

Submission received by Email from Simon Jarrett: 07/06/2012 03:10 PM

I write on behalf of Kambala to make the following submission in relation to the Draft Educational Establishments Development Control Plan 2012:

I refer to item 2.6 of the Draft DCP headed "Arrival and Departure", in particular Control C5 which states "Major development of existing establishments should provide an internal driveway for vehicles that are picking-up and dropping-off students"

Our response is that, being a school in an older established metropolitan area it is not feasible or practical to provide internal driveways for vehicles for drop-off/pick-up zones. In fact in our case any attempt to provide internal pick-up zones, due to our existing space constraints might contravene the Draft DCP's Objective 1.5 v. which "encourage(s) all schools to provide sufficient open spaces on site, and protect existing open spaces;"

Given the above we propose an amendment to the draft DCP that would allow schools to propose alternative drop-off/pick-up zones at school perimeters to operate during peak periods with a Traffic Movement Plan and Pedestrian Management Plan, including parent and staff rosters to facilitate safe student and traffic management practices.

I would be grateful if this submission be included in Councils deliberations prior to the DCP being adopted.

Regards,



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12363
8 June 2012

General Manager
Woollahra Council
PO Box 61 Double Bay, NSW 1360

Dear Sir/Madam

**SUBMISSION ON DRAFT EDUCATIONAL ESTABLISHMENTS DCP
THE SCOTS COLLEGE, BELLEVUE HILL**

We write on behalf of The Scots College (TSC) in relation to Draft Educational Establishments Development Control Plan 2012 (Draft DCP). As one of the main educational establishments within the Woollahra Municipality, TSC is a key stakeholder in terms of reviewing and providing commentary on this Draft DCP.

As only recently appointed by TSC to undertake a thorough review of the Draft DCP, the intent of this letter is to confirm that TSC will be making a further and more comprehensive submission on the Draft DCP and aim to provide this to Council by 15 June 2012. We note that this is outside of the formal public exhibition period however would appreciate an extension in this case especially given the status of TSC as a key stakeholder.

The following provides an indication of the likely aspects of the Draft DCP that TSC will be focussing comments on:

- Ensuring that controls align with reasonable expectations of existing educational establishments that constrained in terms of site area and topography (i.e. that the controls do not seek to impose requirements that are more suited to new greenfield educational establishments);
- Questioning the emphasis of existing schools providing internal driveways/ porte cochere from a practicality, site constraints and potential adverse traffic impact perspective;
- The rate of on-site parking being required to be accommodated (one car space per 10 students), especially from the perspective of an existing school constrained in site area and in terms of trying to reduce demand for the use of private vehicles and increase alternative means of transport that aim to reduce local traffic impacts; and
- The requirements and rates of bicycle parking, which from a practicality perspective (e.g. steep terrain) and historic trends, are considered to be excessive.

We thank Council for the opportunity to comment on the Draft DCP, and look forward to providing a further detailed submission shortly. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or acella@jbaplanning.com.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Alexis Cella'.

Alexis Cella
Senior Planner

12363
15 June 2012

General Manager
Woollahra Council
PO Box 61 Double Bay, NSW 1360

Dear Sir

**SUBMISSION ON DRAFT EDUCATIONAL ESTABLISHMENTS DCP
THE SCOTS COLLEGE, BELLEVUE HILL**

We write on behalf of The Scots College (TSC) in relation to Draft Educational Establishments Development Control Plan 2012 (Draft DCP). As one of the main educational establishments within the Woollahra Municipality, TSC is a key stakeholder in terms of reviewing and providing commentary on this Draft DCP.

This detailed submission supplements the previous submission on the Draft DCP prepared by JBA on behalf of TSC and submitted to Woollahra Council (Council) on 8 June 2012. We have now had an opportunity to undertake a thorough review of the Draft DCP and raise the following key issues:

- The requirement for new schools, and major development of existing schools, to provide internal driveways for drop-off and pick-up of students may be unreasonable in some circumstances, particularly on sites such as the Scots College Campus (the Campus), which are affected by a number of constraints including site topography and a heritage listing;
- The rate of on-site parking required is considered excessive, especially from the perspective of an existing school constrained in site area, and in terms of reducing reliance on private vehicle usage; and
- The requirement and rates for provision of bicycle parking on school sites is considered disproportionate, particularly for sites such as the Campus which is not easily accessible by bicycle, and where the majority of the student population do not cycle to the school.

TSC is consistently striving to improve the standard of education provided at the school. As a result it is considering a number of options to upgrade its existing facilities. As Council is aware, TSC is currently exploring an opportunity for redevelopment of its sports precinct to provide improved facilities for its students. Informal pre-DA meetings have been held with Council in this regard. This potential redevelopment has been considered in relation to the controls in the Draft DCP. Whilst the Draft DCP does not have any material impact on the current proposal for the sports precinct, Council is asked to consider this proposal in any future strategic planning for the area.

1.0 THE SCOTS COLLEGE CAMPUS

The Campus is located at 42 to 54 Victoria Road, Bellevue Hill. It is affected by a number of constraints including its steep topography (which falls away from Victoria Road), its identification as a local heritage item under the *Woollahra Local Environmental Plan 1995* (WLEP 1995), and its location within an established residential area. In this context it is essential that Council's planning controls provide scope for TSC to accommodate improved facilities within its existing Campus.

2.0 VEHICLE ACCESS TO THE SCHOOL

Section 2.6 (Arrival and Departure) of the Draft DCP sets out the requirements for providing vehicle and pedestrian access to new and existing educational establishments in the Woollahra local government area (LGA). Control C4 requires an internal driveway to be provided for the drop-off and pick-up of students in new educational establishments, and control C5 requires an internal driveway to be provided for 'major development of existing establishments'.

