

April 6th 2017

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

Dear Sir/Madam

RE: Education SEPP

I refer to the recent exhibition of the *Education SEPP*. Following consideration of the materials exhibited as part of the consultation, NSROC would like to make comments (set out below). Please note that these comments relate to matters where there is general agreement amongst the NSROC member councils. Many of the member councils will also be making their own submissions, dealing with matters which are of particular interest to their authority/local government area.

General Comments on Expansion of Complying Development Provisions

The concern of NSROC member Councils to ongoing expansion of Complying Development provisions have been previously advised to the Department – through responses to the *Medium Density Council Code* (October 2016) and in responses to

With the release of the draft *Medium Density Design Guide* and *Medium Density Housing Code* (in October 2016) the State Government foreshadowed the increased use of complying development types. The recent *Environmental Planning & Assessment Bill* (March 2017) and 'Summary of Proposals' documents indicates further growth in the categories of complying development.

There is general concern amongst NSROC member Councils about the progressive expansion of Complying Development proposals. Complying Development was initially introduced for development types that had little opportunity for community impact. However, it now appears that there is intention for expansion into development types that have significant potential for impact on neighbourhoods, to undermine planning processes and creating undue impacts on infrastructure.

Exempt and complying development for schools

Expansion of the scope of exempt and complying development to non-government schools and the inclusion of certain development (such as the construction of buildings up to 22m in height) is not supported. It undermines Council's existing planning provisions (including detailed site specific controls) for key school sites, removes Council's role in assessment of development and the community's opportunity to provide feedback.

Examples of issues that may not receive sufficient consideration under exempt and complying development include views, traffic and parking.

Development for Childcare

NSROC Councils do not support the expansion of exempt and complying development provisions to developments for childcare (or similar facilities). Removing provisions that allow for merits based assessment of such proposals has the potential to lead to significant impacts (particularly in residential areas).

It is the view of NSROC Councils that a merits based assessment process is most appropriate for childcare centres. Such facilities can have significant impact on amenity as well as impact on infrastructure – especially where two or more facilities are established within near proximity. Such impacts include transport/traffic concerns – the establishment of childcare centres can result in significant traffic congestion in residential areas and their location (and impact on transport) needs to be considered carefully.

Ability to Adopt Adjoining Zoning

There are serious concerns regarding provisions to allow schools to adopt the zoning of adjoining land, enabling development that is permissible on adjoining land, despite the existing provisions of the applicable LEP.

Council involvement in Complying Development

It appears that it is the intention of the Department to allow only Council certifiers to issue complying development certificates for such proposals (rather than private certifiers). This appears to be a measure aimed at ensuring Council involvement in the process.

In our view, this is either an admission that private certifiers are not capable of undertaking their role appropriately, or that the extension of complying development provisions are likely to lead to future concerns about the location of development. If a proposal is considered appropriate for 'complying' development, then why is it necessary to delineate various forms of Complying Development as being either suitable for consideration by only Council, and not a private certifier?

Whilst retaining Council involvement in the assessment process is supported, this change to the complying development process adds further complication to the system and appears to be an admission that complying development has extended far beyond what it was originally intended for - that is, for straightforward works with minimal impact.

I hope that these comments are useful.

Yours sincerely



Andrew Roach
Executive Director