

# *New South Wales Vice-Chancellors' Committee*

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4 April 2017

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

Dear Ms Greenway

## **Submission on the draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

Please find attached the New South Wales Vice-Chancellors' Committee (NSWVCC) submission on the draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

The NSWVCC welcomes and supports the Department's introduction of a draft SEPP that enables educational establishments and child care facilities to access four planning approval pathways for differing levels of development intensity. The SEPP will facilitate a streamlined planning approval system and introduce complying development provisions for universities for the first time.

The NSWVCC concludes that although the draft SEPP is a positive step towards achieving a streamlined planning pathways regime, amendment to, and clarification of, a number of provisions are still required. These issues are set out in the submission together with examples set out in accompanying tables.

The opportunity for NSWVCC representatives to continue the dialogue with you and your colleagues before the SEPP is finalised, would be most appreciated.

It is kindly requested the Department give due consideration to the NSWVCC submission. Should you have any questions with regards to the issues raised, please do not hesitate to contact David Goodwin at UNSW Sydney ([d.goodwin@unsw.edu.au](mailto:d.goodwin@unsw.edu.au)), Mark Roberts at the University of Wollongong ([marrob@uow.edu.au](mailto:marrob@uow.edu.au)), or Stephane Kerr at the University of Sydney ([stephane.kerr@sydney.edu.au](mailto:stephane.kerr@sydney.edu.au)) co-convenors of the NSWVCC Planning Reform Task Group.

Yours sincerely



**Professor Attila Brungs**  
**Convenor, NSW Vice-Chancellors' Committee**  
cc NSWVCC members

### **NSWVCC MEMBERS:**

Australian Catholic University • Australian National University • Charles Sturt University • Macquarie University • Southern Cross University •  
The University of Sydney • University of New South Wales • University of Canberra • University of New England • University of Newcastle •  
University of Technology Sydney • University of Wollongong • Western Sydney University

# **New South Wales Vice-Chancellors' Committee (NSWVCC)**

## **Submission on the draft SEPP (Educational Establishments and Child Care Facilities) 2017**

### **Key Issues and Recommendations**

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#### **Issue: Student Accommodation**

The NSWVCC does not support the inclusion of clause 38 which states that:

*"...development for the purpose of a university does not include development for the purposes of student accommodation associated with a university, regardless of whether, or the extent to which, the university is involved in, or exercises control over, the activities and life of the students living in the accommodation."*

#### **Integrated Mixed Use**

University student accommodation is integral to the core university purposes of teaching, learning and research. It is part of the 'educational establishment'. The accommodation is often integrated with teaching and learning facilities/services, plus wellbeing facilities/services, all of which contribute to the important student experience.

University student accommodation does not constitute independently managed or privately owned residential premises, or boarding houses. Such accommodation may be occupied by students, but the proposed SEPP is not designed for these 'non-educational establishment' purposes. University accommodation portfolios are very different; they operate on a 'not for profit' basis with any net surplus subsequently re-allocated for university purposes.

University student accommodation is that which is owned and managed by universities - whether such accommodation is located on a campus or not. In any event, off-campus university student accommodation is typically located within walking distance of a campus so as to give students access to the wide range of facilities and benefits (retail, health, entertainment, cultural, sport and recreation) that typically exist on a modern university campus. The aim is to provide all students with similar educational and social experiences no matter where their university accommodation is located.

Student accommodation varies in its management structure, built form and associated mixed use activities between one university and another. It may also be specific to a particular university. To date, development approvals for university student accommodation via State Significant Development, Joint Regional Planning Panels or local Council approval pathways, have acknowledged this mixed use 'educational establishment' nature of university student accommodation.

Given the intention of the draft SEPP is to contain all relevant planning approval pathways for *educational establishments* within one consolidated State planning instrument, the proposed exclusion of student accommodation both contradicts the *Objects* of the draft SEPP as well as the true nature of all development carried out by universities in this regard.

The attached tables demonstrate some examples from the University of Sydney and UNSW. They show that accommodation may be self-catered apartments or fully catered colleges; they may be two storeys or eight storeys; they may also include study/learning spaces, teaching rooms, innovation domains with access to 3D printers and high performance computers, retail and health services, dining and conference facilities, plus access to pastoral care programs.

## Traffic and Parking

In discussions with the NSWVCC, the Department has raised concerns with regards to the impact of student housing development on local traffic and parking. These concerns are unfounded and there appears to be a misunderstanding from the Department as to the nature of university student accommodation.

Importantly, the majority of students do not have cars and universities actively encourage students to utilise public transport, cycle and pedestrian modes for travel to/from and within universities and to avoid unnecessary use of private vehicles.

Furthermore, planning controls in local Council DCPs are oriented to achieving sustainable transport outcomes.

As an example, Randwick DCP 2013 and the section titled *Transport, Traffic, Parking and Access* reads as follows:

*“Objective: To integrate development with the public transport network and improve walking, cycling, sustainable transport options and public transport use.”*

*Control: All development in addressing transport, parking and access requirements must consider and integrate transport measures that provide for greater use of public transport, walking and cycling.”*

The emphasis therefore, is on the provision of sustainable transport, not additional car parking.

