



**The Scots College**  
Sydney Australia

**From the Principal**

7 April 2017

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

**Email: [education.sepp@planning.nsw.gov.au](mailto:education.sepp@planning.nsw.gov.au)**

Dear Sir/Madam

**Re: Draft SEPP Educational Establishments and Child Care Facilities**

I wish to make a submission, having reviewed the document package which has been exhibited for public comment, including:-

- the Draft SEPP (Educational Establishments and Child Care Facilities) 2017;
- the Draft Environmental Planning and Assessment Amendment (Schools) Regulation 2017;
- the Draft Better Schools Design Guide;
- the Explanation of Intended Effects;
- the NSW Code of Practice for Part 5 activities for registered non-government schools.

The College generally supports the proposed SEPP and its related initiatives.

Collectively, the exhibited package provides an improved planning environment for our school, and other non-government schools, to optimise the use of school campuses, meet current needs, and more effectively plan for the future. Common with all schools, we want to deliver the best possible educational opportunities for our current and future students. Enabling us to



do that in a more efficient and timely manner, while delivering high quality facilities and minimising impacts on neighbours, is an initiative worthy of widespread community support.

There is one aspect of the Draft SEPP which warrants in my view, a minor but important amendment. In order that the need for this requested amendment can be fully appreciated I provide the following explanation.

The main College campus is in two parts, separated by Victoria Road, at Bellevue Hill. Each part contains identified individual heritage items which are described in Schedule 5 of Woollahra LEP 2014. Attached hereto is a survey plan of each part of the main campus on which the identified heritage items listed in Schedule 5 of Woollahra LEP 2014 are shown in colour. It is readily apparent from the two attached plans that there are large parts of the main campus which do not contain listed heritage items.

Nevertheless, as is the convention for standard LEPs, all of each of the two parts of the main school campus is coloured on the heritage map in the Woollahra LEP 2014.

Pursuant to the Draft SEPP, specifically Clause 17(2)(a), to be complying development the development must meet the general requirements for complying development set out in Clause 1.17A of the Codes SEPP. Clause 1.17A (1)(d)(iii) of the Codes SEPP states that to be complying development the development must not be carried out on land that (relevantly) is identified as a heritage item or on which is located an item that is so identified. However, Clause 1.17A (4) of the Codes SEPP provides that if the item of environmental heritage does not comprise, or is not located on, the whole of the relevant land, subclause (1)(d) applies only to the part of the land that is described and mapped on that instrument.

Like many LEPs Woollahra LEP 2014, in Schedule 5, identifies (by description) heritage items (such as a particular building, tree, wall or other feature), however the heritage maps in the LEP colour all of the lot on (or part of) which the building is located. In the case of a large campus such as Scots College this means that non-heritage listed, often modern buildings, sports fields, paved areas, car parks, gardens and other features are coloured on the heritage map even though (correctly) they are not described as items in the heritage schedule in the LEP.

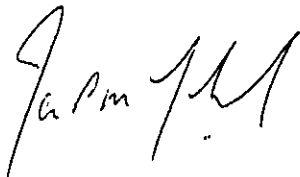
This potentially leads to a confusing situation for a certifier, and potentially denies the College the opportunity of benefitting from the SEPP provisions. In order that the potential for such confusion is minimised, the Draft SEPP should include words to the following effect in a new sub-clause 17(3):-

“Where an educational establishment comprises land on part of which is an item of environmental heritage described in an environmental planning instrument, nothing in subclause (2) prevents development being complying development on those parts of the land not comprising the item so described, notwithstanding that the whole of the land comprising the educational establishment is coloured on the heritage map in the environmental planning instrument.”

This simple clarification will ensure that the beneficial and facultative aspects of the Draft SEPP (insofar as it relates to complying development) can be utilised, as appropriate, by Scots College and other registered non-government schools which comprise a campus, only part or parts of which are occupied by identified heritage items.

Thank you for the opportunity to make this submission.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian PM Lambert', with a stylized flourish at the end.

Dr Ian PM Lambert  
Principal



Schedule 5 Environmental Heritage Woollahra LEP 2014

**ITEM 37**  
"Fairfax House" (part of The Scots College, 29-53 Victoria Road)—building and interiors, remnant north-west gardens, stone works, fountain, 2 Norfolk Island Pines, Kauri Pine, Cook Pine, Hoop Pine, 8 Moreton Bay Figs, 7 Port Jackson Figs

17 Ginahgulla Road, Bellevue Hill  
Lot B, DP 109676  
Local Significance



1 FAIRFAX GINAHGULLA CAMPUS

**LEGEND**

Heritage Item

JICA architects

Education | Conservation | Residential | Commercial | Landscape Architecture | Heritage | Urban Planning

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**GENERAL NOTES**

- Consult with ALL relevant authorities prior to commencing works
- DO NOT scale. All dimensions are nominal + should be confirmed on site prior to commencement
- Obtain setting out information from architect PRIOR to commencement
- Bring discrepancies to the immediate attention of the Architect
- If unsure of any aspect of the works seek instruction from the Architect before proceeding
- All drawings must be read in conjunction with the council consent, specification, schedules, site notes + instructions issued by the Architect
- This material / work is protected by Copyright

