

6 April 2017

Ms Alex O'Mara
Director, Industry and Infrastructure Policy
Department of Planning and Environment
PO Box 39
Sydney NSW 2001

Dear Ms O'Mara

**UNIVERSITY OF NEWCASTLE: SUBMISSION TO DRAFT STATE ENVIRONMENTAL PLANNING POLICY
(EDUCATION ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017**

I am pleased to provide you with the University of Newcastle's (UON) response to the draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ('the Draft SEPP') and supporting documents.

We congratulate the Department for driving this policy change, which aims to simplify and streamline the planning process to allow Universities to maintain, upgrade and develop their campuses in response to the significant demands on the education sector. We believe it is vital to seize this reform opportunity to optimise development certainty for this sector, including opportunities to reduce unnecessary delays within the planning process.

The UON is represented on the NSW Vice Chancellor's Committee (NSW VCC) and is part of a submission that has been lodged to the Draft SEPP on behalf of NSW VCC. UON supports all the matters and recommendations raised in the NSW VCC submission. This (UON submission) builds on NSW VCC's recommendations. It specifically responds to the Draft SEPP in the context of UON's campuses.

We strongly encourage the Department to consider our comments and recommendations provided in the attached submission, and refine the final version of the SEPP in order to maximise development certainty and timing of delivery for this critical sector.

We would welcome the opportunity to discuss any of the matters addressed within our submission in greater detail. Please do not hesitate to contact our Associate Director Campus Strategy, Julie Rich, by email julie.rich@newcastle.edu.au or telephone (02) 4921 5273, or Alaine Roff, Associate Director – Planning – Urbis (02) 8233 9900.

Yours sincerely



Alan Tracey
A/ CHIEF OPERATING OFFICER



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Department of Planning and Environment
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Sydney NSW 2001

Dear Ms O'Mara,

UNIVERSITY OF NEWCASTLE: SUBMISSION TO DRAFT STATE ENVIRONMENTAL PLANNING POLICY (EDUCATION ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

This submission has been prepared by Urbis on behalf of the University of Newcastle ('UON').

We appreciate the opportunity to make this submission to the Department of Planning and Environment (DPE) on the draft *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* ('the Draft SEPP') and supporting documents, which are currently on exhibition.

We would welcome the opportunity to discuss any of these matters with the Department in greater detail and we look forward to being further consulted throughout the implementation phase of the Draft SEPP.

1. OUR SUBMISSION

We congratulate the DPE for driving this policy change, which aims to simplify and streamline the planning process to allow Universities to maintain, upgrade and develop their campuses in response to the significant demands on the education sector.

UON supports the DPE's acknowledgement that universities are integral in training and developing a strong, educated and diverse workforce. UON also supports the initiative to expand the provisions relating to 'exempt development', 'complying development' and 'development without consent'.

These initiatives will go some way to streamlining the planning system and ensure universities can deliver tertiary education for the growing population. However, given the critical role the education sector plays in our state and national economy, we believe it is vital to seize this reform opportunity to optimise development certainty for this sector, including opportunities to reduce unnecessary delays within the planning process.

The UON is represented in the NSW Vice Chancellor's Committee (NSW VCC) and is part of a submission that has been lodged to the Draft SEPP on behalf of NSW VCC. That submission raised

several matters on the Draft SEPP relevant to all Universities in NSW. UON supports all the matters and recommendations raised in the NSW VCC submission.

This (UON) submission builds on NSW VCC's recommendations. It specifically responds to the Draft SEPP in the context of UON's campuses. The key matter that needs to be recognised in the Draft SEPP is that UON is not constrained by proximity to residential development and should not be subject to the same level of prescription as inner city campus locations.

This submission provides the context of UON and its unique site opportunities. It outlines key issues in the Draft SEPP and recommendations for how the legislation changes can be improved in order to more effectively achieve its stated goals.

2. LOCATIONAL CONTEXT

UON has multiple campuses across NSW, including:

- Newcastle, Callaghan Campus;
- Newcastle, City campus;
- Central Coast Campus;
- Port Macquarie Campus; and,
- Sydney.

These are summarised below.

