

30 April 2021

Jim Betts
Secretary
Department of Planning Industry and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150

Dear Mr Betts,

**RE: SUBMISSION TO EXPLANATION OF INTENDED EFFECT FOR THE
DRAFT DESIGN AND PLACE SEPP (2021)**

SINSW welcomes the opportunity to provide comments on the Explanation of Intended Effect (EIE) for the Draft *Design and Place State Environmental Planning Policy 2021* (Draft SEPP). SINSW works in conjunction with the NSW Department of Education (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 EIE for the Draft SEPP and is generally supportive of its overall direction and actions subject to the matters outlined below.

SINSW welcomes the opportunity for ongoing collaboration with the NSW Department of Planning, Industry and Environment (DPIE), and the Government Architect of NSW (GANSW) to ensure that the Draft SEPP appropriately supports the development of required future public school infrastructure within NSW.

Interface with Existing Education Legislation

Planning for public schools in New South Wales is currently guided by the following legislation and design guidelines:

- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (ESEPP)
- *Education Facilities Standards and Guidelines* (EFSG)

Section 5.2 of the EIE notes that the Draft SEPP will interface with multiples SEPP's (including the ESEPP) and proposes that:

"These and other environmental planning instruments are reviewed and revised for alignment within one to three years of the making of the Design and Place SEPP".

SINSW requests that prior to finalisation of the Draft SEPP, further clarification be provided by DPIE regarding the proposed integration of the SEPP into the existing legislative framework, particularly its interaction with the design requirements for schools provided in the ESEPP.

SINSW requests additional opportunities to assist in the alignment of the Draft SEPP and the planning guidelines of the ESEPP, in order to ensure the continued delivery of the SINSW development pipeline.

Connecting with Country Framework

SINSW support the implementation of the 'Connecting with Country Framework' via the Draft SEPP and notes the need for a comprehensive guideline that encourages the provision of culturally responsive infrastructure.

SINSW respect Aboriginal cultural attachment to place and connection to country. Whether it is traditional, historic or contemporary cultural for Aboriginal people, SINSW is working towards respect for students and communities to deliver healthy and prosperous places that support the wellbeing of people, community and country through integrating good design process.

SINSW supports Principle 1 of the EIE ("Design places with beauty and character"), which is proposed to be "realised through mandatory considerations for cultural and built heritage and attractive form." SINSW support a genuine consultative and engagement process with the Aboriginal community stakeholders to ensure the framework achieves its intended effect.

SINSW notes that this framework and the supporting considerations within the Draft SEPP could be strengthened through the creation of a central database of key stakeholders across NSW.

Sustainability Considerations

SINSW strongly support the key values of sustainability and energy efficiency outlined within Principle 4 of the Draft SEPP and note that these design principles can be informed and strengthened through the designing with country framework. Notwithstanding this, clarification is required regarding the design expectations for future school development, especially given the prescriptive nature of the current sustainability framework.

School development in NSW is currently subject to ecologically sustainable development targets outlined within the *NSW Government Resource Efficiency Policy* (GREP). The GREP uses the Green Building Council of Australia (GBCA) Green Star system as a benchmark for best practice for government facilities and requires all new projects above 1,000m² and project costs over \$10 million to be designed to the following standard:

- 5 Stars Green Star for projects located in metropolitan Sydney, Wollongong, and Newcastle;
- 4 Stars Green Star for projects located in other areas of NSW.

Though the GREP does not require certification, all SSD approvals since early 2019 have had a Green Star condition. As a result, all school SSD projects (in the planning stage) must now certify to Green Star with the GBCA.

The EIE is unclear as to how the principles within the relevant Design and Place Considerations (as well as the high level 'Net Zero goals' outlined within DPIE's *Net Zero Plan Stage 1: 2020–2030*) will be objectively measured and prioritised in their application to future school development, as well as how these will be applied and monitored post-approval. Further clarification is also requested regarding whether the Draft SEPP will consider the current sustainability undertakings of government agencies (such as the GREP) when reviewing mandatory obligations under Principle 4.

Transitional Arrangements:

As stated above, many early stage school projects have already been awarded Green star certification by the GBCA. Several delivery-stage projects are also subject to an alternate certification pathway (endorsed by DPIE) which aims to achieve Green Star requirements by via implementation of the EFSG.

As a result, SINSW request that the savings provisions of the Draft SEPP consider these arrangements regarding the sustainability performance of existing school projects. This will eliminate complexity and prevent delays to existing projects which have already established compliance with the current controls.

Design Review Process

The EIE states that the Draft SEPP will be complimented by a 'Design Review Guide' (DRG). This will establish consistent terms of reference for design review panels and design quality evaluation. The guide has not been publicly exhibited.

DoE has 2,200 schools across NSW and over the next 20 years will provide new and expanded educational facilities to support the growth of the student population. Development of these schools will likely be subject to the updated design review process resulting from the amendments to the DRG.