With particular reference to student housing and street parking, the DCP further states that:

*“Student housing and other forms of residential development, such as boarding houses ..... will also not be permitted to apply for parking permits.”*

Students are therefore not allowed permits to park in the local streets.

In addition, the Randwick DCP 2013 car parking rate for boarding houses and student accommodation (1 car space per 5 bedrooms), is significantly less than the requirements for multi dwelling housing and residential flat buildings (1 space per 1 bedroom apartment, 1.2 spaces per 2 bedroom apartments and 1.5 spaces per 3 or more bedrooms).

Furthermore, the DCP has even more reduced parking requirement for UNSW (i.e. on-campus accommodation) namely:

*“1 space per 10 students/staff for accommodation greater than 800 metres from the campus, and*

*1 space per 15 students/staff for accommodation at or within 800 metres of the campus.”*

The above examples demonstrate that local Council standards for the provision of student parking run counter to the Department’s perception of significant impact on traffic and parking generated by university student accommodation.

Clause 38 could prevail over the provisions of LEPs that permit, with consent, development that is “ordinarily incidental or ancillary” to development for the purpose of a university

Clause 38 as currently drafted raises a question of statutory construction. There is an issue as to its extent and its potential to prevail over the provisions in LEPs that apply to the universities’ campuses.

The NSWVCC understands that the Courts have held that student accommodation and other integral uses are permissible with consent on land zoned SP2 Infrastructure (Educational Establishment) (even if they are separate/independent uses), as development that is “*ordinarily incidental or ancillary*” to development for the purpose of a university.

The way in which clause 38 is currently drafted could lead to a real problem for development that is “*ordinarily incidental or ancillary to development*” for the purpose of a university. Such development is permissible with consent under the land use tables for the SP2 Infrastructure (Educational Establishment) zone in LEPs. However, if the land use tables are construed as inconsistent with clause 38, clause 38 will prevail over the LEPs in accordance with clause 6(1) of the draft SEPP.

The unintended consequence would then be that student accommodation will be prohibited on university land zoned SP2 Infrastructure, and could not be carried out. This could be so even in circumstances where such development is appropriate.

Furthermore, it is considered premature and inappropriate to include clause 38 until a new or amended Housing SEPP is made that might address development for student accommodation.

To conclude on the issue of student accommodation, the intention of the draft SEPP is to contain all relevant planning approval pathways for *educational establishments* within one consolidated State planning instrument. Consequently, the introduction of another State planning policy to address student accommodation will add further layers of planning instruments rather than to consolidate into one.

The NSWVCC seeks further discussions with the Department for clause 38 to be deleted, or alternatively reworded, based on the legal advice received.

On the basis of the issues raised above, the NSWVCC considers that university student housing is integral to university purposes and has a negligible impact on local traffic and parking. Clause 38 is also poorly drafted with unintended consequences. The preference is that be deleted from the SEPP.

Therefore, the provisions for exempt, complying and development without consent in the proposed SEPP should also be available to university student accommodation and clause 38 deleted.

**Recommendation:**

That clause 38, in which development for the purpose of a university does not include student accommodation, is deleted.

## **Issue: Prescribed Land Use Zones**

The NSWVCC does not support the current wording of clause 37 which states the prescribed zones in which development for the purposes of a university may be carried out, namely:

*“(a) any land within the boundaries of an existing university*

*(b) any of the following zones*

- (i) Zone B2 Local Centre*
- (ii) Zone B3 Commercial Core*
- (iii) Zone B4 Mixed Use*
- (iv) Zone B5 Business Development*
- (v) Zone B6 Enterprise Corridor*
- (vi) Zone B7 Business Park*
- (vii) Zone B8 Metropolitan Centre*

- (viii) *Zone SP1 Special Activities*
- (ix) *Zone SP2 Infrastructure*

Clause 37(a) fails to recognise that ‘university’ is not defined in the standard template LEP and therefore the interpretation of “*within the boundaries of an existing university*” is problematic, given the range of university uses and facilities located in off-campus locations across NSW as shown in the attached table. Examples include the Sydney Conservatorium of Music, child care facilities, sports facilities, rural animal holdings, flora and fauna research. The NSWVCC is unclear as to whether these activities constitute the meaning of a ‘university’ as stated in the draft SEPP.

The same uncertainty applies to the wording of clauses 39(1) (development permitted with consent), 42(1) (exempt development) and 43(1) (complying development).

The NSWVCC requests discussions with the Department on a definition for ‘university’ and is happy to provide some appropriate wording.

Clause 37(b) significantly reduces the range of prescribed zones currently available to universities via the *SEPP (Infrastructure) 2007*. This includes removal of rural, residential and some business land use zones. The draft SEPP does not extend these exclusions to TAFEs or schools.

The NSWVCC does not understand the logic of clause 37(b) and why low impact exempt and complying development for TAFEs is any different to that for universities.

Therefore, the provisions for exempt, complying and development without consent that exist and are proposed in the draft SEPP should also be available to universities within all prescribed zones as currently exist within the *SEPP (Infrastructure) 2007* for schools and TAFEs.

The NSWVCC seeks further discussions with the Department on an understanding of the rationale behind the differentiation of provisions between universities, schools and TAFES in the draft SEPP with the aim of removing those differing provisions from the final SEPP wherever possible.

