

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

6 April 2017

Dear Sir / Madam,

The NSW Chapter of Learning Environments Australasia (LENSW) values the chance to provide a response to the draft State Environmental Planning Policy relating to school development, and recognises the attempt to streamline the approval process for development of school infrastructure.

LENSW is the NSW Chapter of Learning Environments Australasia, which is a community of professionals working together to plan and build better learning environments. As part of a worldwide organisation, we share knowledge, experiences and best practices in planning, designing and building great learning environments. We do this through engaging our members in three key strategic areas: Advocacy, Professional Development and Research. We are also a key partner in the Innovative Learning and Environments and Teacher Change project (an ARC Linkage Project) being undertaken at The University of Melbourne.

Our understanding is that the draft Education and Child Care SEPP (ESEPP) aims to:

- Simplify and standardise the planning approvals process for educational establishments and child care facilities, including the provision for certain developments to be assessed under exempt and complying development processes.
- Establish State-wide assessment requirements that would provide for consistent application of these controls.
- Enable a closer alignment of the National Quality Framework for Early Childhood Education and Care Facilities, with the planning system in place in NSW.

We see great value in the changes proposed and welcome the focus that has been directed towards the issues associated with the development of exemplary schools and child care facilities.

We offer the following comments and observations in no particular order:

- The provision of the Better Schools Design Guide is beneficial, but there is concern that it does explicitly support a particular pedagogical approach. We feel that development standards are not a suitable vehicle for the imposition of specific requirements which preclude opposing approaches. The BOSTES registration process may be a more appropriate method for assessment of proposed learning outcomes as they relate to learning space. The Guide should not become an assessment tool that overrides the ability of a school to develop, if it's vision for development is not aligned with that set out in the Guide. The school team, in consultation with the design team, should be able to balance the various competing ambitions present, according to their needs and circumstances.
- The recognition of the value of good design in the provision of effective teaching and learning spaces is to be congratulated. Overall there is support for the design principles as presented,

but we do question how these principles are to be applied. The tasking of assessment may need to be assigned to skilled and qualified professionals, and where the project is of significant size and complexity this may need to be a practitioner with demonstrated experience.

Authorised Persons, as identified in the development without consent process, or Council / JRPP in the case of development with consent, or certifier's in the instance of a Complying Development Certificate, will need to rely on such input to successfully determine compliance.

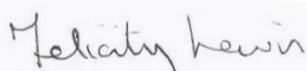
- The treatment of RNS facilities, in the same manner as Public facilities, is a very positive development as it recognises that all schools and child care facilities are facing demands due to the growing population. We do raise a concern about the plan to allow self-assessment under the Development Without Consent provisions. The requirement for pre-determined qualifications or a peer review process might limit the opportunity for ill-considered proposals, in line with community expectations.
- Student and staff numbers are an ever fluctuating issue for educational establishments and can be very difficult to predict. Given the aims of the draft SEPP include improving the ability of schools to respond to demand, a provision that reflects this may be more beneficial than an overall cap. If a cap is to be utilised, the process whereby it is determined should be more clearly identified to ensure the best outcome with minimal opportunity for disagreement.
- The imposition of a single storey height limit for works that can be done without consent may be counter productive to the principles of good site design and land usage. A two storey limit would possibly be a more realistic parameter, especially for any sites within Sydney.
- Experience has indicated that a referral to the RMS for assessment of traffic impact can have significant detrimental impact on the planning timeframe. Consideration needs to be given to the resources available with RMS to carry out these assessments in a timely manner. Traffic and parking are always a contentious issue for any school and often cause friction with the surrounding community, so the need for assessment is well founded, but the use of qualified traffic engineers, or a process whereby the RMS was on a specified timeframe, may be more appropriate.
- It is felt that school based child care and OOSH care should not be required to meet the same development standards as a stand-alone facility as services, already available and approved on the school site, are often shared and duplication of these services would be of little value.
- The proposal that a CDC would be required to be issued by Council, as a method of ensuring that Councils have input into school developments within their LGA is not a realistic or fair imposition. This is unnecessarily restrictive and there appears to be no evidence that the current process has not been effective under the ISEPP.
- The prohibition on CDC's being utilised on properties that have a heritage listing is also onerous. Instead a more efficient process could be to require reference to the specific heritage item and the impacts on it, via a Heritage Impact Statement. Many school sites are sizeable and a single heritage item, often venerated and well protected, could limit development elsewhere on site that in fact would have no adverse impacts at all.
- Setbacks are another area that requires clarification. The inability to carry out even internal works where there are no external impacts, on sites where the setbacks are outside those specified in the ESEPP, seems unfortunate. A process that allows an assessment of privacy, overshadowing or other relevant issues impacting adjoining properties would be more workable.



- The escalation of development relating to the establishment of a new school, to State Significant Development, seems excessive. A method by which there could be a preliminary assessment and agreement on the appropriateness of a SSDA would prevent small scale new school developments from being engulfed in what can be an onerous process for organisations that are often also small scale with limited resources that they do not want to divert from the school building project.

We as an organisation believe that the creation of good learning environments is in the interest of society as a whole and as such we encourage the involvement of the Department of Planning and Environment in this very important endeavour. We thank you for the opportunity to comment on this important piece of legislation.

Yours faithfully



Felicity Lewis

*Secretary to the Board
NSW Chapter Learning Environments Australasia
on behalf of the Board.*