The Draft DCP identifies 'major development' as 'proposals to increase student numbers and proposals which impact on the existing arrival and departure arrangements'. Thus, according to the Draft DCP, even development which accommodated a small increase in student numbers would be considered 'major development', and would trigger the requirement for provision of an internal vehicle driveway for drop-off and pick-up. On this basis even a minor development on the Campus may necessitate the provision of an internal driveway, and a larger development, such as the redevelopment of the sports precinct, is likely to trigger such a requirement, this is clearly inequitable and wholly unreasonable. Any requirement or condition for TSC to provide internal driveways in respect of an application that only provided an increase in students where there would be no discernible traffic or parking impact, could not lawfully require the provision of such a significant piece of infrastructure. As Council is no doubt aware, the Court has established the tests by which a condition of approval can be lawfully conditioned. Two of the three tests adopted by Court relate to reasonableness, in that the requirement must be reasonable in the circumstances and reasonably related to the development for which consent is sought. Council should not seek to adopt a DCP where unwarranted and unreasonable provisions are required to be imposed upon small and modest developments which may impact upon student numbers.

Due to the constraints posed by the site topography and heritage listing of the Campus, the provision of an internal vehicle driveway would be very difficult to accommodate. It is considered more appropriate to limit the requirement for provision of an internal vehicle driveway for drop-off and pick-up of students to new educational establishments only or educational establishments that propose to increase student numbers by more than 50%.

We also note that the current Woollahra Development Control Plan for School and College Development 1995 (Current DCP) only requires a bus layby area for the pick-up and drop-off of students to be provided where 'site characteristics allow'. This requirement is considered a more reasonable solution for educational establishment sites in the Woollahra LGA which are generally affected by a number of site constraints and are typically located in established built-up areas.

3.0 CARPARKING

The Draft DCP requires off-street parking to be provided in accordance with the Woollahra Parking Development Control Plan 2011 (Parking DCP) which stipulates a requirement of 1 space per 100sqm of floor area for educational establishments.

The parking rate for educational establishments (under the Parking DCP) does not consider circumstances in which additional floor area may be added in new buildings on an existing school site, but where the actual staff and/or student numbers may not increase. The rate is also considered excessive for school sites such as TSC, which is centrally-located and well-served by public transport.

It is recommended that Woollahra Council consider alternative parking requirements for educational establishments. Reduced parking rates would also encourage a reduction in the demand for the use of private vehicles and support an increase in public transport.

4.0 BICYCLE PARKING

The Draft DCP requires the provision of on-site bicycle parking according to the following rates:

- 5% of total staff numbers; and
- 10% of total full time students.

In the context of TSC, the requirement for the provision of on-site bicycle parking is considered excessive and unnecessary. The topography of the Campus and surrounds, its location, and the lack of dedicated bicycle paths in the surrounding road network, means that cycling to the Campus is difficult and dangerous. TSC does not recommend that its students cycle to the Campus due to safety concerns. In any case, the majority of students are either dropped-off/picked up from the Campus by carers, or access the Campus by public transport. In this context such a large number of dedicated bicycle parking spaces would be underutilised, and would result in the inappropriate use of valuable space that could be dedicated to more essential school facilities. This is particularly relevant due to the constraints affecting the site, which limit the developable space on the Campus.

We thank Council for the opportunity to comment on the Draft DCP. TSC is happy to meet with Council to discuss and site-specific issues for its Campus, and to provide stakeholder input on the Draft DCP and other relevant planning controls and instruments. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or acella@jbaplanning.com.au.

Yours faithfully



Alexis Cella
Senior Planner



15 June 2012

Mr Gary James
General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

**Attention: Ms Anne White
Senior Strategic Planner**

Dear Mr James

RE: DRAFT EDUCATIONAL ESTABLISHMENTS DEVELOPMENT CONTROL PLAN 2012, COUNCIL REFERENCE: 1197.G

I refer to your letter dated 8 May 2012 advising me of Council's decision to prepare a new development control plan titled *Draft Educational Establishments Development Control Plan 2012* (the Draft DCP). Thank you for granting an extension of time until 15 June 2012 for Cranbrook School to make this submission. This has allowed us to undertake a thorough review of the Draft DCP.

I understand that the Draft DCP will replace the existing Schools and Colleges Development Control Plan (the current DCP), with the intention that the new Draft DCP provide an updated framework for guiding and assessing development for schools and colleges in Woollahra Municipality. In this regard, I think it is important to note that Cranbrook School, like other private schools in the Municipality, provides a direct community service to residents in the Municipality with 80 to 90 percent of students who reside in the Municipality attending these schools.

As Council is aware, Cranbrook School engaged consultant town planner, Mr Stephan Andrusiw, of Universal Planning Services Pty Limited, to prepare a review report on the Draft DCP and make recommendations for this submission to Council. I have considered the recommendations of the review report and attach a summary table of the specific issues/ concerns that Cranbrook School has with the Draft DCP (refer to Attachment A).

