

9th October 2020

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Mr Betts,

**RE: SCHOOL INFRASTRUCTURE NSW SUBMISSION TO DRAFT
CUMBERLAND PLAIN CONSERVATION PLAN**

School Infrastructure NSW (SINSW), as part of the Department of Education (DoE), welcomes the opportunity to provide comments on the Draft Cumberland Plain Conservation Plan (draft Plan). SINSW works in conjunction with DoE to ensure every school-aged child in NSW has access to high quality education facilities at their local public school.

SINSW has reviewed the draft Plan, as well as the supporting documentation including the Explanation of Intended Effect (EIE), and is generally supportive of its overall direction, subject to the matters outlined below.

SINSW wishes to engage further with the NSW Department of Planning, Industry and Environment (DPIE) on the draft Plan to ensure it appropriately supports the development of required future public school infrastructure within the nominated areas. SINSW is committed to working with DPIE to ensure that public schools are supporting community needs and continue to be appropriately resourced to respond to changes to its student population.

Proposed Educational Facilities Classification and Zoning:

SINSW notes that 'Education Facilities' are proposed to be characterised as 'Urban and Industrial' development. Under the draft Plan, 'Urban and Industrial' development is proposed to be limited to a new 'certified-urban capable' land-use zone proposed in the draft Plan.

SINSW generally supports this proposed characterisation of educational facilities, as well as the permissibility of educational establishments within the new 'Certified-Urban Capable' land-use zone. SINSW also generally supports the proposed measure to provide complimentary land-use characterisation and zoning to match the proposed draft Plan within each of the relevant Western Sydney District structure and precinct plans.

E2 Zoning for Avoided Land:

SINSW notes that E2 - Environmental Conservation zoning will be applied to areas that are identified in the Plan as 'Non-Certified – Avoided'. The draft Plan states that avoided land will not be zoned for development, except in limited circumstances.

In the case of operational school sites that may potentially be located (in full or partially) within this proposed zone, SINSW notes that the existing use rights provisions under Division 4.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) could be applied, but will prevent 'further expansion' of these uses. As a result, SINSW will undertake a detailed review of its existing landholdings to ascertain whether any public school sites are affected by the proposed E2 zoning.

In regard to the above, SINSW recommends that prior to finalisation, additional clarification be provided in the draft Plan and State Environmental Planning Policy (SEPP) regarding approval requirements for alterations and additions to public school sites on land proposed to be classified as 'non-certified'. This is especially important in the case of land parcels which may be 'split-zoned' under the draft Plan.

Notwithstanding the above, SINSW acknowledges that the E2 zone is not a 'prescribed zone' under Clause 33 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (ESEPP) and therefore, no new public schools can be developed in this zone without being permissible under the relevant environmental planning instrument.

Further, SINSW agrees in principle with the protections related to development within Strategic Conservation Areas (SCA's).

Acquisition of Conservation Land:

The draft Plan notes that a land acquisition program will be facilitated under the SEPP to accompany the final Plan. This will allow sites of 'high biodiversity value' in SCA's to be voluntarily or compulsorily acquired as public conservation land. These acquisitions will be subject to consultation with landowners.

Given that a portion of the currently mapped SCA is subject to further investigation, SINSW requests further information on the extent of the SCA mapping, the proposed funding mechanism as well as the draft land acquisition clauses to be included in the draft SEPP prior to finalisation of the draft Plan. Provision of a consultation framework for this element of the Plan should also be provided to key stakeholders and land owners in the affected areas.

SINSW acknowledges that development potential may be limited on sites that are subject to the SCA overlay, however any acquisition opportunities identified on SINSW land will be subject to detailed consultation with key agencies and finalisation of the relevant land acquisition framework.

Mitigation of Indirect Impacts:

SINSW seeks to work with DPIE and each of the relevant Councils as they amend their DCP's in response to the final Plan. SINSW wishes to ensure that any additional DCP controls do not adversely impact SINSW's ability to efficiently provide critical school infrastructure in the nominated Plan areas.

Summary:

As noted above, SINSW will undertake a detailed review of existing and proposed public school assets to ascertain whether the draft Plan will have any direct impacts on SINSW assets within the nominated areas. To facilitate this review, SINSW requests the following additional information from DPIE:

- Access to the GIS Shape Files that support the draft Plans mapping tool (at https://webmap.environment.nsw.gov.au/Html5Viewer291/index.html?viewer=CPCP_Exhibition_Viewer)
- Clarification on the restricted application of Division 4.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and its effect on alterations and additions to potential 'split-zoned' sites on 'non-certified' land.
- Additional information regarding the proposed Land Acquisition Framework for conservation lands, including finalised mapping, proposed funding mechanisms and draft land acquisition clauses.

Any zoning amendments or changes to environmental management procedures as a result of the final Plan will be considered carefully by SINSW with respect to the education needs of the community. This is to ensure public schools are able respond to any new requirements resulting from the implementation of the final Plan.

Should you wish to engage further about the draft Plan and the content contained to this submission, please contact the following planners:

- [Redacted]
- [Redacted]
- [Redacted]

Yours Sincerely,

[Redacted Signature]

[Redacted Name]

A/Director - Statutory Planning