**CONSULTANTS**

BBC PLANNING

**CLIENT**

STEVEN ADAMS  
THE SCOTS COLLEGE

**PROJECT**

DRAFT SEPP SUBMISSION

**ADDRESS**

29-53 Victoria Rd  
Bellevue Hill, NSW

**DRAWING TITLE**

FAIRFAX GINAHGULLA CAMPUS

**DRAWN BY**

JC, CF, SM

**SCALE**

—

**ISSUE**

PRELIMINARY

**REVISION**

P1

**DATE**

APRIL 2017

**DRAWING NUMBER**

SK02/17-012



Schedule 5 Environmental Heritage Woollahra LEP 2014

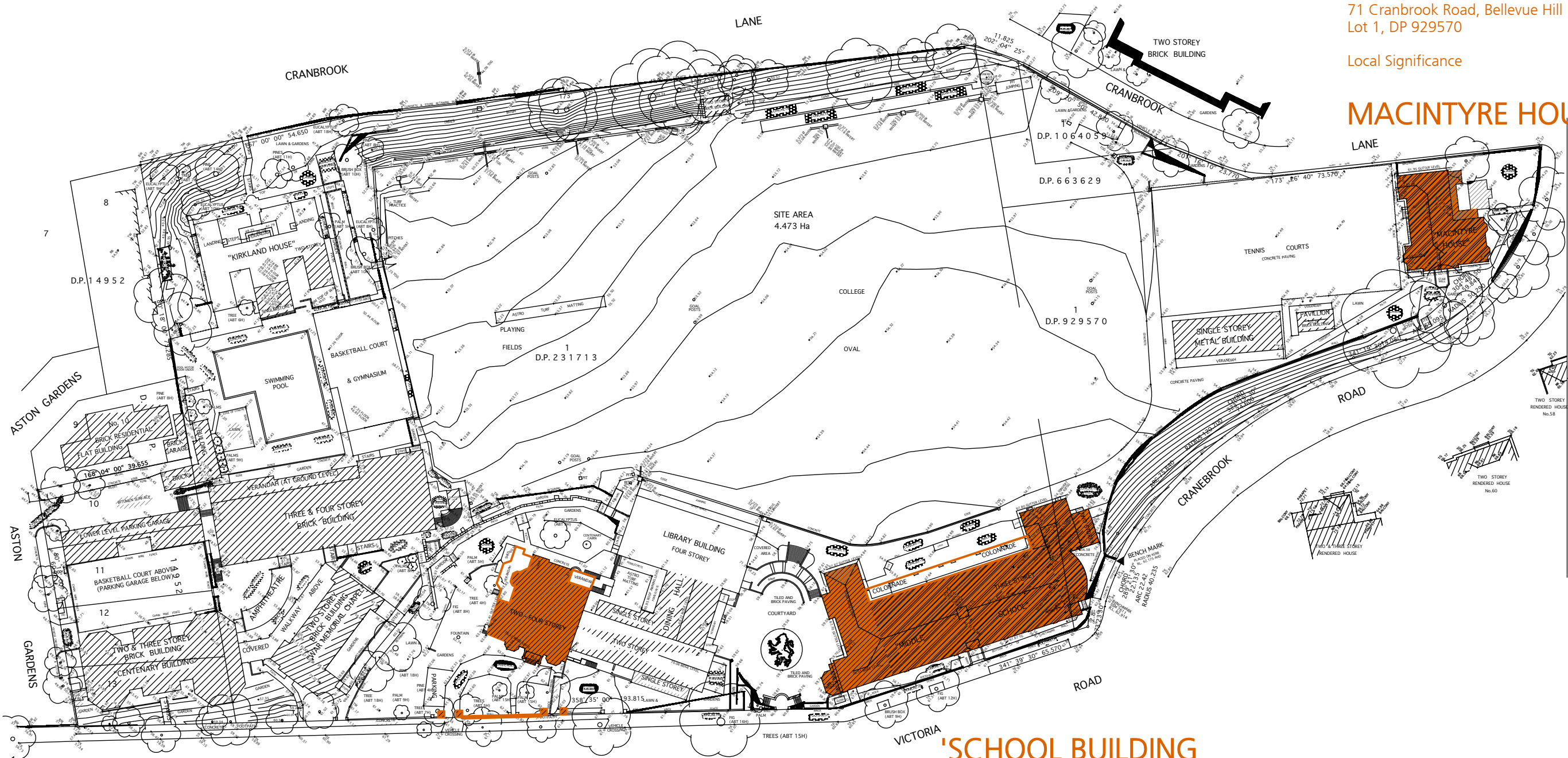
ITEM 22  
Building and interiors (part of The Scots College, 29–53 Victoria Road)

71 Cranbrook Road, Bellevue Hill  
Lot 1, DP 929570

Local Significance

MACINTYRE HOUSE

GENERAL NOTES  
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- This material / work is protected by Copyright  
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ASPINALL HOUSE

'SCHOOL BUILDING WITH CLOCK TOWER'

ITEM 67  
'The Scots College—the building known as “Aspinall House” and interiors, with palm trees, sandstone gateposts (3 sets), gate and fencing to Victoria Road, and the adjoining stone wall surmounted by iron railing; the school building with clock-tower and interiors

29–53 Victoria Road, Bellevue Hill

Lots 10–13, DP 14952; Lot 1, DP 231713; Lot 1, DP 929570; Lot 1, DP 663629; Lot 1, DP 1064059

Local Significance'

1 Senior School Campus

LEGEND

Heritage Item

CLIENT  
STEVEN ADAMS  
THE SCOTS COLLEGE

PROJECT  
DRAFT SEPP SUBMISSION

ADDRESS  
29-53 Victoria Rd  
Bellevue Hill, NSW

DRAWING TITLE  
SENIOR SCHOOL  
CAMPUS

DRAWN BY  
JC, CF, SM

SCALE  
-

ISSUE  
PRELIMINARY

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P1

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APRIL 2017

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