2.1. CALLAGHAN CAMPUS

The main campus at Callaghan is 12 km from the CBD and is spread over 140 hectares of natural bushland. The campus is bordered by bushland and a golf course to the north, railway line to the east, University Drive to the south and the Newcastle Inner City Bypass to the west (Figure 1). The campus is not constrained by proximity to residential and sensitive land uses. Its interfaces are roadways, rail and bushland. Further, there is little interface with the broader public domain and minimal potential for impacts on the traffic/access environment. This campus should therefore not be limited by the prescriptions proposed in the SEPP.

UON's engineering, architecture and medical science programs are highly regarded and make significant contributions to research and the local and regional work force. It is a significant contributor to the Newcastle economy, with 2,600 (FTE) jobs plus campus and community facilities including bars, music venues, swimming pool, gym and sport fields.

Figure 1 – Callaghan Campus



2.2. NEWCASTLE CITY CAMPUS

The City precinct is located at the corner of Auckland and King Streets, Newcastle. The campus includes the Conservatorium of Music (part of the School of Creative Arts in the Civic Centre precinct), and will soon open a \$95 million new School of Law and Business. The University is also planning the expansion of its School of Creative Industries in the City precinct and an Innovation Hub.

The site is in area undergoing significant transformation to a mixed use, vibrant city centre. The campus makes a significant contribution to Newcastle's art scene and business community.

2.3. CENTRAL COAST CAMPUS

The Central Coast campus is set amongst bushland on Chittaway Road at Ourimbah (Figure 2). The campus is an hour from both Sydney and Newcastle. The campus is a joint campus where facilities are shared with TAFE NSW and other community partners. The campus is bordered to the north, east and south by bushland and car parking, sport fields and the Pacific Highway to the east. As with the Callaghan Campus, the site is not constrained by proximity to residential and sensitive land uses and is located such that traffic and access will not be impacted by development or expansion. Its interfaces are highway and bushland. This campus should not be limited by the prescriptions proposed in the SEPP.

