

CLIENT

COMMUNIQUÉ

The Department of Planning has advised EPM Planning (EPM) that the draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ('the ESEPP') will be referred to the Minister for Planning for review within the next two months. It is anticipated that the ESEPP will be promulgated within a few weeks of referral to the Minister.

The commencement of the ESEPP will coincide with the repeal of those parts of State Environmental Planning Policy (Infrastructure) 2007 ('the ISEPP') that pertain to educational establishments. At this stage, there is no indication that the content of the ESEPP will be any different to the draft Policy that was circulated on 6 February 2017 (which is the subject of a comprehensive joint submission by EPM and McCullough Robertson on behalf of school clients and discussed in an earlier communique).

For some schools, the impacts of the replacement of the ISEPP with the ESEPP will be far reaching. One particularly significant change will be the inability to carry out development as 'complying development', as an alternative to obtaining a DA, on

an allotment on which there is an item of heritage significance. If the development occurs on such land, even comparatively straightforward projects will require a DA (or equivalent merits approval), with all the delay, expense and uncertainty which that involves.

In some respects, the ESEPP will be beneficial for schools. For example, the ESEPP allows a larger building envelope for complying development than the ISEPP, albeit with greater boundary setbacks at higher levels. Also, non-government schools will be able to carry out their own assessment of 'development permitted without approval' as a 'public authority'. The planning scheme applicable to schools will remain complex and development approval pathways will need consideration on a case by case basis.

EPM strongly recommends its clients lodge any application for a Complying Development Certificates (CDC) for complying development on an allotment involving a heritage item under the auspices of the ISEPP, before it is repealed. It is expected (although it cannot be guaranteed) that any CDC application under the ISEPP

which is on foot when the ESEPP comes into effect will be assessed under the ISEPP.

You should ensure that your development plans take into account the imminent changes to the planning legislation affecting schools. Please contact the undersigned if you need assistance with these approvals.

Mark Bolduan

**Manager, Urban Planning Group
EPM Planning**

www.epmprojects.com.au
T 02 9452 8300