In broad terms, the School makes the following overall comments on the Draft DCP:

1. It is apparent from a review of the historical trail of the Council officer reports and consideration by Council of this matter since 2007, that the focus of the initial strategic planning direction driving review of the current DCP has altered over the years from primarily being focussed on updating specific out-dated aspects of the current DCP, to introducing objectives and controls that are clearly biased towards protecting the public domain and amenity of surrounding residential properties from impacts associated with the development of any educational establishments in the Woollahra Municipality. However, the prime purpose of the Draft Educational Establishments DCP should be to bring certainty to development of educational establishments, which perform a core service to local communities, by establishing clear planning principles for their development and operation. These principles should be fair and reasonable and provide a balance between individual interests of all landholders and the broader community and

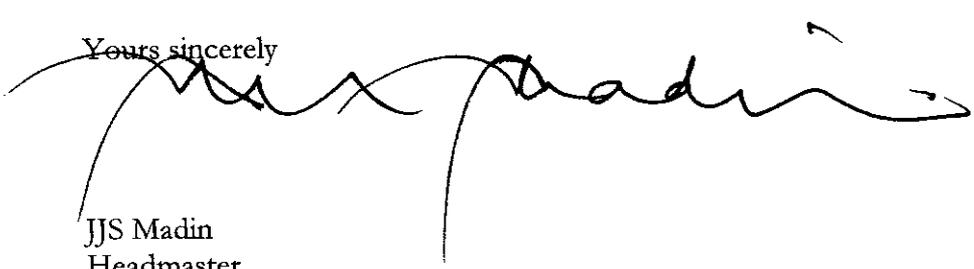
public interest associated with the sustainable development and ongoing operation of educational facilities.

2. The definition of 'Open Space' and the strict limitations on any development in the Draft DCP is inflexible and imposes unrealistic restrictions on the necessary and appropriate development of any educational establishment serving the Woollahra Municipality.
3. The Draft DCP is generic and not site specific and therefore sets out objectives and development controls that do not take into account the unique site conditions and constraints on existing school sites in Woollahra Municipality and will therefore be difficult to implement.
4. It is considered that the Draft DCP does not take sufficient cognisance of the overarching provisions of *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP), which permits development for educational establishments with consent, development without approval as exempt development, and complying development. It is most likely that development for educational establishments will be carried out under the Infrastructure SEPP and not under *Woollahra Local Environmental Plan 1995*, which brings into question the status of Council's Draft DCP. As Council is aware, under the *Environmental Planning and Assessment Act 1979* (EPAA1979), a Development Control Plan (DCP) is not an environmental planning instrument and its status is limited to consideration by the consent authority under Section 79C(1) when determining a Development Application (DA). However, under Section 74B of the EPAA1979, Council is not the relevant public authority for preparation of a DCP in relation to a State Environmental Planning Policy and therefore it is questionable as to whether the Draft DCP can be given any weight when determining a DA under the Infrastructure SEPP.
5. The Draft DCP prescribes development controls in absolute terms, especially in relation to the protection of existing 'Open Space'. However, given that most development for educational establishments will be to existing schools with unique site conditions and development constraints, it should allow for flexibility in terms of the application of the controls. Variations should be able to be considered where the objectives of the heads of consideration set out in the Draft DCP can be satisfied by performance rather than prescriptive controls. A specific section dealing with variation of the controls should be incorporated in Part 1 of the Draft DCP.

In view of the above, Cranbrook School objects to the Draft DCP in its current form and respectfully requests that Council take into careful consideration the issues/ concerns and broad comments in this submission and re-exhibit the Draft DCP accordingly.

Should you have any queries concerning this submission or require further clarification of any of the comments or issues/ concerns raised, please initially contact Mr David Hull, Facilities Manager, on phone 9327 9422, or by email to dhull@cranbrook.nsw.edu.au. Alternatively I can be contacted directly on 9327 9426.

Yours sincerely



JJS Madin
Headmaster

ATTACHMENT A: SUMMARY TABLE OF ISSUES/ CONCERNS

The following table summarises the concerns/ issues with the respective objectives and controls set out in the Draft DCP:

Draft Local Government Development Control Plan 2012 Objectives, Controls and Standards		
Section	Clause/ Objective/ Control	Issue/ Concern
Part 1: Preliminary		
1.1 Introduction		No issues/ concerns.
1.2 Context	<p>Woollahra's educational establishments are surrounded by residential areas, but their functional requirements results in different built forms to residential development, making school campuses notable and distinct. Educational establishments need to carefully consider the adjoining residential uses to ensure that new development and ongoing operations (including traffic and parking) do not negatively impact on the amenity of the surrounding community.</p> <p>Open playing fields, playgrounds and trees provide attractive aspects onto and through educational establishments. Where physical access is provided, the open space is a valuable shared community asset. Even when the facility cannot be publicly accessed, these spaces can be important contributors to the quality of the public and private domain, by virtue of providing vistas and views.</p>	<p>This statement needs to be tempered to ensure that the perception that some negative impacts may result from the need to provide educational establishments to meet the needs of the local community and wider public interest, but these impacts need to be appropriately considered and mitigated so that they can be minimised.</p> <p>It is therefore suggested that this statement be reworded as follows:</p> <p>'Educational establishments have an important function in the community but their functional requirements result in buildings that are different to the built form of residential development. Therefore new developments for educational establishments need to take into account adjoining residential uses to ensure that their ongoing operations (including traffic and parking) will have minimal impacts on the amenity of the surrounding community.'</p> <p>This statement does not recognise that the prime purpose of open playing fields and playgrounds in educational establishments, although they may contain trees and be attractive, is to serve as functional teaching spaces for students. In addition it is important to ensure that vistas and views through school sites are not seen to be an inalienable right but a matter to be considered if the vista or view is identified a significant shared vista or view.</p> <p>It is therefore suggested that this statement be reworded as follows:</p> <p>'Although their prime purpose is to serve as functional teaching spaces, open playing fields, playgrounds and trees can provide attractive aspects onto and through educational establishments. Where physical access is provided, educational facilities can be a valuable shared community asset. Even when the facility cannot be publicly accessed, these spaces can be important contributors to the scenic quality of the public and private domain, especially where significant shared vistas and views are identified.'</p>

