



INNER WEST COUNCIL

Contact: S.Roseland
Phone: 9367 9279

28 March 2017

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

**RE: PUBLIC EXHIBITION – DRAFT STATE ENVIRONMENTAL PLANNING
POLICY (SEPP) FOR EDUCATIONAL ESTABLISHMENTS AND CHILD
CARE FACILITIES**

Thank you for the opportunity to comment on the draft SEPP for Educational Establishments / Child Care Facilities and supporting documents.

At the Ordinary Council meeting held on 28 March 2017 Council approved the attached report on the draft SEPP. In particular Council would like to raise the following issues of concern and objections.

Zoning of schools sites

The proposed SEPP includes provisions to allow site compatibility certificates to be issued to permit school sites to adopt the zoning of adjoining land. This would often involve rezoning to residential and would facilitate the disposal of educational sites.

This was an issue during the translation of Council LEPs into the NSW government Standard Template. The varied and inconsistent zoning of many schools across Sydney is a result of this process.

This element of the SEPP contradicts its own objective of addressing a deficit of land for educational facilities and childcare centres.

Council objects to this proposed provision on the basis that SP2 (Infrastructure) is the most appropriate zoning for educational facilities. Where the Department of Education intends to cease operation at a particular site and introduce a new land use, their process should be as it is for private land and require a full and transparent analysis of environmental, social and economic impacts.

Customer Service Centres

Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street, Petersham NSW 2049

Leichhardt | P (02) 9367 9222 | E leichhardt@lmc.nsw.gov.au | 7-15 Wetherill Street Leichhardt NSW 2040

Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road Ashfield NSW 2131

Mandates '*centre-based childcare*' as a permitted land use in IN2 (Light Industrial)

Council objects to this provision due to the risk it poses for the loss of industrial land and potential impacts on children's health. The former Leichhardt Council's 2016 Industrial Lands study stresses how critical it is that the diminished quantum of lands zoned for employment generating purposes be retained for job provision and future economic growth.

Mandating childcare in the IN2 zone could result in further loss or fragmentation of industrial lands and land use conflicts. Adjoining industrial uses and the associated pollution, noise and truck/traffic movements could have significant detrimental impacts on the amenity and health of children attending proposed new facilities.

Expansion of education and childcare development without consent and exempt and complying provisions

The range of land uses, development and works allowed using these provisions could see a substantial increase in the capacity of existing school sites and establishment of new school and child care facilities. These would include private schools recognised as public authorities.

The same provisions may also remove a consent authority's ability to mitigate the impacts or refuse elements / whole proposals that would have an unacceptable amenity impacts on neighbouring residents and businesses, plus the future users of these facilities. For example under the Draft SEPP;

- No masterplanning is required for individual sites or precincts to determine the long-term needs and cumulative impacts
- The SEPP does not explicitly state that its provisions do not apply to existing or draft heritage items and heritage conservation areas.
- Bush fire prone land and coastal wetlands are not excluded from new development without consent and exempt & complying provisions
- Councils do not retain the ability to set conditions on developments to minimise impacts on existing local communities, including hours of operation and size of car parking facilities
- Non-discretionary development standards, such as locations, proximity to other facilities and site area/coverage/dimensions is not a matter for consideration.

These provisions, under the changes, will apply to both public and private schools. Council is concerned about how this provision could lead to poor development outcomes with adverse impacts on surrounding communities and on the pupils and teachers of schools that expand without consent using exempt and complying provisions.

Development Controls Plans (DCPs)

The draft SEPP provisions aim to replace DCP planning objectives and controls for childcare and education. This will reduce councils' ability to implement DCP controls that are specific to particular areas and assess the merits and need for individual proposals. This could result in poor development outcomes which do not best serve the community.

Unencumbered indoor and outdoor space requirements

The draft SEPP encourages the early involvement of the relevant regulatory authority, which is supported. The proposed mechanism whereby consent authorities can submit centre-based childcare development applications for regulatory authority concurrence seeking a reduction in established base minimum requirements is opposed. Minimum space allocations per child are set to facilitate child welfare and learning and should not be

- Schedule 2 – Should include a definition for 'habitable room' and 'principle private open space'.
- Schedule 3 Section 3 (1) and (2) will potentially allow for multiple buildings within university grounds to fall under complying development provisions. The controls should relate to FSR control set as per clause 40 (2)(c) of the draft SEPP, drawn from a local environmental plan (LEP).

Amenity / urban design issues to be addressed

- Solar access requirements for existing TAFE establishments differ from those for schools. To ensure consistency these standards should be incorporated into a separate schedule similar to those for other development types.
- Schedule 2 – Using a mean ground level as the draft SEPP proposes is a crude tool if setting development parameters and will lead to poor development outcomes.
- Allowing building heights for new schools to 4 storeys / 22 metres as complying development is excessive. Schools are quite often located within low rise residential neighbourhoods and ensuring the interface between schools and adjoining properties is of an appropriate size and scale is not possible under the current draft SEPP.

Urban Growth Involvement

The weakening of development controls and the proposed site compatibility certificate provisions could result in a more haphazard development of educational establishments and child care centre with many negative impacts for existing residents, students, children and their families.

There is an opportunity to introduce some of these measures alongside a targeted program of precinct master planning to identify locations for these new facilities and to align with best practice while minimising potential detrimental impacts. Urban Growth is the NSW Government's urban transformation agency, charged primarily with facilitating residential and commercial development across Sydney and NSW.

The opportunity exists that while undertaking research and investigations into locations for residential and commercial expansion, working alongside the Department of Education, UrbanGrowth identify locations for schools and child care centres according to evidence-based local and regional need. By removing development pressures on identified sites by including them in programs such as the Parramatta Road Urban Transformation Plan the NSW government could provide, much needed clarity and certainty for future land use across the city and State.

To highlight the importance of this issue, the Ministerial imperatives which guide the work of UrbanGrowth should be amended to make specific reference to the importance of social infrastructure provisions, improvement and expansion, with special emphasis on education and health.

Should you wish to further discuss this submission please contact Steve Roseland, Senior Strategic Planner on 9367 9279 or email steve.roseland@innerwest.nsw.gov.au.

Yours sincerely



Simon Manoski
GROUP MANAGER - STRATEGIC PLANNING