



UNIVERSITY  
OF WOLLONGONG  
AUSTRALIA

3 April 2017

Ms Carolyn McNally  
Secretary  
NSW Department of Planning and Environment  
Level 22  
320 Pitt Street  
SYDNEY NSW 2000

Dear Ms McNally

**Draft Education Establishments and Child Care Facilities State Environmental Planning Policy (SEPP)**

By way of this correspondence I wish submit brief comments from the University of Wollongong (UOW) on the *Draft Education Establishments and Child Care Facilities SEPP* as currently exhibited by the NSW Department of Planning and Environment (NSW DPE).

The University of Wollongong commends the Department on pursuing a sector specific State policy which enables approval pathways for all elements of the broader education sector in NSW regarding exempt development, complying development, development without consent and development with consent within a singular framework. This represents a major step forward for the sector as a whole, and for universities in particular, within the current NSW planning system.

In general, UOW notes that the Draft SEPP:

- Aligns environmental requirements from the National Quality Framework for early childhood education and care facilities into the NSW planning system for the first time;
- Simplifies and standardises the approval process for child care facilities, schools, TAFEs and universities, including broadening the range of development that can be undertaken as exempt or complying;
- Sets out clear planning rules for these developments including where they can be built, what development standards apply and consultation requirements;
- Establishes state-wide assessment requirements and design considerations to improve the quality of these facilities and to minimise impacts on surrounding areas.

More specifically for universities, UOW notes that the Draft SEPP:

- Transfers the existing provisions for exempt development, development without consent and development with consent from the Infrastructure SEPP into the new SEPP.
- Includes additional provisions for exempt development;

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- Introduces complying development provisions for universities for the first time;
- Makes amendments to the Codes SEPP to enable universities to access 'change of use' provisions to allow a change from commercial or industrial premises to an educational establishment.

UOW is an active member of the NSW Vice-Chancellors' Committee (NSWVCC) which established a Planning Reform Group (comprised of planning experienced staff from a number of universities) in 2013. This group, on behalf of the NSWVCC, has engaged closely with staff from NSW DPE to collaborate on establishing specific, streamlined and contemporary policies to support university developments in NSW. The Universities in NSW collectively invest more than \$1.5B in capital projects each year supporting a world-class higher education and research system as well as the second largest export sector for the State. The Draft SEPP, in part, has been informed by this collaborative effort.

UOW co-convenes this group and therefore has had substantial input into both the engagement process in the lead up to the release of the Draft SEPP and the subsequent detailed submission and representations made by the NSWVCC, on behalf of the sector state-wide. Accordingly, I wish to advise of UOW's endorsement of the NSWVCC submission and the matters raised therein.

I wish to highlight a number of matters addressed within the aforementioned NSWVCC submission that are of particular importance and I believe should be reinforced as part of this submission from the University of Wollongong as discussed below.

#### **Student Accommodation**

UOW does not support Draft SEPP clause 38 which states that development for the purpose of a university does not include student accommodation. University student accommodation does not constitute residential development or boarding house development. University student accommodation is central to the core university purposes of teaching, learning and research. Student accommodation is often integrated with teaching and learning facilities/services, as well as student wellbeing facilities/services, all as part of the integrated student campus experience.

**Recommendation:** That clause 38 which states that development for the purpose of a university does not include student accommodation, be deleted, or otherwise amended to allow for university owned and operated student accommodation to be included within the provisions of the *Educational Establishments and Child Care Facilities SEPP* or alternatively as a specific class of housing within an amendment to the *Housing SEPP*.

#### **Land Use Zones**

The Draft SEPP amends the *Infrastructure SEPP* by significantly reducing the range of prescribed land use zones available to universities. This includes removal of rural, residential and some business land use zones that are currently available to universities. Many universities, including UOW, typically have existing or planned facilities in these land use zones. The Draft SEPP does not extend these exclusions to TAFE institutes.

**Recommendation:** That universities have access to the same prescribed land use zones as currently exist within the *Infrastructure SEPP* and which are proposed for TAFE institutes.

### **State Significant Development**

The Draft SEPP proposes to lower the Capital Investment Value (CIV) of development for schools, in order to qualify as State Significant Development, from \$30 million to \$20 million. State Significant Development provisions allow for the Minister for Planning to be the consent authority for development instead of a local government authority. The same lowering of CIV threshold has not been offered to universities.

**Recommendation:** That the proposed amendment to Schedule 1 clause 15(2) under the *SEPP (State and Regional Development) 2011*, which sets a \$20 million CIV threshold available to schools for State Significant Development, should also apply to universities.

### **Environmental Planning and Assessment (EP&A) Act Regulations – Public Authorities**

The EP&A Regulations do not extend the rights of Universities as a *public authority* to be a determining authority, within the meaning of Part 5 of the Act for *development that is permitted without consent*, to non-owned university lands (i.e. – land that is leased, occupied or under the control and management of a university). Development permitted without consent allows a university to self-assess certain low impact forms of development, but only on land that it owns. This limitation is not applied to any other public authority listed under Clause 277 of the Regulations.

For example, should a university seek to develop a sports field on a campus that it occupies and manages, but which is owned by another government authority, then it cannot self-assess that development (despite gaining landowner agreement from the relevant government agency).

UOW therefore seeks further amendment to clause 277(5) of the Regulations to allow universities, as a *public authority*, to utilise the *development permitted without consent* planning pathway on all lands owned, occupied and managed by universities.

**Recommendation:** That the wording of the proposed amendment to clause 277(5) of the Regulations be amended as follows:

For the purpose of the definition of *public authority* in section 4 (1) of the Act, the following universities are prescribed, but only so as to allow each university to be a determining authority within the meaning of Part 5 of the Act for development that is permitted without consent under a provision of *State Environmental Planning Policy (Infrastructure) 2007* or *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2016*.

### **University Child Care Facilities**

UOW reiterates the importance of university child care facilities both on and off campus to staff and students. Child care facilities are integral to the core university purposes of teaching, learning and research, contribute to campus diversity and inclusion, and alleviate the pressure on surrounding private child care facilities. University child care facilities also benefit from campus proximity and access to other university facilities such as open space as well as sports and recreation facilities.

**Recommendation:** That the Draft SEPP be amended to:

- Acknowledge the provision of child care facilities to staff and students as an important university activity; and
- Provide universities access to exempt and complying development provisions for child care facilities similar to those afforded to TAFE institutes.

In conclusion I again wish to commend the NSW Department of Planning and Environment on its efforts in developing the *Draft Education Establishments and Child Care Facilities SEPP*. The University of Wollongong would be pleased to further discuss the matters and suggestions contained within this submission if required.

For further information or clarifications please contact Mark Roberts; Senior Manager, Strategic Projects on 4221 8022 or via [mark\\_roberts@uow.edu.au](mailto:mark_roberts@uow.edu.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Wellings', with a large, stylized flourish extending from the end of the signature.

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