#### **Recommendation:**

That the Department includes a definition for ‘university’ in the standard template LEP.

That universities have access to the same prescribed land use zones as currently exist within the *SEPP (Infrastructure) 2007* and which are proposed for TAFEs.

## **Issue: Heritage**

### **Heritage Items**

The NSWVCC does not support the current wording of sub clauses 43(1)(a)(i) and 43(1)(b)(xii) in which complying development for universities is prohibited on land that contains a heritage item or draft heritage item. The sub clauses state:

*“(a) it is carried out on land within a prescribed zone, other than land:*

*(i) that is, or on which is located, a draft heritage item*

*(b) it consists of the construction of, or alterations or additions to, any of the following:*

*(xii) if the development is not on bush fire prone land or if the educational establishment is not, or does not contain, a heritage item .....*”

These restrictions do not extend to schools or TAFEs either in the *SEPP (Infrastructure) 2007* or in the draft SEPP.

The NSWVCC does not understand the logic of these sub clauses and why low impact exempt and complying development for schools and TAFEs on land that contains a heritage item or draft heritage item is any different to that for universities.

Furthermore, the proposed restriction on bushfire prone land for university complying development is considered unnecessary and does not apply to schools or TAFEs.

The NSWVCC seeks further discussions with the Department on an understanding of the rationale behind the differentiation of provisions between universities, schools and TAFES in the draft SEPP with the aim of removing those differing provisions from the final SEPP wherever possible.

**Recommendation:**

That sub clauses 43(1)(a)(i) and 43(1)(b)(xii) with reference to heritage items and bush fire prone land are deleted.

Heritage Conservation Areas

The NSWVCC does not support the current wording of sub clauses 43(1)(a)(ii) and 43(1)(b)(xiii) in which complying development for universities is prohibited within heritage conservation areas. The subclauses state:

*“(a) it is carried out on land within a prescribed zone, other than land:*

*(ii) that is within a heritage conservation area or a draft heritage conservation area*

*(b) it consists of the construction of, or alterations or additions to, any of the following:*

*(xiii) demolition of buildings .....or is within a heritage conservation area .....*”

As with heritage items, these restrictions do not apply to schools or TAFEs within either the existing *SEPP (Infrastructure) 2007*, or the *SEPP (Exempt & Complying Development Code) 2008*, nor are they proposed within the draft SEPP.

The NSWVCC does not understand the logic of these sub clauses and why low impact exempt and complying development for schools and TAFEs within their heritage conservation areas is any different to that for universities.

The NSWVCC position with regards to these sub clauses appears to be supported in the Department’s draft Background paper *A review of Complying Development in the University sector*, which highlights the example of the University of Sydney’s Camperdown campus being a Conservation Area (area highlighted in pink) with certain heritage items (highlighted in orange), and concludes that complying development would be permitted outside the mapped individual buildings.

Universities celebrate their heritage significance and are professionally resourced in the management and conservation of their campuses and heritage buildings.

The NSWVCC seeks further discussions with the Department on an understanding of the rationale behind the differentiation of provisions between universities, schools and TAFES in the draft SEPP with the aim of removing those differing provisions from the final SEPP wherever possible.

**Recommendation:**

That sub clauses 43(1)(a)(ii) and 43(1)(b)(xiii) with reference to heritage conservation area are deleted.

## **Issue: Other Complying Development**

The NSWVCC seeks further amendments to the proposed complying development provisions for universities.

### **Building Height**

The NSWVCC does not support the current wording of sub clause 2(a) in Schedule 3 which states:

#### *“2. 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”*

The proposed limitation of 3 storeys within a 15 metre high building for universities is considered unreasonable and unnecessary as the number of storeys contained within that height produces no additional environmental impacts to a site or surrounds.

In any event, the number of storeys is irrelevant if the maximum building height is 15 metres.

#### **Recommendation:**

That sub clause 2(a) in Schedule 3 is deleted.

### **Building Footprints**

The NSWVCC does not support the current wording of sub clause 43(1)(b)(xiii) in which complying development for universities is permissible, other than development in which:

*(b) it consists of the construction of, or alterations or additions to, any of the following:*

*(xiii) demolition of buildings .....if the footprint of the building covers an area no greater than 250 square metres.”*

The proposed maximum 250 m<sup>2</sup> footprint for demolition of buildings is considered an unnecessary limitation. Most university buildings that have been demolished to date under the provisions of the SEPP (Infrastructure) 2007 are in excess of 250 square metres and such works have had no adverse impact on adjacent land, buildings or amenity.

#### **Recommendation:**

That clause 43(1)(b)(xiii) be amended to delete the reference to building footprints greater than 250 square metres.

### **Building Additions and Alterations**

The NSWVCC does not support the current wording of clause 43(1)(b)(xiv) in which complying development for universities is permissible, other than development in which:

*(b) it consists of the construction of, or alterations or additions to, any of the following:*

*(xiv) minor alterations or additions such as internal fitouts, or alterations or additions to address work health and safety requirements or to provide access for people with a disability.”*

The proposed complying development provisions allow building additions/alterations up to 15 metres in height and 2,000m<sup>2</sup>. However, clause 43(1)(b)(xiv) also limits minor additions to matters only for work health and safety requirements or access for persons with a disability. This appears to contradict the intentions of sub clause 43(1)(d)(i) (gross floor area) and sub clauses 2(a) and 3(2)(b)(ii) in Schedule 3 (number of storeys and gross floor area).