Draft Environmental Development Control Plan 2012

Section	Clause/ Objective/ Control	Issue/ Concern
1.3 Name of this DCP		No issues/ concerns.
1.4 Land and development to which this DCP applies	This DCP applies to all development for an educational establishment that requires consent under the Woollahra Local Environmental Plan.	<p>This statement needs to make reference to the Infrastructure SEPP, as it permits development for the purposes of an educational establishment to be carried out with consent 'by any person' on land in a 'prescribed zone' or 'equivalent zone', as defined in the SEPP. It also permits development for the purpose of an educational establishment to be carried out by any person on land on which there is an existing educational establishment, or for the expansion of an existing educational establishment on land adjacent to an existing educational establishment.</p> <p>In view of the above, it is unlikely that consent would be sought under WLEP1995 for either a new educational establishment or expansion of an existing educational establishment.</p> <p>The status of the Draft DCP in relation to assessment of DAs being assessed by Council where they are made under the Infrastructure SEPP is questionable. Under the EPAA1979, a DCP is not an environmental planning instrument and its status is limited to consideration by the consent authority under Section 79C(1) when determining a DA. However, under Section 74B of the EPAA1979, Council is not the relevant public authority for preparation of a DCP in relation to a SEPP and therefore it is questionable as to whether the Draft DCP can be given any weight when determining a DA under the Infrastructure SEPP.</p> <p>The above should be made clear in this section of the Draft DCP.</p>
1.5 Objectives	<p>iii. protect views and vistas;</p> <p>v. encourage all schools to provide sufficient open spaces on site, and protect existing open spaces;</p>	<p>It is considered that the objective related to protection of views needs to be qualified so that only substantive shared views from both schools and from adjoining residential properties are given consideration.</p> <p>It is therefore suggested that this objective be restated as follows:</p> <p>'iii. Protect substantive shared views and vistas;'</p> <p>This objective has no certainty as it cannot be determined what constitutes sufficient open space or what constitutes existing open space on sites that contain educational establishments. There is also concern about the use of a term normally applied to residential development, and used to identify the zoning for areas that are either existing or proposed private or public land used for open space purposes.</p>

Section	Clause/ Objective/ Control	Issue/ Concern
	<p>viii. ensure high quality landscaping;</p>	<p>It is considered to be important that the community realises that land occupied by private schools is private land and the spaces used for the purposes of an educational establishment have different functions related to their prime function for teaching and related purposes. This is reflected in the <i>Schools Facilities Standards – Landscape Standard – Version 22/03/02</i>, which is referenced in the Infrastructure SEPP. The standard divides schools into 9 distinct zones or areas as follows:</p> <ol style="list-style-type: none"> 1. Entrance Zone; 2. Street Frontage Zone; 3. Assembly Zone; 4. Active Zone; 5. Passive Zone; 6. Boundary Zone; 7. Services Zone; 8. Out of Bounds Zone; and 9. Special Function Zone. <p>In view of the above, the following amendment is suggested to the objective for protection of open spaces on educational land:</p> <p>‘v. encourage schools to identify the functional zones within the school and introduce and/or retain landscaping on site that is appropriate to that zone.’</p> <p>It is considered that this objective should reflect the accepted standards for providing landscaping in educational establishments, which is the <i>School Facilities – Landscape Standard</i>.</p> <p>Consequently, it is suggested that the objective be reworded as follows:</p> <p>‘viii. Ensure that landscaping is provided that is in accordance with accepted landscaped standards for schools;’</p>
<p>1.6 Approval and commencement</p>		<p>No issues/ concerns.</p>
<p>1.7 Applications to which this DCP applies</p>	<p>Except as provided in clause 1.10 this DCP applies to development applications, applications to modify development consents under section 96 of the <i>Environmental Planning and Assessment Act 1979</i> (the Act) and applications for review under section 82A of the Act which are made to Woollahra Council as the consent authority on or after the commencement of this DCP.</p>	<p>In addition to referencing DAs, S96 applications and Section 82A applications for review under WLEP1995, it is considered that this section should clarify that the DCP does not apply to applications made under the Infrastructure SEPP, although Woollahra Council is the consent authority for such applications.</p>

