

11 April 2017

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms McNally 

State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016

Health Infrastructure (HI), has reviewed the above documentation and the proposed amendments contained within the draft instrument in respect to Health Services Facilities are generally supported.

Specific comments on relevant clauses are contained in the attached document along with HI's justification for them. HI would welcome the opportunity to discuss these further with you when convenient but understand the tight timeframe that your Department is working to.

If you have any questions or require additional information, please contact HI's Planning Manager, Leone McEntee on 99785420 or 0410432505.

Yours sincerely,



Sam Sangster
Chief Executive

State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016

Provision	Comment
Clause 46 Definitions "prescribed zone" means any of the following land use zones or a land use zone that is equivalent to any of those zones: (a) RU1 Primary Production, (b) RU2 Rural Landscape, (c) RU3 Forestry, (d) RU4 Primary Production Small Lots, (e) RU5 Village, (e1) B1 Neighbourhood Centre, (f) B2 Local Centre, (g) B3 Commercial Core, (h) B4 Mixed Use, (i) B5 Business Development, (j) B6 Enterprise Corridor, (k) B7 Business Park, (k1) B8 Metropolitan Centre, (l) IN1 General Industrial, (l1) IN 2 Light Industrial, (m) IN3 Heavy Industrial, (n) IN4 Working Waterfront, (o) SP1 Special Activities, (p) SP2 Infrastructure,	The delivery of Ambulance stations is now based on a hub and spoke model with many small "spokes" being delivered in residential areas to ensure that response times can be met. These facilities are small scale with up to 2 vehicles and 4 staff are not incompatible with residential areas and this would bring the delivery of stand alone ambulance stations in line with those delivered as part of a Health Service Facility (HSF). HI therefore recommends that the list of prescribed zones be expanded to include those listed below. R1 General Residential R2 Low Density Residential R3 Medium Density Residential R4 High Density Residential R5 Large lot Residential
Clause 56 Definitions "prescribed zone" means any of the following land use zones or a land use zone that is equivalent to any of those zones: (a) RU4 Primary Production Small Lots, (b) RU5 Village, (c) RU6 Transition, (d) R1 General Residential, (d1) R2 Low Density Residential, (e) R3 Medium Density Residential,	The additional zones included in the draft ISEPP are supported. However additional zones are recommended to be included, consistent with the provisions for schools and TAFE establishments. These zones are: RU1 Primary Production RU2 Rural Landscape Zone E4 Environmental Living

(f) R4 High Density Residential, (g) R5 Large Lot Residential, (g1) B1 Neighbourhood Centre, (h) B2 Local Centre, (i) B3 Commercial Core, (j) B4 Mixed Use, (k) B5 Business Development, (l) B6 Enterprise Corridor, (m) B7 Business Park, (m1) B8 Metropolitan Centre, (n) SP1 Special Activities, (o) SP2 Infrastructure.	Clause 57(2) Development for any of the following purposes may be carried out by or on behalf of a public authority with consent on State land if the development is carried out within the boundaries of an existing health services facility: (a) health research (or development) industries, including medical research (or development) industries, (b) any premises to service patients or staff of, or visitors to, the health services facility (or other premises within the boundaries of the facility) that consist of child care centres, commercial premises, community facilities, information and education facilities, recreation areas, recreation facilities (indoor), recreation facilities (outdoor) or residential accommodation, (c) a building or place used for the training or education of health and other professionals. This provision is supported as it provides great flexibility in respect of development that can be carried out with consent within an existing HSF. However, for these to be approved by the Consent Authority, a Site Compatibility Certificate from the Secretary must be issued certifying the development is compatible with the surrounding land uses (cl 57(3)). While this is understood in respect to development such as residential development, child care facilities, education and information facilities and the like are all part of a normal HSF operation and are considered ancillary facilities as per the definition of a Hospital (see <i>Standard Instrument—Principal Local Environmental Plan</i>). <i>HI recommends that a Site Compatibility Certificate only be required for residential development that is not associated with patients, staff or carers within an existing HSF.</i> <i>In addition HI recommend that clause 57(4) be amended as follows:</i> (4) Nothing in this clause limits the matters to which a consent authority may have regard in determining a development application for development of a kind referred to in subclause (2).
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Clause 58

Development permitted without consent:

(1) Any of the following development may be carried out by or on behalf of a public authority without consent on any land if the development is carried out within the boundaries of an existing health services facility:

- (a) the alteration of, or addition to, a building that is a health services facility,*
- (b) development for the purposes of restoring or replacing accommodation or administration facilities,*
- (c) demolition of buildings carried out for the purposes of a health services facility,*
- (d) development for the purposes of a helipad that is a patient transport facility,*
- (e) development for the purposes of car parks to service patients or staff of, or visitors to, the health services facility (or other premises within the boundaries of the facility),*
- (f) without limiting paragraph (a), (b) or (c), development for the purposes of any buildings that are not more than 12m in height and located no closer than 5m from any property boundary.*