**Recommendation:**

That sub clause 43(1)(b)(xiv) is amended to delete the reference to work health and safety requirements or access for people with a disability

That sub clause 2(a) in Schedule 3 is deleted (i.e. must not exceed 3 storeys)

That sub clause 43(1)(d)(i) is amended to delete the reference to a gross floor area of more than 50%

That sub clause 3(2)(b)(ii) in Schedule 3 is deleted (i.e. 50% of the gross floor area)

**Registered Easement**

The NSWVCC does not support the current wording of sub clause 43(4) which states:

*“Development that will result in in the erection of a building over a registered easement is not complying development under this clause.”*

It is the view of the NSWVCC that the requirements for easements are covered in other legislation.

The NSWVCC does not understand the logic of this sub clause and why low impact exempt and complying development for schools and TAFEs on land that contains a registered easement is any different to that for universities.

Furthermore, this proposed standard is inconsistent with the standard template LEP.

**Recommendation:**

That sub clause 43(4) is deleted.

**Issue: Exempt Development**

The NSWVCC is of the view that a number of proposed exempt development controls are considered restrictive, onerous or unnecessary for universities.

**Recreational Facility**

Sub clause 42(1) allows exempt development for universities subject to it meeting certain requirements. For a recreational facility under sub clause 42(1)(g) these requirements are:

*“(ii) any structure is located at least 200 metres from any property boundary with land in a residential area.”*

The location of a structure (e.g. scoreboard, fencing, coach box) associated with a recreational facility 200 metres away from a residential area is onerous and unnecessary. No such standard is proposed for TAFE recreational facilities.

**Recommendation:**

That sub clause 42(1)(g)(ii) is deleted.



### Portable or Temporary Buildings

Sub clause 42(1)(l) allows for exempt development for universities subject to it meeting certain requirements. The range of portable or temporary buildings under the sub clause is stated as follows:

*“(l) a portable or temporary classroom, a temporary office or portable or temporary amenities (including its removal)”*

The NSWVCC requests that these be expanded to include teaching facilities (rather than classroom), and portable or temporary storage/maintenance facilities, trade/training facilities, offices and kiosks.

#### **Recommendation:**

That sub clause 42(l) is amended to include temporary or portable teaching facility, storage/maintenance facility, trade/training facility, office or kiosk.

### Car Parks

Schedule 1 sets out development standards for car parks which includes:

*“Must not reduce car parking spaces.”*

The NSWVCC requests that this development standard is deleted. The availability of university car parking is in a constant state of flux as a consequence of new building construction, building refurbishment, temporary building works and special events. Council DCPs and development approvals invariably specify the car parking requirements on university land.

Exempt development is minor works which have no lasting impact on the availability of car parking.

#### **Recommendation:**

That the requirement that exempt development must not reduce car parking spaces in Schedule 1 is deleted.

### Signs

Schedule 1 sets out development standards for signs which includes:

*“Surface area must not exceed 3.5m<sup>2</sup>.”*

The NSWVCC requests that this development standard is deleted as it is overly restrictive when applied to university campuses. In any event, the remaining development standards provide adequate control over signs.

#### **Recommendation:**

That the requirement that the surface area of signs must not exceed 3.5m<sup>2</sup> is deleted.

## **Issue: Development Permitted Without Consent**

### Range of University Activities

The draft SEPP replicates the *Development Permitted Without Consent* provisions in their entirety from the existing *SEPP (Infrastructure) 2007*. This allows universities to self-assess development under Part 5 of the EP&A Act.

However, the list of activities is very limiting (library, temporary classroom, tuckshop/café, sporting field, car park) and does not reflect an appropriate and full range of typical university activities.

By contrast, the draft SEPP does acknowledge a much broader range of activities under the proposed range of *Complying Development* provisions in clause 43). This full range of activities should therefore be extended to *Development permitted without consent*. This will allow the same planning pathway to be implemented for the same scale of development, but without introducing any other environmental impacts.

The NSWVCC also seeks to change the term *classroom* to *teaching facility*. It is a more appropriate term for teaching space at a university and could therefore include a variety of teaching spaces such as seminar rooms and lecture theatres.

**Recommendation:**

That sub clause 40(1)(a) is expanded to incorporate other relevant university activities which are reflected as *complying development* under clause 43 including (but not limited to) a maximum 1 storey. These other activities are:

- Greenhouse or glasshouses;
- Storage / maintenance facilities,
- Teaching facility (which should not need to replace a temporary teaching facility),
- Laboratory,
- Trade or training facility,
- Kiosk,
- Hall, community facility,
- Information and education facility,
- Amenities building, and
- Any rural facility associated with Agriculture/Veterinary Sciences or the like.

**Building Additions and Alterations**

For the same reasons outlined above for complying development, the references in clause 40(1)(b)(ii) to “*work health and safety requirements, and access to people with a disability*” are confusing when read in conjunction with clause 40(2)(d)(i) that limits the gross floor area for building additions and alterations.