Section	Clause/ Objective/ Control	Issue/ Concern
<p>1.8 Relationship to the Act, the Regulation, and other plans and policies</p>	<p>1.8.2 <i>State Environmental Planning Policy (Infrastructure 2007)</i> applies to infrastructure across NSW, including educational establishments. The SEPP identifies certain works that may be carried out with or without consent. Development consent is required for other types of alterations and additions which are not exempt or complying development or development without consent under the SEPP.</p> <p>1.8.3 State Policies. State environmental planning policies may apply to the land to which this DCP applies. Where this occurs the statutory provisions of those policies and plans prevail over this DCP.</p> <p>1.8.5 Other Woollahra DCPs, policies and codes. In the event of inconsistency between this DCP and other development control plans, policies and codes, this DCP prevails unless otherwise specified in this DCP or in the other plans, policies and codes. Except as provided in clause 1.9, this DCP repeals the Woollahra DCP for Schools and College Development which came into force on 21 June 1995.</p>	<p>No issues/ concerns, although it should probably be mentioned that the Infrastructure SEPP also identifies certain works that can be carried out without approval (exempt development).</p> <p>No issues/ concerns, however it is suggested that specific reference be made to development for educational establishments under the Infrastructure SEPP, to which the Draft DCP does not apply.</p> <p>There is a typographical error in this clause, where reference is made to clause 1.9 in lieu of 1.10.</p>
<p>1.9 Definitions</p>	<p><i>In this DCP certain terms have the meaning defined in the Act, the Standard Instrument and in the Woollahra LEP 1995.</i></p> <p><i>Open space</i> is the area on the establishment which is used for playgrounds, sport fields or for green or landscaped areas and may include associated structures and vegetation.</p> <p><i>Playgrounds</i> are external spaces used by students during play and break times, and may be partly covered by shade structures.</p> <p><i>Sports fields or courts</i> are any open spaces, open to the air, used for sport and physical education and includes outdoor courts such as tennis or netball courts.</p>	<p>It is noted that none of the quoted definitions derive from the EPAA1979, the Standard Instrument or WLEP1995.</p> <p>The definitions of open space, playgrounds, and sports fields are considered to be inappropriate as the use of terms are overlapping and can become confused. Spaces within school establishments are required for the health and well-being of students, outdoor learning activities, and their prime purpose is to provide teaching spaces. They have different specific functional requirements as pointed out previously. The School Standards – Landscape Standard divides educational establishments into zones based on their function and it is suggested that the Draft DCP reflect this and adopt definitions in accord with current accepted standards for describing the functional areas of schools as set out in the standard.</p>
<p>1.10 Savings and transitional provisions</p>		<p>No issues/ concerns.</p>

Section	Clause/ Objective/ Control	Issue/ Concern
Part 2 : Development Controls		
2.1 Introduction	<p>For each matter, specific objectives are given together with the controls to achieve those objectives. Alternative ways to achieve the stated objectives, will be considered when, in the opinion of Council, the outcome is better in terms of the impact on the public domain or adjacent properties than strict compliance with the stated controls.</p>	<p>This statement reflects the preoccupation of the Draft DCP with impacts of development for educational establishments on the public domain and adjacent residential properties. It is suggested that a more balanced view would include consideration of better functional outcomes for schools.</p> <p>In view of the above, it is suggested that this statement be reworded as follows:</p> <p>‘For each matter, specific objectives are given together with the controls to achieve those objectives. Alternative ways to achieve the stated objectives, will be considered when, in the opinion of Council, the outcome is better in terms of the functional requirements of the educational establishment and the potential to reduce impacts on the public domain or adjacent properties rather than strict compliance with the stated controls.’</p>
2.2 Siting and development	<p><i>Objectives</i></p> <p>O1 To protect and promote open spaces and sunlight access in relation to the site and on neighbouring land;</p> <p>O3 To protect and enhance existing views and vistas from public and private spaces.</p> <p><i>Controls</i></p> <p>C4 Site new development so that significant views and vistas are maintained.</p>	<p>This objective has two unrelated components, viz to protect and promote open spaces and to protect and promote access to sunlight in relation to the site and adjacent land. It is considered that the objective should be rewritten as a two separate objectives dealing with each individual consideration, viz:</p> <p>‘O1 To protect and promote the Entrance Zone; Street Frontage Zone, Passive Zone, and Boundary Zones in educational establishments;</p> <p>O1A To ensure that there adequate sunlight access within the site and neighbouring land;’</p> <p>It is suggested that this objective be reworded as follows for the reasons stated previously:</p> <p>‘O3 To identify and enhance existing substantive shared views and vistas from public and private land.’</p> <p>The control as stated does not moderate in terms of what constitutes a significant view or vista and assumes that enjoyment of existing views is a matter of right, which is contrary to the principle of view sharing.</p>

Section	Clause/ Objective/ Control	Issue/ Concern
		<p>In view of the above, it is suggested that the control be reworded as follows:</p> <p>'C4 Site new development so that substantive shared views, where identified on the site or through adjoining properties, are reasonably maintained in accordance with the principles for view sharing.'</p>
<p>2.3 Building and urban design</p>	<p><i>Controls</i></p> <p>C1 Development is to be compatible with nearby and adjoining residential development in terms of scale, bulk, site coverage, character and materials;</p> <p>C3 Development of educational establishments should be flexibly designed to facilitate future use by the wider community;</p>	<p>In Section 1.2 of the Draft DCP it is stated that the functional requirements of educational establishments result in 'different built forms to residential development'. This should be recognised in the control by replacing the words 'compatible with', with the words, 'sympathetic to', which will allow for the functional requirements of establishments to be met, whilst introducing a built form that will be harmonious with nearby and adjoining residential development. This approach is also consistent with the controls for heritage conservation.</p> <p>The prime function of educational establishments is to meet the learning needs of students and to ensure that these needs are met in an environment that promotes the health and well-being of students. In addition private schools must ensure that school buildings/ facilities are cost effective and within their ongoing budget for the management, operation and functioning of the school.</p> <p>The requirement of the control should recognise the above and be reworded as follows:</p> <p>C3 Development of educational establishments should consider flexibly designed buildings to facilitate, where possible and practical, future use by the wider community;'</p>
<p>2.4 Heritage conservation</p>	<p><i>Controls</i></p> <p>C2 Siting of new development should not detract from the heritage item and should preserve existing views and vistas to and from the item;</p> <p>C3 The siting of new development should seek to 'open up' new views or vistas to a heritage item, especially from public places.</p>	<p>It is suggested that this control be reworded as follows for the reasons stated previously:</p> <p>'C2 Siting of new development should not detract from the heritage item and should preserve existing substantive shared views and vistas to and from the item;'</p> <p>This control may lead to onerous and unreasonable expectations being placed on the development of educational establishments. It is therefore suggested that the control be reworded as follows:</p>