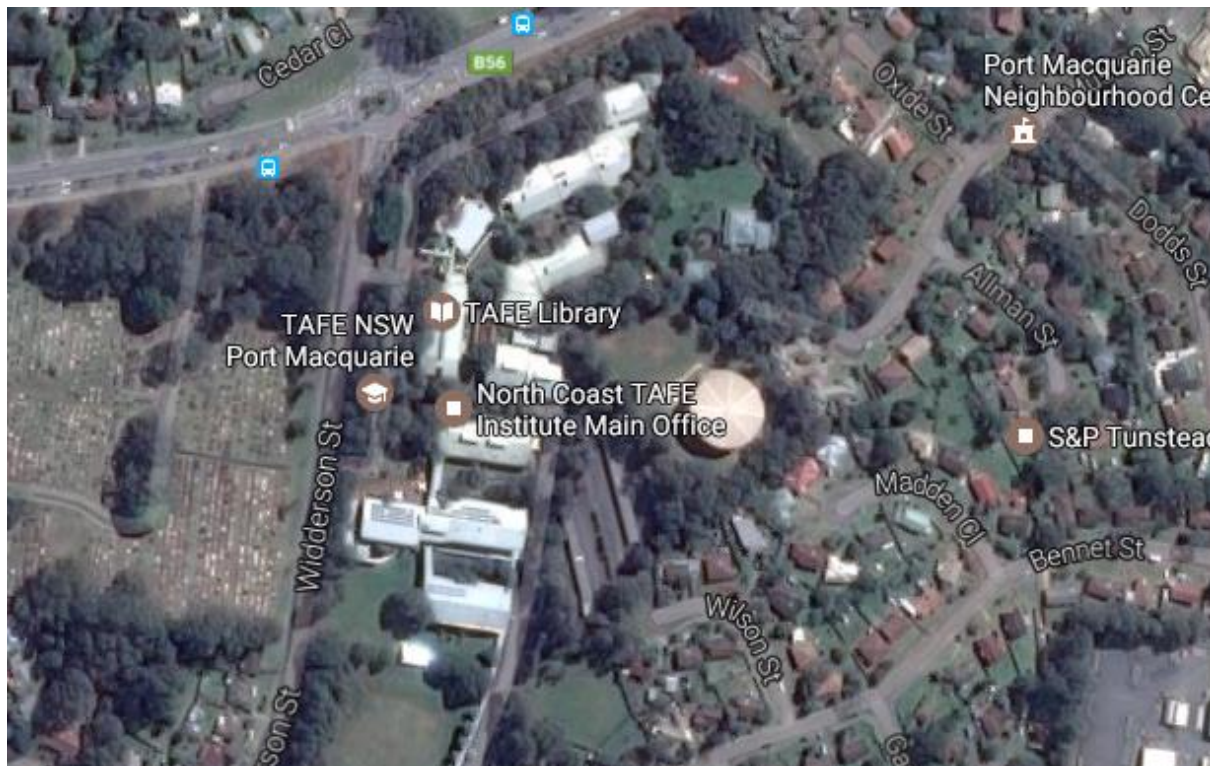
Figure 2 – Central Coast Campus



2.4. PORT MACQUARIE CAMPUS

UON's Port Macquarie campus accommodates students from northern NSW. It is a large campus site separated from residential by roadways and sports fields (Figure 3). The University shares this campus with TAFE NSW. This multi-sectoral campus offers both university and TAFE programs and several joint services and facilities. Again, this campus should not be limited by the prescriptions proposed in the SEPP.

Figure 3 – Port Macquarie Campus



2.5. SYDNEY PRESENCE

The Sydney Presence is located at 55 Elizabeth Street, Sydney. UON Sydney is rapidly becoming a sought after educational centre for both international and domestic students. It is a strong contributor to the local economy, providing support to local businesses in the CBD.

3. THE NEED FOR FURTHER REFINEMENT TO THE DRAFT SEPP

Universities are constrained by their academic calendars. They are largely limited to construction in holiday periods to respond to operational requirements as well as minimising noise and disruption and providing a safe campus environment. Accordingly, it is often critical that development works be completed to align with the start of semester.

Universities rely on the certainty of works and timing to be able to deliver their programs. The Draft SEPP is a significant opportunity to provide a workable framework for Universities. We strongly encourage the DPE to consider our recommendations in Sections 3 and 4 of this submission, and refine the final version of the SEPP to maximise development certainty and timing of delivery.

The UON Callaghan, Central Coast and Port Macquarie campuses are large sites in less dense areas. These campuses are not constrained by proximity to residential and sensitive land uses and can accommodate expansion and improvements without impacting on surrounding properties. Such campuses should not be restricted by prescriptive thresholds within the Draft SEPP to limit exempt, complying and without consent development.

Recommendation: At the very least, the recommendations made in the NSW VCC submission should be adopted as part of the finalised SEPP. Furthermore, in recognition of the more rural and 'non-suburban' campuses (such as UON Callaghan, central Coast and Port Macquarie), the DPE is encouraged to review the relevant triggers and conditions for 'exempt development', 'complying development' and 'development without consent' and provide greater leniency within these planning pathways.

4. KEY ISSUES

4.1. PRESCRIBED ZONES

The draft SEPP proposes to reduce the list of prescribed land use zones available in the ISEPP to Universities. The draft SEPP removes all residential zones as prescribed zones for Universities. This will impact the Port Macquarie Campus, which is zoned R1 General Residential.

There is no explanation provided in the supporting documentation for the exclusions. There appears to be no rationale as these exclusions do not apply to Schools or TAFEs.

Recommendation: UON requests that the Draft ESEPP maintains the status quo for the list of prescribed land uses under the ISEPP. This will ensure consistency and equity for all education establishments and won't unfairly disadvantage campuses on residential zoned land.

4.2. STUDENT ACCOMMODATION

UON houses over 1,700 students between the Callaghan and Central Coast campuses, creating vibrant communities on site and providing vital services to visiting domestic and international students. As UON's courses become more popular, more pressure is placed on existing student accommodation. Currently, student accommodation is captured by the definition for 'Education Establishment', which means works associated with student accommodation is facilitated under the ISEPP and new accommodation can be delivered under the State and Regional Development SEPP (2011).