**Recommendation:**

That sub clause 40(1)(b)(ii) is amended to delete the reference to work health and safety requirements or access for people with a disability

That sub clause 40(2)(d)(i) is amended to delete the reference to a gross floor area of more than 50%

**Issue: 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 (SSD), from \$30 million to \$20 million. SSD allows the Minister for Planning to be the consent authority for development as opposed to the local Council.

The NSWVCC seeks the same lowering of the CIV threshold to \$20 million for 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 SSD, also applies to universities.

**Issue: EP&A 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. it 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 hockey field on a campus that it occupies and manages, but which is owned by another government authority (for example the University of Sydney's Cumberland campus in Lidcombe which has operated for over 30 years and leased from the Department of Education), then it cannot self-assess that development (despite gaining landowner agreement from the government agency).

The NSWVCC 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*.”

**Issue: Change of Building Use**

It is proposed that the current provisions which allow a building to change its use (e.g. from industrial to commercial) via complying development, is also extended to universities. However, such buildings are limited to an area of 60m<sup>2</sup>.

The NSWVCC is of the view that this is an error and notes that no other change of use provisions to any other land use invokes any square metre limit.

**Recommendation:**

That the maximum 60m<sup>2</sup> limit to any building change of use for university purposes is deleted.

## **Issue: University Early Childhood Education and Care (ECEC) Facilities**

The NSWVCC re-iterates the importance of university ECEC facilities and wishes to highlight some key concerns related to the proposed provisions within the draft SEPP and the draft Child Care Planning Guideline.

### **The Draft SEPP**

Under the draft SEPP, universities do not have the same exempt and complying development ECEC provisions as schools and TAFEs. ECEC is important for university staff and students and this should be reflected in the new SEPP. ECEC is fundamental to universities as it:

- Is a key amenity in promoting equality and inclusion, within the university and the wider community
- Is a high-ranking priority for potential staff and students, locally and internationally and therefore heavily impacts student enrolments, the attraction and retention of staff and researchers
- Assists students, staff and researchers with children in focusing on their work with peace of mind their children are receiving high-quality care
- Provides discounted fees to students (who are typically low income earners) who can then utilise care facilities more frequently, thereby allowing greater study time.

Additional benefits of university ECEC facilities include:

- Universities ability to deliver ECEC facilities in a timely manner and to align with enrolment deadlines to meet the growing demand from staff and students will relieve pressure on other ECEC centres
- Seeing ECEC as a key amenity offering, universities often subsidise ECEC fees for students and staff, making care more affordable
- Being educational and research intensive institutions, universities are well positioned to deliver high-quality, education-focused facilities
- University land holdings allow for a high quality physical environment, including outdoor areas which many centres in high density urban centres fail to provide
- Universities are generally more controlled and monitored environments, assisting to deliver safe ECEC facilities.

The NSWVCC seeks further discussions with the Department on an understanding of the rationale behind the differentiation of provisions between universities, schools and TAFES in the draft SEPP with the aim of removing those differing provisions from the final SEPP wherever possible.

### **Recommendation:**

That the draft SEPP is amended to provide universities access to the same or similar exempt and complying development provisions for early childhood education and care facilities, as are proposed for schools and TAFEs.

### **The draft Child Care Planning Guideline**

The Guideline sets out the aim to “*encourage design quality* “. In ECEC however, there are a few key issues that significantly go against this aim. These are outlined below.

### Section 2.7: Outdoor Environment

This section details the acceptance of simulated outdoor environments where site constraints restrict the provision of outdoor play area. It states:

*“Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play”*

This statement conveys a lack of understanding or acknowledgment to the importance of outdoor play environments. The learning & developmental opportunities of outdoor areas cannot be replicated in an indoor setting and are a critical element of any high-quality facility.

In addition to offering unique learning experiences such as experiencing seasonal change and the weather, observing wildlife, growing physical capabilities and having space to run at speed, outdoor space also promotes physical activity, emotional wellbeing, positive mood and resilience and good eye function and development.

Children’s access to the natural world is more structured and restricted than ever before, especially for children living in urban settings. Most children only experience outdoor play through urban playgrounds. The importance of high quality outdoor play space that maximises children’s learning and developmental opportunities should not be underestimated, nor should the negative impact stimulated outdoor environments have on a child’s development.

Young children can spend a significant portion of their week in ECEC facilities, so it is vital that these provide ready access to nature and natural environments in order to promote optimal growth, learning and development. Synthetic nature and artificial natural environments can have a significant detrimental impact on children (and indeed all people).

It is understood that for centres to be developed in dense urban centres, stimulated outdoor spaces may be required. However the development and approval of these spaces should not be done lightly. The draft SEPP has opportunity to encourage greater numbers of applications & approval of centres with simulated outdoor spaces.

### Section 2.13: Best practice example

The example plan (figure 2-43) and table of typical space requirements for different capacity centres provided in this section are all based off the minimum space requirements with no mention of the benefit to providing more space per child. The table sets out “*optimum space requirements*” which we would argue is not a true statement in this context. There is well documented advocacy for providing unencumbered indoor play space at approximately 5m<sup>2</sup> and unencumbered outdoor play space at approximately 15m<sup>2</sup> as best practice.

Throughout the Guideline the goal of enhancing the quality of the ECEC is made clear, and this commitment to developing high-quality learning environments for children should be reinforced by ensuring that the Guideline and the National Quality Framework are satisfied for all new ECEC developments.