Urban Development Control Plan 2012

Section	Clause/ Objective/ Control	Issue/ Concern
		<p>'C3 The siting of new development should seek to 'open up' new identified substantive shared views or vistas, especially from public places to a heritage item, where this opportunity presents itself and where this would have no impact on available development options for the site.'</p>
2.5 Open spaces	<p><i>Objectives</i></p> <p>O1 To protect and retain existing open spaces;</p> <p>O2 To encourage the provision of additional open spaces where the existing open space on site is deficient;</p> <p>O3 To ensure that new educational establishments provide adequate open spaces to cater for the active and passive needs of students.</p> <p><i>Controls</i></p> <p>C1 Existing open spaces are to be retained;</p> <p>C2 Vehicle access and parking is not permitted on any part of the site considered as open space;</p> <p>C3 New educational establishments and major development of existing establishments must provide open spaces and maximise the use of existing open spaces having regard to an overall plan for the siting, amenity impacts, usability and accessibility of such spaces;</p> <p>C4 Playgrounds must be provided on site. Playgrounds must contain suitably designed meeting, seating, shade and play equipment to meet the relevant requirements of the Australian Standards;</p> <p>C5 Sports fields are, where possible, to be provided on site.</p>	<p>It is suggested that the heading to this section of the Draft DCP be changed to read, 'Functional zones', to reflect the requested changes to the definitions in Section 1.9 of the Draft DCP.</p> <p>In light of the above, it is requested that the objectives in this section of the Draft DCP be amended to read as follows:</p> <p>'O1 To ensure that adequate functional zones are provided to cater for the ongoing and/or future needs of educational establishments</p> <p>O2 To encourage the provision of additional active and passive functional zones where existing areas on the site can be rationalised or enhanced as a consequence of new development;</p> <p>O3 To ensure that new educational establishments provide adequate functional zones to cater for the active and passive needs of students.'</p> <p>The controls set out in this section of the Draft DCP are considered to be too absolute and overly restrictive. It is therefore suggested that they be amended as follows:</p> <p>'C1 Functional zones in existing educational establishments are to be rationalised and enhanced, to provide a better outcome for staff, students and visitors, where possible and practical;</p> <p>C2 Vehicle access and parking will be permitted on any part of the site provided that the requirements for the functional zone can be met and there will be minimal impact on the established landscaped setting;</p> <p>C3 New educational establishments and major development of existing establishments must provide functional zones that have regard to an overall plan for the siting, amenity impacts, usability and accessibility of such spaces;</p>

Woollahra Parking Development Control Plan 2012

Section	Clause/ Objective/ Control	Issue/ Concern
		<p>C4 Playgrounds must be provided on site and must contain suitably designed meeting, seating, shade and play equipment to meet the relevant requirements of the <i>School Facilities – Design Standards – Version 1/09/2006</i> and <i>School Facilities – Landscape Standards – Version 22/03/2002</i>;</p> <p>C5 Sports fields are to be provided on site, where possible and practical.'</p>
2.6 Arrival and departure		No issues/ concerns.
2.7 Parking and servicing	<p><i>Controls</i></p> <p>C1 All car parking and servicing arrangements (including proposals for a community use) are to be provided in accordance with the Woollahra Parking Development Control Plan including Parking Rates (as well as rates for Off-street loading and servicing facilities);</p> <p>C4 In addition to parking for staff and visitors, on site car parking for students is to be provided at tertiary institutions and is to be provided at a rate of one car space per 10 students¹;</p> <p>C6 Secondary Schools and Tertiary education establishments must provide dedicated secure bicycle parking at the following rates:</p> <ul style="list-style-type: none"> • 5% of staff numbers;² • 10% of full time student numbers; <p>at a central location with associated changing rooms and showers;</p>	<p>It is suggested that this objective relate to new developments for educational establishments, thereby recognising the unique site conditions and constraints faced by existing educational establishments. Consequently, it is requested that the words, 'for new developments', be inserted after the words, 'All car parking and servicing arrangements'.</p> <p>Although not a direct issue/ concern for Cranbrook School, this control is considered to be overly ambitious and inappropriate for existing tertiary institutions. Also it is noted, as stated in the initial 2007 report to Council on review of the current Draft DCP, that Woollahra Municipal area does not have any tertiary educational facilities, other than HMAS Watson, which would result in a large portion of students using private vehicles and requiring parking for the duration of classes.</p> <p>It is suggested that the word, 'must', in the control be replaced with the word, 'should', as it may not always be possible to satisfy the stated rate or to provide the bicycle parking in a central location that has change rooms and showers.</p>
2.8 Planting, fencing and hard surfaces	<p><i>Objectives</i></p> <p>O2 To promote a high standard of new landscape treatments that are co-ordinated with the local streetscape, building design and open spaces;</p>	<p>This objective needs to consider the functional requirements of zones within educational establishments, and to remove reference to open spaces for the reasons stated previously.</p> <p>It is therefore suggested that the objective be amended as follows:</p>