Noting that DoE accounts for the highest percentage (36%) of state significant projects utilising the current State Design Review Process (SDRP), SINSW believes there is an opportunity to streamline the SDRP process (for school development) through options such as the integration of SINSW's internal design review process.

Schedule 4 of the ESEPP outlines several 'Design Quality Principles' which are mandatory matters for consideration for school development. These are equivalent to the mandatory matters for consideration outlined in section 3.2.2 of the EIE, particularly items 1 (Cultural and Built Heritage), 3 (Connectivity) and 13 (Attractive Form).

Additionally, development of educational establishments is guided by SINSW's "*Master Planning Guidelines for Schools*" (October 2020). This Guideline provides:

- An overview of the master planning process including site analysis requirements

- Promotion of efficient planning pathways
- Guidance on the development of standardised design solutions and construction via Design for Manufacturing and Assembly (DfMA).

This Guideline is applied in conjunction with the existing Educational Facilities Standards and Guidelines (EFSG) as well as the *Better Placed: Design Guide for Schools* and *Better Placed: Environmental Design in Schools* by the GANSW. The above processes are also complimented by an internal expert reference group, which reviews compliance with the above frameworks.

SINSW would welcome the opportunity for ongoing collaboration with DPIE and GANSW to develop a suitable streamlined process for school design review with an aim to integrate these into the DRG and reduce the overall duplication of design reviews.

Infrastructure Planning for Pedestrian Prioritisation

Projected growth across the Sydney Metropolitan Area and wider NSW over the next 20 years means that it is essential that all modes of travel are catered for within Local Government Areas (LGA's). SINSW is therefore supportive of the Draft SEPP's aim to deliver opportunities for greater active transport opportunities.

Consideration 4 (Local Living) of the Proposed Design and Place Considerations indicates that new precincts should be designed to ensure that (where possible) housing is within '20 minutes walking distance to primary schools'.

For transport purposes, students (vulnerable road users) are considered within walking or riding distance of their primary or secondary school if they live within a straight-line distance of 1.6km from the primary school or 1.9km from the secondary school. This is referred to as the 'active travel zone' (ATZ). Outside this zone, students are eligible for the Subsidised School Transport Scheme (SSTS) for free public transport or school bus access to school.

Using 2020 enrolment data for DoE Schools in NSW, there are:

- 337,122 primary students within the 1.6 km ATZ (as the crow flies)
- 153,984 primary students that are eligible for the SSTS
- 183,138 are excluded from the SSTS (as they live "too close" to school and/or are in years 3-6)
- 132,993 HS students are within the 2km ATZ (as the crow flies).

SINSW are willing to provide depersonalised residential data to assist DPIE in understanding recommended walking distances for schools.

Examples of transport infrastructure that encourage walkable neighbourhoods includes:

- Footpath widths which accommodate walking, scooters or bicycles
- Physical separation between pedestrians, cyclists and heavy vehicles

- Access for all ages and abilities such as ambulant disabilities and prams
- Kerb outstands and refuge crossings (particularly around schools)

SINSW notes that critical walking, cycling, and vehicle infrastructure is often not funded or delivered within planned growth precincts. SINSW therefore requests that precinct-scale considerations include mechanisms to deliver this critical infrastructure, prior to development.

Summary of Recommendations

In summary, SINSW recommend the following matters be considered prior to finalisation of the Draft SEPP:

- **Recommendation 1:** Provide further clarification on the Draft SEPP's interaction with other relevant planning instruments, particularly the impact on school development subject to the ESEPP.
- **Recommendation 2:** That a comprehensive framework be provided on a regional level to incorporate Country, culture and Aboriginal communities into planning processes and encourage alignment across geographical locations and between government agencies, ensuring consistency with the Draft Connecting with Country Framework.
- **Recommendation 3:** Provide clarification on how the sustainability expectations outlined in the EIE will be applied to future school development
- **Recommendation 4:** That school projects with existing Green Star certification be included within the Draft SEPP's savings provisions as outlined in section 6.4 of the EIE.
- **Recommendation 5:** SINSW and GANSW develop a suitable streamlined process for school design review with an aim to integrate these into the DRG.
- **Recommendation 6:** SINSW (as part of the DoE) assists in the formulation of Proposed Consideration 4 (Local Living) via data, analysis and insight regarding walkable neighbourhoods.
- **Recommendation 7:** That precinct scale master planning prioritise the funding and delivery of essential walking, cycling, and vehicle infrastructure prior to development within new precincts.

SINSW seek further engagement with DPIE and GANSW in the drafting of the SEPP, specifically regarding its impact on school development. Should you wish to get in contact, or require further information please contact Lincoln Lawler at [REDACTED] or Tim Fleming at [REDACTED]

Yours Sincerely,



Alix Carpenter
Director – Statutory Planning