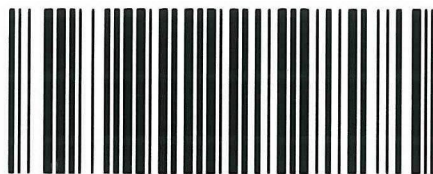




Ref:

7 April 2017



PCU070454

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

Dear Sir/madam

Draft Education and Child Care SEPP

Thankyou for providing the opportunity to review and comment on the draft Education and Child Care SEPP that included enabling Legislation and associated Guidelines. The following comments are provided;

1. Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental plans Order) 2006 - Centre-based child care facilities

Council questions the appropriateness of allowing "centre-based child care" and "respite day care centres" facilities in the IN2 Zone given potential land use conflicts. There is very real potential to adversely impact on operational characteristics and viability of established industrially zoned land, not to mention the potential conflicts to the healthy learning environment promoted by the legislation for child care centres.

Having to resolve issues between centre-based child care facilities and industrial premises has the potential to add considerable cost to proponents of both land uses (in terms of addressing noise and odour impacts, setbacks, operational limitations for example). This would likely result in more compliance issues for local Council's to deal with.

In the Bega Valley, industrial land is scarce and we strive to protect such areas from inappropriate development. The Department needs to consider the changing nature of industries over time. By permitting child care facilities within Industrial zoned land, it could sterilise adjoining lands into the future for redevelopment.

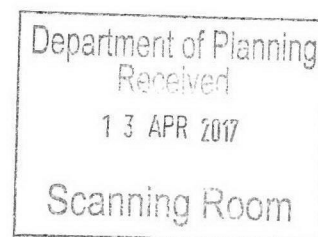
The proposed Amendment of the Standard LEP details Centre based child care in the IN2 zoned land (Clause 4 – Land Use table, Zones R2 and IN2), while in the Draft Child Care Planning Guideline (Pg.36 Child care in industrial zones), also mentions land zoned IN1 General Industry?

It is submitted that Schedule 1 Clause 3 of the 'draft Amendment of Standard Instrument' needs to be amended to include a reference to R2 and R5.

2. Draft Child Care Guidelines

Council welcomes the development of the Draft Child Care Planning Guidelines. There are a number of concerns raised however in respect to possible design solutions recommended in the Guidelines where land use conflicts have been identified. This includes the erection of acoustic

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fencing. The practicality of erecting a 2 m high boundary fence, especially in regional and rural areas could have the potential to impact on adjoining land uses, especially residential land uses. For example, fencing that high could potentially impact on solar access for existing residences and create visual bulk and scale.

The tables in the guideline are really useful given the requirements in terms of spatial areas based on the number of children for different components of the child care centre. Further, to assist local government in the assessment of development applications for these facilities, the requirement for the applicant to provide a detailed compliance statement from a suitably qualified person should be mandatory to ensure that the applicant has made every attempt to meet the relevant provisions and the objectives of the guidelines.

More information could be provided about specific facilities, in particular, retrofitting existing buildings, mixed use developments, etc. Further examples in these areas would be beneficial.

In rural areas, the guidelines should provide more details for addressing Bushfire requirements. For example, there may be times where facilities cannot comply with the Outdoor Environment requirements for shade if the site is bushfire prone.

3. Complying development – Public/Private Schools

Concerns are raised regarding the appropriateness of 4 storey buildings in residential zones. There could be potential amenity impacts irrespective of design parameters embodied in the SEPP and Guidelines. There may also be instances when a development which 'ticks all the boxes' in terms of meeting design standards, but will still be totally out of character and unsympathetic with development on adjoining and adjacent lands.

4. Capital Investment

Council is supportive of nominating development having a capital investment of \$20 million and over as State Significant Development.

5. Complying Development - TAFE's and Universities

In regional areas, there are concerns having regard to the appropriateness of 3 storey buildings in residential zones. There could be potential amenity impacts irrespective of design parameters embodied in the SEPP and Guidelines. Again, there could be developments which comply in full with the design standards but may still be totally out of character and unsympathetic with development on adjoining and adjacent lands.

6. Non-discretionary development standards

It is submitted that the 'Site Area' definition needs to be amended to exclude land affected by easements. There will be sites that are affected by easements, like stormwater, sewer, etc, which should not be utilised in the planning of such facilities. For example, vegetation screening should not be located within Stormwater easements.

7. Complying Development – Schools

There does not appear to be any front building setbacks nominated in the SEPP/Guidelines. It is submitted that developments should be consistent with established setbacks on either side of the land in question at the least and be consistent with existing streetscapes.

8. Draft SEPP (Educational Establishments and Child Care facilities) 2017 Schedules 2 and 3

There does not appear to be any mention of requiring front building setbacks to be landscaped. Streetscape character should be preserved as best as possible. This does not help when you have potential zero building setback requirements.

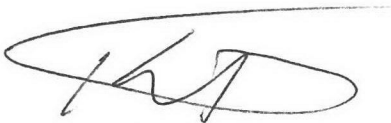
9. Draft Schools Guidelines

It is submitted that there are many broad statements in the draft guidelines which are very subjective in nature. Whilst it is noted that the Better Schools Design Guide has been established as best practice, it is unclear as to how a consent authority needs to satisfy itself that these principles have been satisfactorily achieved in any development. Guidance in this would be helpful.

Finally, the level of detail required to submit such applications under the new provisions is substantial. To assist applicants, the Department should ensure the requirements are suitably reflected in the Secretary's standard forms and submission requirements, as recently exhibited.

If you would like to discuss any of the matters detailed above, please contact Mark Fowler on 64992107 or email mfowler@begavalley.nsw.gov.au.

Regards

A handwritten signature in black ink, appearing to be 'K. Tull', enclosed within a large, loopy oval shape.

Keith Tull

Manager of Planning Services