Approving ECEC facilities that do not comply with clauses 107 and 108 (indoor and outdoor unencumbered space requirements) of the Education and Care Services National Regulations should be approached with extreme caution, and the space requirements stipulated in these regulations and the recommendations as contained in the draft Guideline should be treated as base-line minimum standards.

**Recommendation:**

That the draft Child Care Planning Guideline recognise that the learning & developmental opportunities of outdoor areas cannot be replicated in an indoor setting and are a critical element of any high-quality facility.

That the space requirements stipulated in the draft SEPP and the recommendations as contained in the draft Child Care Planning Guideline should be treated as base-line minimum standards, with this strongly represented in the best practice example.

## Student Accommodation owned and operated by The University of Sydney (USyd)

Campus	Zoning	Ownership	Type	Catering	Beds
Camperdown: Queen Mary Building	SP2 Infrastructure (Educational Establishment)	USyd	Mixed apartments & educational facilities	Self- catering	799
Camperdown- Darlington Terraces: Arundel Street, Darlington House & Street, Sells House	SP2 Infrastructure (Educational Establishment)	USyd	Terraces & educational facilities	Self- catering	197
Abercrombie: Student Accommodation	SP2 Infrastructure (Educational Establishment)	USyd	Mixed apartments & educational facilities	Self- catering	200
Newtown: Sydney University Village	SP2 Infrastructure (Educational Establishment)	USyd	Mixed apartments & educational facilities	Self- catering	650
Camden: Brownlow Hill Loop Road and Werombi Road	SP2 Infrastructure (Educational Establishment)	USyd	Mixed studios & educational facilities	Catering and self- catering	169
Lismore: Uralba Street	R3 Medium Density Residential	USyd	Mixed apartments & educational facilities	Self- catering	30
Broken Hill: Morgan Lane & Cummins Street	R1 General Residential	USyd	Student accommodation dwellings	Self- catering	32
Orange: 75 Dalton Street	R1 General Residential	USyd	Student accommodation dwellings	Self- catering	26
Arthursleigh: Canyonleigh Road	E3 Environmental Management	USyd	Mixed studios & educational facilities	Self- catering	92



**Student Accommodation Projects:** Queen Mary Student Accommodation (Camperdown) and Abercrombie Student Accommodation (Darlington).

## UNSW Student Accommodation

Located on the Kensington campus	Zoning	Ownership	Type	Catering	Beds
The Kensington Colleges	SP2 Educational Establishment	UNSW	College	Fully catered	211
Philip Baxter		UNSW	College	Fully catered	161
Basser		UNSW	College	Fully catered	150
Goldstein					
Colombo House	SP2 Educational Establishment	UNSW	College	Self-catered	242
Fig Tree Hall	SP2 Educational Establishment	UNSW	College	Fully catered	158
University Hall	SP2 Educational Establishment	UNSW	College	Part catered	208
International House	SP2 Educational Establishment	UNSW	College	Fully catered	166
New College	SP2 Educational Establishment	Leased from UNSW	College	Fully catered	247
New College Village	SP2 Educational Establishment	Leased from UNSW	Apartments	Self-catered	315
Shalom College	SP2 Educational Establishment	Leased from UNSW	College	Fully catered	130
Warrane College	SP2 Educational Establishment	Leased from UNSW	College	Fully catered	133
Barker Apartments	SP2 Educational Establishment	UNSW	Apartments	Self-catered	230
University Terraces	SP2 Educational Establishment	UNSW	Apartments	Self-catered	412
UNSW Village	SP2 Educational Establishment	Leased from UNSW	Apartments	Self-catered	1,018
<b>Sub Total</b>					<b>3,781</b>
<b>Located off-campus in close proximity</b>					
Mulwarree Apartments	R3 Medium Density	UNSW	Apartments	Self-catered	185
High Street Apartments	R3 Medium Density	UNSW	Apartments	Self-catered	24
Creston College	R3 Medium Density	Private	College	Fully catered	25
Unilodge@UNSW	B2 Local Centre	Private	Apartments	Self-catered	231
<b>Sub Total</b>					<b>465</b>
<b>Total</b>					<b>4,246</b>





**The Kensington Colleges – on campus, college, fully catered**



**New College Village – on campus, apartments, self-catered**



**Shalom College – on campus, college, fully catered**

## **Examples of UNSW Student Accommodation**





**University Terraces – on campus, apartments, self-catered**



**UNSW Village – on campus, apartments, self-catered**

## **Examples of UNSW Student Accommodation**





**Mulwarree Apartments – off campus, apartments, self-catered**



**High Street Apartments – off campus, apartments, self-catered**



**Creston College – off campus, college, fully catered**



**Unilodge@UNSW – off campus, apartments, self-catered**

## **Examples of UNSW Student Accommodation**





**Student lounges & study space (University Terraces)**



**Teaching & study space (Colombo House)**



**Dining & conference room (New College)**

**Examples of Facilities Integrated with UNSW Student Accommodation**





**Physiotherapy & other services (University Terraces)**



**IGA supermarket (University Terraces)**



**Cafes and other retail (University Terraces)**

**Examples of Facilities Integrated with UNSW Student Accommodation**

## NSW Vice-Chancellors' Committee

# Examples of Varied Zones Deployed for University Land Uses and Facilities

(Note – Excludes SP1 and SP2 Zonings)

Universities included in this schedule are University of Sydney (USyd), University of New South Wales (UNSW), University of Wollongong (UOW), Macquarie University (MacqU), CSU (Charles Sturt University) and SCU (Southern Cross University).

