

7 April 2017

Director of Industry and Infrastructure Policy  
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**Draft State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017**

Dear Sir/Madam

Thank you for the opportunity to make a submission on the Draft State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017.

The following submission has been prepared by Council officers and has not been adopted by Council.

**General**

It is unclear why relevant parts of the draft SEPP have not been integrated into the existing SEPP (Exempt and Complying Development Codes) 2008. This would avoid duplication and allow the non - exempt/complying provisions to be in their own less convoluted SEPP. This is discussed further under the heading, Child care and early childhood education.

Clause 9 of the draft SEPP allows development without consent carried out by or on behalf of a public authority on heritage affected land. It's considered that any development involving heritage affectation require consent to enable impartial and robust heritage assessment. The associated requirement for a heritage impact assessment does not include qualifications for the person or criteria for the assessment.

Clause 15 of the draft SEPP does not include being permissible as a general requirement for exempt development. Being permissible should be a general requirement for exempt as is the case for complying development.

With many sites relevant to the draft SEPP known to have contamination issues such as asbestos, it is not considered appropriate for demolition to take place without development consent. The blue book and Australian standards referred to have not been

sighted to confirm whether contamination is addressed. The blue book's full title should be referred to for clarity.

### Child care and early childhood education

The draft SEPP provides that Department of Education development application concurrence is only required where indoor or outdoor open space requirements are not met. Otherwise concurrence is approached prior to operation. Concurrence should be at application stage for all applications. This may avoid expensive works for non – compliance.

Mandating child care permissibility in the IN2 zone (clause 22) may result in scenarios where typical development proposed in an IN2 zone is prevented/constrained by being in proximity to an established child care centre. This is counter to core objectives of an IN2 zone such as protecting industrial land for industrial uses. The SEPP does not address the practicalities of child care co – existing with industry is questionable and would involve potential extra resourcing for monitoring amenity impacts.

The Child Care Planning Guidelines refer to certain alterations and additions to an existing child care being carried out as complying development under Part 5 of *State Environmental Planning Policy (Exempt and Complying Codes) 2008*. This SEPP also has provisions for home based child care. It would be more user friendly to have all child care SEPP provisions in the same SEPP.

The proposal to amend the Codes SEPP to allow home based child care on bushfire prone land is not supported. It is difficult to imagine up to 7 toddlers for instance being efficiently and quickly evacuated by one proprietor during emergency.

### Mobile child care

Clause 25d of the draft SEPP requires temporary structures to meet any LEP development standard regarding boundary separation distance. It's unclear whether the standard instrument provides for such a standard. Such standards may be in the Building Code of Australia and or development control plans.

### Schools

If school infrastructure is to become complying development it should be limited to council certifiers so that Councils can maintain some oversight and involvement in the development of school infrastructure in their local area.

Even with the best design it will be difficult for 22 metre complying developments to fit with surrounding suburban characters. A preferred approach would be to limit complying developments to heights equivalent to the surrounding area and enable SEPP sites to be considered for say a 30% increase to that surrounding development, subject to development consent. This would still allow at least 2 storey SEPP development. It's questionable why it would need to be more than 2 storeys for most school grounds.

Regarding clause 30(2) of the draft SEPP, development without consent would allow multiple 10% staff/student increases. This could result in large cumulative increase over years and would bypass the normal assessment criteria subjected to development that needs consent. This would be of particular concern if there are no relevant conditions on any existing development consents. Traffic and parking, other surrounding amenity issues would be of particular concern.

Similarly traffic/parking issues can be bypassed via complying development applying to increases by less than 50 students. Only with 50 students or greater would there be RMS involvement and if so would it be only a consultative role.

Regarding clause 32, allowing 1 storey sheds/workshops as exempt development is not appropriate as 1 storey sheds/workshops may have a much higher floor to ceiling height. It would be preferable to express in metres.

The draft SEPP provides an ability for state significant development to not comply with LEP height and floor space, subject to having sufficient environmental planning grounds. Any departure should be subject to detailed criteria and have a numerical limit in terms of floor space and height of say 30%, using the surrounding area FSR/height as a base limit.

It is unclear why complying development conditions (clause 30(3)) can be ignored in meeting requirements for development without consent.

#### TAFES

Regarding clause 47(2) of the draft SEPP, development without consent would allow multiple 10% staff/student increases. This could result in large cumulative increase over years and would bypass the normal assessment criteria subjected to development that needs consent. This would be of particular concern if there are no relevant conditions on any existing development consents. Traffic and parking, other surrounding amenity issues would be of particular concern.

It's unclear why complying development conditions (clause 47(3)) can be ignored in meeting requirements for development without consent.

Should you have any enquiries regarding this letter, please contact Cheryl Lappin, Acting Group Manager City Strategy on 4221 6127.



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