Development Control Plan 2012

Section	Clause/ Objective/ Control	Issue/ Concern
	<p>O5 To encourage planting and fencing which enables open spaces and existing vistas and views to contribute to the public domain;</p> <p><i>Controls</i></p> <p>C6 Planting or fencing should not be used to block significant views or open spaces from adjacent public domain or private property;</p> <p>C7 50% transparent fencing should be used to facilitate views and vistas of open spaces from the public domain.</p>	<p>'O2 To promote a high standard of new landscape treatment in accordance with current school standards that take into account the local streetscape, building design and functional requirements of spaces on the site;'</p> <p>The prime purpose of fencing is to provide security, safety and in some cases privacy for students from predatory behaviour, eg where students may be changing for sport.</p> <p>It is therefore suggested that the objective be amended as follows:</p> <p>'O5 To encourage planting and fencing which will ensure the security, safety and privacy of teachers, students and visitors to the site, and where possible and practical maintain existing vistas and views, where they make a significant identifiable contribution to the public domain;'</p> <p>These controls do not consider the need for planting and fencing to provide security, safety and privacy to educational establishments as explained above.</p> <p>It is therefore suggested that the controls be amended as follows:</p> <p>C6 Planting or fencing should provide security, safety and privacy to educational establishments, however where possible and practical, should not block significant shared views to landscaped areas from or onto adjacent public domain or private property;</p> <p>C7 50% transparent fencing should be used to facilitate significant shared views and vistas of landscaped areas from and onto the public domain.'</p>
2.9 Community use	<p><i>Controls</i></p> <p>C1 The use of an educational establishment for a community use must not negatively impact on the amenity of adjacent properties.</p>	<p>This control creates a critical tension in that the community use of educational establishments is considered to have positive social benefits, but the use must not have any effect on the community.</p> <p>It is therefore suggested that the objective be amended as follows:</p> <p>C1 It must be demonstrated that any adverse impacts on adjacent properties from the use of an educational establishment for a community use can be mitigated to an acceptable level or appropriate standard.</p>

Woolahra Local Environmental Plan 1995 - Development Control Plan 2012

Section	Clause/ Objective/ Control	Issue/ Concern
2.10 Stormwater and waste disposal		No issues/ concerns.
2.11 Sustainability		No issues/ concerns, although there is a typographical error in Control C1 where reference should be to 'NatHERS' and not 'NABERS'.

Terms used in table:

- DA: Development Application
- EPAA1979: Environmental Planning and Assessment Act 1979
- EPAR2000: Environmental Planning and Assessment Regulation 2000
- DCP: Development Control Plan
- Draft DCP: Draft Educational Establishments Development Control Plan 2012
- SEPP: State Environmental Planning Policy
- WLEP1995: Woollahra Local Environmental Plan 1995



13 July 2012

Our ref: RJC:AB/12135
Your ref: 1197.G

The General Manager
Woollahra Council
PO Box 61
DOUBLE BAY NSW 1360

Attention: Ms Anne White, Senior Strategic Planner

Email: records@woollahra.nsw.gov.au

Dear Ms White,

re: Draft Educational Establishments DCP 2012

This submission has been prepared on behalf of the Trustees of the Society of the Sacred Heart of Jesus ("the Trustees"), Sacred Heart Education Ministry as the property owner, and Kincoppal Rose Bay – School of the Sacred Heart ("Kincoppal School") – ("the Parties").

The Parties have read the Draft Educational Establishments DCP 2012 ("the Draft DCP"), noted the differences between it and the DCP for School and College Development, 1995 ("the existing DCP"), and considered the contents of both in the light of the necessities and practicalities of ensuring that Kincoppal School can continue to deliver the highest possible standard of education and facilities for the school community whilst at the same time being an exemplary land owner and good neighbour.

The Parties are concerned that the Draft DCP seeks to provide greater weight and importance to preserving the status quo in terms of the physical and spatial attributes of all schools and colleges in the Woollahra Local Government Area ("LGA"), including Kincoppal School than it does to the operational needs of schools and colleges to evolve, adapt, modernise and change in order to fulfil their essential function as complex and dynamic places of learning.

In the case of Kincoppal School there are site specific constraints and opportunities which have to be considered, in particular those relating to the heritage items on the school grounds. These constraints and opportunities influence and guide a masterplan which the School uses to direct capital investment in new and upgraded facilities. The Parties are keen to ensure that their ability to implement the masterplan is not jeopardised by a "one size fits all" DCP which cannot possibly anticipate, let alone appropriately regulate, the reasonable future needs of Kincoppal School.



It is essential, therefore, that Kincoppal School, and other schools and colleges in the Woollahra LGA have sufficient flexibility to plan and further develop the lands they occupy. In this regard, Dr Helen Nugent, President of Cranbrook Council has kindly provided the Parties with a copy of Cranbrook School's submission dated 15 June 2012 prepared in relation to the Draft DCP ("the Cranbrook Submission"). The Parties wholly support the Cranbrook Submission, as both in the body of the Submission and in Attachment A thereto, it sets out concerns and issues which apply equally to Kincoppal School (and to all other private schools and colleges in Woollahra LGA).

The Parties note that you have prepared a report to the Urban Planning Committee, attached to which is a table summarising the content of the Cranbrook Submission (and other submissions) and setting out your responses to the issues raised therein. The Parties further note that there you have recommended that the Draft DCP be "changed" in regard to certain issues raised in the Cranbrook Submission but "not changed" in relation to others. In this regard, an amended Draft DCP is also attached to your report to the Urban Planning Committee identifying the changes which you recommend be made.

The Parties generally agree that your recommended revisions to the Draft DCP make it more acceptable but there remains a distinct imbalance in the document whereby the actual educational needs of schools are not given sufficient weight. The Parties request Council not to proceed with the Draft DCP without fully considering a more balanced approach. The Parties also request that you reconsider the issues and concerns raised in the Cranbrook Submission in respect of which you recommend "no change". The attached table summarises the relevant issues/concerns and presents reasons why the Draft DCP should be changed.