University	Zone	Location (including LGA)	Description of Use
USyd	R3 Medium Density Residential	Ballina LEP 2012 78-92 Cherry Street, Ballina	Ballina District Hospital Dental Clinic
USyd	R1 General Residential	City of Sydney LEP 2012 Forest Lodge – Arundel Street	Margaret Telfer, Mackie, and Arundel Street buildings – various educational establishment and administration uses
USyd	R1 General Residential	City of Sydney LEP 2012 Consolidated site on Burren & Watkins Streets, Newtown	Shepherd Centre, University Administrative Services, University Child care, Shepherd Centre
USyd	R1 General Residential	City of Sydney LEP 2012 Abercrombie Street Darlington	Institute of Transport & Logistics.
USyd	B4 Mixed Use	City of Sydney LEP 2012 92-96 Parramatta Road, Camperdown	Medical Foundation Building
USyd	R1 General Residential	City of Sydney LEP 2012   6-26 Parramatta Road, Camperdown	Educational establishment mixed uses and student accommodation
USyd	B7 Business Park	City of Sydney LEP 2012 1-3 Ross Street, Forest Lodge	University administrative & student services
USyd	B1 Neighbourhood Centre	City of Sydney LEP 2012 21 Ross Street, Forest Lodge	University administrative & student services
USyd	B4 Mixed Use	City of Sydney LEP 2012 32 Queen Street, Chippendale	ACFR, Engineering
USyd	B8 Metropolitan Centre	City of Sydney LEP 2012 Conservatorium Road/Macquarie Street, CBD	Sydney Conservatorium of Music,

USyd	B8 Metropolitan Centre	City of Sydney LEP 2012 133 Castlereagh Street, CBD	MBA Business School
USyd	B8 Metropolitan Centre	City of Sydney LEP 2012 8 Macquarie Street, CBD	Ophthalmology & Eye Hospital
USyd	R1 General Residential	City of Sydney LEP 2012 431 Glebe Point Road	Woolcock Institute
USyd	R1 General Residential	City of Sydney LEP 2012 123 Ferry Road	University boatshed
USyd	B4 Mixed Use	City of Sydney LEP 2012 48 Carillon Avenue, Newtown	Carillon Child Care Centre
USyd	B8 Metropolitan Centre	City of Sydney LEP 2012 2-18 Chalmers Street, Surry Hills	Faculty of Dentistry
USyd	B4 Mixed Use	City of Sydney LEP 2012 400 Harris Street, Ultimo	USyd Data Centre, Global Switch
USyd	R3 Medium Density Residential	Holroyd LEP 2013 East Street, Weeroona Road, Joseph Street (A6), Lidcombe	Cumberland Campus, Lidcombe – Faculty Health Sciences and various sporting facilities (entire)
USyd	Public Purpose	Leichhardt LEP 2000 Callan Park, Lilyfield	Sydney College of the Arts
USyd	R1 General Residential	Leichhardt LEP 2000 1-4 Glover Street, Lilyfield	Arts & Social Sciences
USyd	R3 Medium Density Residential	Lismore LEP 2012 Bounded by Uralba and Dalziel Streets	Medical Health Faculty campus (adjoining Lismore Hospital) Simulated Learning Environment Building
USyd	R2 Low Density Residential	Marrickville LEP 2011 1 Croydon Park, Croydon Park	Health Sciences; Croydon General Practice
USyd	B7 Business Park	Moree Plains LEP 2011 5 Greenbah Road, Moree	Australian Centre for Agricultural Health & Safety
USyd	RU1 Primary Production	Narrabri LEP 2012 Newell Highway	Faculty Agriculture; Faculty Vet Sciences

USyd	RU1 Primary Production	Narrabri LEP 2012 366 Killarney Gap Road	Faculty Agriculture; Faculty Vet Sciences
USyd	B4 Mixed Use	Parramatta LEP 2011 162 Marsden Street, Parramatta	Western Sydney Sexual Health
USyd	B4 Mixed Use	Parramatta LEP 2011 20-22 Macquarie Street, Parramatta	Gambling Treatment Clinic
USyd	B4 Mixed Use	Penrith LEP 2010 29-33 Rogers Street, Kingswood	Nepean Student Accommodation
USyd	B4 Mixed Use	Penrith LEP 2010 62-68 Derby Road Kingswood	Clinical School; Medical Centre
USyd	RU2 Rural Landscape E2 Environmental Conservation	Penrith LEP 2010 McGarbie Smith & Fleur Farms, adjoining Badgery's Creek	Faculty Agriculture; Faculty Vet Sciences
USyd	E3 Environmental Management	Wingecarribee LEP 2010 1 Canyonleigh Road, Arthursleigh, Mount Pleasant	Faculty Agriculture; Faculty Vet Sciences
USyd	RU1 Primary Production	Wollondilly LEP 2011 Stanhope Road	Faculty Agriculture; Faculty Vet Sciences
UNSW	R1 General Residential	Port Macquarie (Port Macquarie-Hastings Council)	Teaching, administration, student accommodation, dining, parking.
UNSW	R2 Low Density Residential	Kensington (Randwick City Council)	Child care, accommodation.
UNSW	R2 Low Density Residential	Mosman (Mosman Council)	Staff accommodation.
UNSW	R3 Medium Density Residential	Kensington (Randwick City Council)	Administration, legal service, child care, student & staff accommodation.
UNSW	R3 Medium Density Residential	Randwick (Randwick City Council)	Student accommodation, parking.
UNSW	RE2 Private Recreation	Daceyville (Bayside Council)	Sports facilities, playing fields, hard courts, parking.
UNSW	UNZONED	Fowlers Gap (Unincorporated Far West)	Teaching, research, administration, dining, student & staff accommodation.



