



New South Wales

State Environmental Planning Policy (Infrastructure) Amendment (Health Services Facilities) 2021

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROB STOKES, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy (Infrastructure) Amendment (Health Services Facilities) 2021

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Health Services Facilities) 2021*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

[1] Clause 48 Development permitted without consent

Omit clause 48(5A). Insert instead—

- (5A) Despite subclause (5), development for the following purposes may result in a building being located closer than 5 metres to a property boundary—
- (a) an emergency services facility carried out by or on behalf of Fire and Rescue NSW,
 - (b) an ambulance facility carried out by or on behalf of the Ambulance Service of NSW.

[2] Clause 57 Development permitted with consent

Insert after clause 57(2)(a)—

- (a1) high technology industry for an industrial activity that involves biological, pharmaceutical, medical or paramedical systems, goods or components,

[3] Clause 58 Development permitted without consent

Insert “erection or” before “alteration” in clause 58(1)(a).

[4] Clause 58(2)

Omit “12m” and “5m”. Insert instead “15 metres” and “5 metres”, respectively.

[5] Clause 58(3)

Insert after clause 58(2)—

- (3) Despite subclause (2), development may result in a building being located up to 1 metre from a property boundary if—
- (a) the building does not exceed 1 storey or 5 metres in height, and
 - (b) the land on the other side of the property boundary is not in—
 - (i) a residential zone or
 - (ii) Zone E4 Environmental Living or a land use zone that is equivalent to Zone E4.

[6] Clause 58B Exempt development

Insert after clause 58B(1)(g)—

- (h) development for the purposes of a building site shed if—
 - (i) the shed is not used for residential purposes, and
 - (ii) any plumbing fixtures are connected to an approved waste water treatment device or an approved connection to the sewer, and
 - (iii) the shed is removed immediately after the completion of the works for which the shed was required, and
 - (iv) the shed is free-standing, prefabricated and constructed of non-reflective materials.

[7] Clause 58C Complying development

Insert after clause 58C(1)(e)—

- (f) the removal or pruning of a tree or other vegetation if—

- (i) the tree is not listed on a register of significant trees kept by the council, and
- (ii) the tree or vegetation is within 3 metres of a building within the boundaries of the health services facility, and
- (iii) the tree or vegetation has a height of less than 8 metres, and
- (iv) in the case of removal of a tree—a replacement tree capable of achieving a mature height of 3 metres or more is planted within the boundaries of the health services facility.

[8] Clause 58C(1A)

Insert after section 58C(1)—

- (1A) Development specified in subclause (1)(f) is not required to satisfy clause 20B(2)(f) to be complying development.

[9] Clause 58CA

Insert after clause 58C—

58CA Complying development—additional condition

- (1) A complying development certificate for development specified in clause 58C is subject to the condition that work may be carried out outside the standard hours for construction specified in clause 20C(6) if—
 - (a) the work only generates noise that is—
 - (i) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the *Interim Construction Noise Guideline* (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - (ii) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers, or
 - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.
- (2) This condition is in addition to the conditions set out in clause 20C.