Clause 38 of the Draft SEPP proposes to exclude student accommodation as University development for exempt or complying development. UON objects to this for the following reasons:

- Accommodation for students is a facility commonly offered by universities, and is ancillary to the primary education purpose.
- Student accommodation is not residential or boarding house accommodation. Accommodation on university campuses house students attending the facility and usually offers a broader range of pastoral care programs.
- Given that the students are already on site, there is no intensification of use.

- Recent State Significant Development (SSD) approvals and SEARs recognise the mixed-use nature of university development. Student accommodation is part of the mixed used model, which also includes teaching, learning and study spaces, music spaces, tutoring services, medical and well-being services.

Recommendation: UON recommends that clause 38 of the draft SEPP be deleted to acknowledge that student accommodation is as much a part of the education establishment model as the teaching, learning and ancillary services offered on campus. We recommend that the existing definition of 'educational establishments' in all environmental planning instruments continue to incorporate student accommodation. This allows for the streamlining of approvals for this purpose under the Draft SEPP and continues to allow the delivery of new accommodation under the State and Regional Development SEPP 2011.

4.3. EXEMPT DEVELOPMENT

UON supports the matters raised in NSW VCC submission in relation to exempt development under the draft SEPP.

4.4. COMPLYING DEVELOPMENT

Complying Development under the ISEPP does not apply to Universities, but does apply to Schools and TAFEs. UON supports the inclusion of Complying Development within the Draft SEPP for Universities. However, there are some matters that need to be addressed:

4.4.1. Heritage

The Draft SEPP's complying provisions do not apply to heritage sites and conservation areas. The Newcastle City campus is identified as general heritage item (435: Nesca House, an art deco building) and is within a conservation area (C4- Newcastle City Centre Heritage Conservation Area). The Draft SEPP does not restrict complying development for conservation areas for schools.

Recommendation: The draft SEPP should provide equity for all education establishments and allow complying development in conservation areas for universities.

4.4.2. List of complying development

The list of complying development is relevant to schools, not to Universities. A classroom is not appropriate for a university.

Recommendation: The list of complying development should replace 'classroom' with 'teaching facility'.

4.4.3. Bushfire

The list of complying development restricts outdoor areas and awnings on heritage and bushfire land. The restriction for bush fire prone land will impact UON campuses that are built in bushland. These bush settings are a unique quality offered by UON, and the restrictions are an unnecessary limitation for this minor form of development. Furthermore, the standards are not required for Schools or TAFEs.

Recommendation: The complying development list in the Draft SEPP be amended as follows:

~~"if the development is not on bush fire prone land or if the educational establishment is not, or does not contain, a heritage item—an outdoor learning or play area and associated awnings or canopies"~~

4.4.4. Demolition

The Draft SEPP restricts demolition to an area of 250m². There is no explanation for this limitation and it is unnecessary in circumstances where UON campuses are not immediately adjoining residential development. Demolition greater than 250m² will have no more impact. Regardless, all demolition will need to be undertaken in accordance with relevant standards, best practice and management plans to minimise impacts.

Recommendation: The complying development list in the Draft SEPP be amended as follows:

~~"demolition of buildings (unless the building is a State or local heritage item) or is within a heritage conservation area) if the footprint of the building covers an area greater than 250 m²"~~

4.4.5. Building Height

Schedule 3 of the draft SEPP introduces Complying Development provisions for University buildings that are up to 15 metres high (3 storeys max). The limitation of 3 storeys within a 15m envelope is unreasonable and unnecessary. Four storeys within the 15m envelope will not have any additional environmental impacts. The Draft SEPP is unnecessarily prescriptive and the additional restrictions should be removed.

Recommendation: The complying development Schedule for universities in the Draft SEPP be amended as follows:

Building height

The building height of a building (whether a new building, or an existing building as a result of an addition or alteration):

~~(a) must not exceed 3 storeys, and~~

(b) must not exceed 15m from ground level (mean).

4.4.6. Maximum Gross Floor Area

The draft SEPP seeks to limit the extent of alterations and additions. It prescribes a 50% GFA limit. The SEPP will unnecessarily prevent additions to small buildings, given that alterations and additions cannot result in a building more than 2,000m².