UNSW	RU1 Primary Production	Hay (Hay Shire Council)	Research, animal holding, storage.
UNSW	RU1 Primary Production	Wellington (Western Plains Regional Council)	Teaching, research, animal holding, dining, student accommodation, storage.
UNSW	E1 National Parks & Nature Reserves	Smith's Lake (Mid Coast Council)	Teaching, research, dining, student and staff accommodation.
UNSW	E3 Environmental Management	Stuart Town (Western Plains Regional Council)	Research.
UOW	B8 Metropolitan Centre	Sydney CBD – Gateway Building (City of Sydney)	Sydney Business School Teaching and Administration
UOW	RE1 Public Recreation	Batemans Bay (Eurobodalla Shire Council)	Batemans Bay Campus - Teaching and Administration
UOW	B4 Mixed Use	Bega (Bega Valley Shire Council)	Bega Campus - Teaching and Administration
UOW	R3 Medium Density Residential	Moss Vale (Wingecarribee Shire Council)	Moss Vale Campus - Teaching and Administration
UOW	B3 Commercial Core	Liverpool CBD (Liverpool City Council)	South Western Sydney Campus - Teaching and Administration
UOW	B4 Mixed Use	Wollongong CBD (Wollongong City Council)	Marketview - Student Accommodation
UOW	R2 Low Density Residential	Gwynneville (Wollongong City Council)	International House - Student Accommodation
UOW	B6 Enterprise Corridor	Wollongong CBD (Wollongong City Council)	Keiraview - Student Accommodation
UOW	R1 General Residential	Wollongong CBD (Wollongong City Council)	Weerona College and Gundi - Student Accommodation
UOW	RE1 Public Recreation	Keiraville (Wollongong City Council)	Kooloobong Oval - Sports facilities, playing fields, parking.
UOW	IN3 Heavy Industrial	Unanderra (Wollongong City Council)	UOW Printery
UOW	IN2 Light Industrial	Russell Vale (Wollongong City Council)	Faculty of Engineering and Information Sciences Research Facility
UOW	R3 Medium Density Residential	Bowral (Wingecarribee Shire Council)	GSM Bowral Units - Student Accommodation (Medical Students)
UOW	IN1 General Industrial	Mudgee (Mid-Western Regional Council)	GSM Mudgee House - Student Accommodation (Medical Students)

MacqU	B4 Mixed Use	Macquarie Park (Ryde City Council)	Main body of Macquarie University campus encompassing the full range of teaching, research, administration, support services, parking, retail, commercial, sport and recreation, accommodation facilities etc.
CSU	B2 Local Centre (Business) R1 General Residential E3 Environmental Management	Albury (Albury City Council)	Teaching and research facilities, including support and utility buildings, administration, clinical service, dining, recreation, storage and accommodation facilities. (NOTE: Albury Campus encompasses 4 zones with most facilities in the SP2 Zone).
CSU	RE1-Public Recreation R1-General Residential	Bathurst (Bathurst Regional Council)	Agriculture and Veterinary related teaching and research facilities, including support and utility buildings, administration, clinical service, dining, recreation, storage and accommodation facilities. (NOTE: Bathurst Campus is mostly SP1 & SP2 zoned. The RE1 zone includes recreational facilities while the R1 zone includes the MTG Halls of Residence).
CSU	B2- Local Business R3- Medium Density Residential RU1-Rural	Port Macquarie (Port Macquarie Hastings Council)	Stage 1 of the Port Macquarie Campus is located in the B2 Zone. Stage 2 & 3 are within the R3 Zone.
SCU	DM – Deferred Matter R1 – General Residential B4 – Mixed Use	Lismore (Lismore City Council)	The main Lismore campus area is zoned SP2 comprising education, administration, recreational facilities (indoor pool, gym and bar), utility buildings, retail /food outlets, library, research buildings DM – Vegetated areas with no existing physical structures. Land used for research plant crops and koala habitat regeneration works. R1 – SCU secondary access road from Kellas Street. Surplus SCU land with no current physical structures or designated educational use. B4 – Crawford Land. Southern Cross Football Centre. Residue is currently vacant.
	E2 – Environmental Conservation	Coffs Harbour (Coffs Harbour City Council)	The main Coffs Harbour campus is zoned SP1 comprising education, administration, recreational facilities, utility buildings, retail /food outlets, library, research buildings. E2 – Vegetated areas with no physical structures or University educational use.