(2) Without limiting subclause (1), any of the following development may be carried out by or on behalf of a public authority without consent on any land if the development is preliminary to, and for the purpose of facilitating, other development that is for the purpose of a health services facility:

- (a) clearing of vegetation (including any necessary cutting, lopping, ringbarking or removal of trees) and associated rectification and landscaping,*
- (b) relocation or removal of utility services.*

The amendment of clause 58 to expand the types of development that can be undertaken without development consent by a public authority is generally supported. However, HI's view is the definition of a HSF has been narrowed by the insertion of the words "a building" in clause 58(1)(a). Most of the metropolitan HSFs occur within an existing "campus" setting being made up of many buildings that together make the HSF. The inclusion of "a building" means that the alteration or addition to a HSF as a whole is limited to a building subject to the alteration or addition. This is particularly important in the context of clause 58(1)(f) which limits heights of any new building – including helipads and car parks within a HSF to 12 metres and no closer than 5m to the boundary.

The effect of clause 58(1)(a) is to only allow alterations or additions to a building that is a HSF – rather than the HSF in its entirety.

We note that clause 58(1)(c) refers to "buildings" in the context of demolition which is nevertheless consistent with viewing a HSF in its entirety. The same analogy must apply to clause 58(1)(a).

The height limit of 12 metres on any other development within a HSF will mean that any alterations, additions or new buildings (including car parks) higher than 12 metres within a HSF (for example Westmead Hospital) would require a Development Application.

Given that these developments would be WITHIN the boundary of a HSF and the focus on improving and efficiently delivering social infrastructure in the health space, this height restriction is unreasonable.

Further, the EPA Act will continue providing adequate safeguards through Part 5 of the EPA Act in relation to any impacts on the "Environment". "Environment" is defined by inclusion as all aspects of the surroundings of humans, and this would provide sensible checks and balances on public authorities prior to undertaking any such development activities.

	<i>HI recommends that the words “a building” be removed from Clause 58(1)(a) and that the 12 metre height limit be removed from Clause 58(1)(f).</i>
Clause 58A Notification (1) This clause applies to development carried out by or on behalf of a public authority under clause 58 (1) (a), (d) or (f). (2) Before development to which this clause applies is carried out, the person carrying out the development or the public authority concerned must: (a) give written notice of the intention to carry out the development to each of the following: (i) the council for the area in which the relevant land is located (unless the public authority is the council), (ii) the occupiers of any adjoining land, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given. (3) In this clause, relevant land means the land on which the development is proposed to be carried out.	Health Infrastructure supports this clause, subject to the amendments suggested above.
Clause 58B Exempt Development (1) Any of the following development is exempt development if it is carried out within the boundaries of an existing health services facility and complies with clause 20: (a) development for the purposes of roads and cycleways, (b) development for the purposes of information boards and other information facilities (except for visitors' centres), (c) development for the purposes of lighting, if light spill and artificial sky glow is minimised in	Health Infrastructure supports this clause

accordance with AS/NZS 1158 Set:2010, Lighting for roads and public spaces, (d) development for the purposes of landscaping, including landscape structures or features (such as art work) and irrigation systems, (e) development for the purposes of maintenance depots used solely for the maintenance of a health services facility (or any other premises within the boundaries of a health services facility), (f) environmental management works, (g) the removal or lopping of a tree because the tree poses a risk to human health or safety. (2) Development for a purpose specified in Schedule 1 that is carried out within the boundaries of an existing health services facility is exempt development if it meets the development standards for the development specified in Schedule 1 and complies with clause 20.	
Clause 58C Complying Development (1) Development for any of the following purposes is complying development if it is carried out within the boundaries of an existing health services facility, and complies with the requirements of this clause and clause 20B: (a) a health services facility, (b) a building or place used for the training or education of health and other professionals, (c) commercial premises, providing goods or services to staff or patients of, or visitors to, a health services facility (or other premises within the boundaries of a health services facility), (d) any premises to service patients or staff of, or visitors to, a health services facility (or other premises within the boundaries of a health	Health Infrastructure support this clause subject to the amendments suggested above.

<i>services facility) that are an administration building, a car park or a child care facility.</i> (2) <i>Development under this clause must not cause any building to exceed 12m in height and any building resulting from the development must not be located closer than 5m from any property boundary.</i> (3) <i>The footprint of any building demolished under this clause must not exceed 250m².</i> (4) <i>Demolition of a building under this clause is not complying development if the building is within a heritage conservation area.</i>	Schedule 1 The amendments to Schedules 1 are supported. However, it would be useful to extend the category of “Offices - Portable” to include ANY single storey demountable building.
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