Recommendation: The complying development provisions in the Draft SEPP be amended as follows:

(d) for development that involves an alteration or addition to a building:

~~(i) it does not extend the gross floor area of the existing building by more than 50%, and~~

(ii) it does not result in the building having a gross floor area of more than 2,000 square metres, and

Schedule 3 Universities—complying development will also need to be amended:

(2) If the development is an alteration or addition to an existing building, the maximum gross floor area of the building as altered or added to is:

(a) the maximum gross floor area for a building on the land, imposed by an environmental planning instrument, or

(b) if no environmental planning instrument imposes a development standard referred to in paragraph (a)—the lesser of:

(i) 2,000m², or

~~(ii) 50% of the gross floor area of the existing building~~

4.5. DEVELOPMENT WITHOUT CONSENT

The NSWVCC submission notes that the ‘development without consent’ list under cl 40 of the Draft SEPP is the same as the ISEPP and does not relate to university activities. The ISEPP list was developed for the Building the Education Revolution (BER) school program. The draft SEPP is an opportunity to provide equity across all education establishments by making the SEPP provisions specific to the Universities.

Further, the full list of uses under *Clause 43 Existing universities – complying development* should be used as the list activities for development without consent. This list would include height or setback restrictions appropriate for development without consent under an REF.

Recommendation: The range of uses permissible under draft *Clause 40 Universities – development permitted without consent* should be expanded to include those also identified under *Clause 43 Existing Universities – complying development*, including the following:

- 1 storey environmental facility including a greenhouse or glasshouse
- 1 storey storage / maintenance facilities
- 1 storey classroom (which does not need to replace a temporary classroom)
- 1 storey lecture theatre
- 1 storey laboratory
- 1 storey trade or training facility
- 1 storey kiosk
- 1 storey hall
- 1 storey information and education facility
- 1 storey community facility
- 1 storey amenities building
- 1 storey rural facility associated with Agricultural

- *Veterinary Science facilities*

4.6. STATE SIGNIFICANT DEVELOPMENT

The current threshold for State Significant Development for all education establishments is \$30 million. The draft SEPP seeks to change/reduce the threshold for schools to:

- SSD for all new schools and
- \$20 million for alterations and additions.

However, Universities will remain at \$30 million. There is no explanation in the supporting documentation as to why the threshold is lowered for schools and not for universities. The draft SEPP should be amended to be consistent and to provide equity for all education establishments, in recognition of the vital role schools, TAFES and universities play in educating our communities and skilling our workforce.

Recommendation: That clause 15 of the draft SEPP be amended as follows:

15 Educational establishments

Development for educational establishments (including associated research facilities) that has a capital investment value of more than \$20 million.

4.7. EP&A REGULATIONS 2000

The *Environmental Planning and Assessment Regulations 2000* (The 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 lease hold University lands. It excludes land that is leased, occupied or under the control and management of a University. This will impact on UON's Central Coast campus and parts of land at Callaghan and the City, which are control and management arrangements and there is no rationale for such restrictions. It should make no difference whether university land is lease hold or free hold.

The wording of cl 277(4) should be amended to achieve the objective of extending the ability to make Part 5 determinations on all the University's campuses and not just land that UON owns.

Recommendation: UON recommends that cl 277(4) of the Regulations be amended by deletion and addition of certain words:

"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 ~~on land vested in the university~~, under a provision of State Environmental Planning Policy (Infrastructure) 2007 or State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017."

5. CONCLUSION

We appreciate the opportunity to provide a submission in response to the public exhibition of the draft Education SEPP.



We strongly encourage the DPE to consider our recommendations in Sections 3 and 4 of this submission, and refine the final version of the SEPP to maximise development certainty and timing of delivery for this critical sector.

We would welcome the opportunity to discuss any of the matters addressed within our submission in greater detail. Please do not hesitate to contact me on (02) 8233 9900.

Yours sincerely,

A handwritten signature in blue ink, reading "Alaine Roff". The signature is written in a cursive, flowing style.

Alaine Roff
Associate Director - Planning