The Parties request that these issues and concerns also be considered by the Urban Planning Committee on 23 July 2012.

The Parties thank you for the opportunity to make this late submission

Yours sincerely,
BBC Consulting Planners

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long horizontal line that curves upwards at the end.

Robert Chambers
Director

Email bob.chambers@bbcplanners.com.au



ATTACHMENT

Ref	Summary of Issue	Reasons why the Draft DCP <u>should</u> change
7	<p>Reference to State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) Clause 1.4 Land and development to which this DCP applies Clause 1.7: Applications to which this DCP applies Clause 1.8.2 : Relationship to the Act, the Regulation and other plans and policies Clause 1.8.3: State policies</p>	
	<p>There are multiple points requesting additional references to the ISEPP, and its overarching provisions. It is most likely that development will be carried out under the ISEPP and not the LEP, which brings into question the status of the DCP. This submission questions whether the Draft DCP can be given any weight when determining a DA under the ISEPP.</p>	<p>Council should obtain legal advice before proceeding further with the Draft DCP. Educational establishments are the subject of the ISEPP. The ISEPP establishes an approval regime for educational establishments. The Draft DCP should be very clear on its role, in light of the relevant provisions in the ISEPP.</p>
8	<p>Inappropriate use of the term „Open Space“ Clause 1.5 Objective v), viii), Clause 1.5 Objectives Clause 2.5 Open Spaces (Heading) Clause 2.5 Open Space Objectives 1-3 and Controls 1-5 Clause 2.8 Planting, fencing and hard surfaces Objective 2</p>	<p>The use of the term “open space” is inappropriate because:-</p> <ul style="list-style-type: none"> • There are relevant state standards for educational establishments; • New development of any school needs to take into consideration the School Facilities Standards, including standards relating to the provision of appropriate functional areas/zones; • Land occupied by a private school should be recognised as private land. The use of open space for the purpose of an educational establishment is different from other open spaces; and • Open spaces on school grounds are functional zones, the primary purpose of which is to fulfil educational needs and not to provide “borrowed amenity” for neighbouring properties.
	<p>The use of the term “Open space” is not appropriate in the context of an educational establishment (it is usually only applied to residential development). The definition is inflexible and imposes unrealistic restrictions on development of an educational establishment. Spaces have different functions for teaching and related purposes. This is reflected in the Schools Facilities Standards – Landscape Standard version</p>	

Ref	Summary of Issue	Reasons why the Draft DCP <u>should</u> change
	<p>22/03/02 (which is referenced in the Infrastructure SEPP). The standard divides schools into 9 distinct zones or areas. The terminology contained within the standards should be reflected in the DCP. In particular the term “open space” should be replaced with the term “functional zone”</p> <p>It is noted that none of the quoted definitions derive from the EPAA, SI or WLEP 1995: Open Space, Playgrounds and Sports fields or courts. The School Standards identifies appropriate definitions, and should be reflected within the DCP.</p>	
	<p>Clause 1.2 Context – Paragraph 4</p>	
10	<p>Function of open space Paragraph refers to open playing fields, but does not recognise the prime purpose of open playing fields and playgrounds is to serve as functional teaching spaces. Amended wording suggested.</p>	<ul style="list-style-type: none"> • While it may be inherent that all facilities associated with an educational establishment have the potential to provide functional teaching spaces, it is open to Woollahra Council to recognise that open playing fields and playgrounds within the grounds of educational establishments are functional zones for the purpose of teaching and school-related uses by students; • The attractive aspects and community value of open playing fields and playgrounds are ancillary and/or complementary to this principal purpose; • It is in the public interest to recognise the value and the role of open playing fields and playgrounds for the purpose of teaching and school-related uses by students.
15	<p>2.7 Parking and Servicing Control 1</p>	
	<p>Parking controls not to apply to existing facilities Control should only relate to new developments for educational establishments thereby recognising the unique site conditions and constraints faced by existing educational establishments. Requested that the words “for new developments” is included.</p>	<p>Parking requirements should not apply to existing facilities because:-</p> <ul style="list-style-type: none"> • Strict application of parking controls limits the flexibility of schools to provide appropriate, responsive and contemporary school facilities; • An increase in floor space does not necessarily correspond with an increase in the intensity of use or in the need for parking; • A merit based assessment for existing schools based on potential and realistic demand for parking would be more appropriate;

Ref	Summary of Issue	Reasons why the Draft DCP <u>should</u> change
		<ul style="list-style-type: none"> The application of a numerical control to existing schools fails to recognise the unique characteristics of individual, established schools and their locations;
18	<p>Clause 2.8 Planting, fencing and hard surfaces Objective 5 Clause 2.8 Planting, fencing and hard surfaces Controls 6 & 7.</p>	
	<p>Purpose of planting and fencing The prime purpose of fencing is to provide security, safety and, in some cases, privacy for students from predatory behaviour, e.g where students may be changing for sport. References to security, safety and privacy should be included in all relevant objectives and controls.</p>	<ul style="list-style-type: none"> The provisions fail to recognise the multi-faceted purpose of planting and fencing; While the purpose of planting and fencing may not be limited to providing security and safety, the purpose is also not limited to the facilitation of views and vistas; The provisions do not recognise the significant role that planting and fencing provide in security, safety and privacy to educational establishments; and Educational establishments have a duty of care to ensure the safety and security of students, many of whom are minors.