuring that school developments deliver appropriate road and traffic safety outcomes is another</p>	<p>Does the RMS take into consideration the bus service offered by the school, as well as the school being next to Warrawee Station and close to Wahroonga Station?</p> <p>Most students arrive by public transport or walking.</p>	



KNOX GRAMMAR SCHOOL

Infrastructure SEPP	Education & Childcare SEPP	Comments	Implications
	<p>key aspect of the proposed SEPP. Applications for complying development certificates for the purpose of a school where it is proposed to increase student numbers by more than 50 students will be required to be accompanied by a traffic certificate from the Roads and Maritime Service. The traffic certificate will need to certify that any impacts on the surrounding road network as a result of the proposed development are acceptable if specified requirements are met.</p>		
	<p>Explanation of Intended Effect guidance document</p> <p>A draft Environmental Assessment Code of Practice has been developed to regulate how non-government schools must carry out the environmental assessment and determination of activities permitted without consent by the proposed SEPP. The draft Code outlines the assessment and documentation</p>	<p>What are our obligations as far as taking into account neighbour/community feedback post consultation?</p> <p>What if the neighbour has unreasonable demands or is vexatious? What do we need to demonstrate as far as taking on board their concerns?</p>	



KNOX GRAMMAR SCHOOL

Infrastructure SEPP	Education & Childcare SEPP	Comments	Implications
	requirements, and requirements for community consultation.		