

Changes to fast-track development for new public schools and health services facilities

This document answers frequently asked questions about recent changes to fast-track development of new public schools and health services facilities

Why has the NSW Government changed planning rules for new schools and health services facilities?

The NSW Government has made changes to the planning system to help speed up the delivery of new public schools and health services facilities.

The changes allow NSW Health and Department of Education to deliver new government infrastructure projects in more areas without development consent. Before commencing any activity, NSW Health and the Department of Education must undertake an environmental impact assessment and must consult with stakeholders, including the community, local council and other government agencies.

What planning rules are changing?

Currently, the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) allows NSW Health and Department of Education to carry out certain low-level development without consent, provided the development occurs within the boundary of an existing school or health services facilities site.

Development of new schools or health services facilities not on occupied sites need either an application for State significant development (SSD) for larger projects, or a local development application made to the relevant consent authority.

The NSW Government has expanded the range and scale of development that can be carried out by NSW Health and Department of Education, without development consent.

The change also removes the location restriction for NSW Health and Department of Education – the agencies will be able to carry out development on prescribed land regardless of whether the development is on an existing site.

School or health services facilities developments that are permitted without consent still need environmental assessment under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This means NSW Health and Department of Education

will have to undertake environmental impact assessment of projects through a review of environmental factors (REF). Projects can only go ahead if the agency is satisfied that the environmental impacts are acceptable or can be mitigated.

NSW Health and Department of Education must notify councils, specified government agencies and occupiers of adjoining land of the intention to carry out the development and undertake appropriate consultation proportionate to the proposed development. This is to ensure that councils, all relevant stakeholder agencies and communities surrounding proposed school and health service facilities sites are appropriately consulted.

If the proposed development does not meet the development without consent requirements, or if the site is located on environmentally sensitive or hazard prone land, development consent from a relevant consent authority (Council or as SSD) may be required.

What is a health services facility?

In NSW, a **health services facility** means a building or place used to provide medical or other health services and includes:

- (a) medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospitals.

What school facilities can be built through this change?

The changes enhance the broad range of development activities that public schools can already do under the Transport and Infrastructure SEPP, such as building a permanent classroom, library or cafeteria.

This includes development up to four storeys in height or the maximum height permitted in the relevant environmental planning instrument.

What health facilities can be built through this change?

The development for the purposes of a health services facilities in a prescribed zone for new sites up to a gross floor area of 2500m² and alterations and additions to existing health services facilities up to a gross floor area of 30,000m²

This also includes supporting development that service patients or staff, or visitors, such as:

- health research facility, including for medical research,
- training or education facility for health and other professionals; and
- ancillary development, including car parks, centre-based childcare, community facilities and residential accommodation.

What is Part 5 of the Environmental Planning and Assessment Act?

Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) sets out the type of activities that require an environmental impact assessment, as well as matters that must be considered by the determining authority.

What if it is determined that the environmental impacts are not acceptable or cannot be mitigated?

If NSW Health or Department of Education forms the opinion that the environmental impacts of the proposed development are significant that an environmental impact statement (EIS) is required, then the proposal is no longer subject to Part 5 and is instead classified as State Significant Infrastructure (SSI).

This means that NSW Health or Department of Education can no longer determine the proposal, and the Minister for Planning and Public Space (or his delegate) is the approval authority for SSI.

Can registered non-government schools access these changes?

The NSW Government has expanded the range of exempt and complying development registered non-government schools can do.

This includes relevant preschools, car parks and demolition of certain buildings or structures.

Where will hospitals and schools be built?

These types of development will still be subject to zoning controls and can only be built where a local environmental plan or other type of environmental planning instrument allow.

NSW Health and the Department of Education will have to notify occupiers of adjoining land owners, and consider any feedback received, before deciding to build a hospital or school.

How will traffic and parking be addressed?

NSW Health and the Department of Education must notify Transport for NSW of development proposed to be undertaken as development without consent. On new sites, both determining authorities must provide Transport for NSW with a copy of the review of environmental factors and supporting information as part of the notification process. Transport for NSW will have 28 days once it has received the notification to provide comment.

Will councils be notified?

Prior to any activity, NSW Health and the Department of Education must notify the relevant council and Transport for NSW of the proposed activity. NSW Health and Department of Education must provide the council and Transport for NSW with a copy of the review of environmental factors and provide 28 days for both parties to provide comments.

How will I be notified of a development occurring in my area?

Prior to any activity, NSW Health and the Department of Education must have considered appropriate consultation having regard to the community participation plans. The relevant agency must also notify local councils, and occupants of adjoining land of the proposed development and any other relevant government agency about the proposed works.

Why are two community participation plans identified?

The Department of Planning, Housing, and Infrastructure has identified processes that must be considered as part of stakeholder and community participation. The Department of Education and NSW Health have also identified their own requirements.

If the Department's community participation plan and the determining authority's community participation plan have the same requirement, it can be read as a single requirement. The determining authority does not need to be consider the matter twice.

How do I access the review of environmental factors (REFs)?

NSW Health and the Department of Education must publish the REFs for new schools and new health services facilities on the determining authority's website or the NSW Planning Portal.

I am unhappy or have concerns about a school or health services facility development. Who should I contact?

As NSW Health and the Department of Education are the determining authorities for development under these changes, the Department of Planning, Housing and Infrastructure has no role in the assessment of the works.

Complaints need to be addressed to the relevant authority.

Enquiries and complaints about school infrastructure projects can be made by emailing schoolinfrastructure@det.nsw.edu.au or calling 1300 482 651 between 9 am and 5 pm.

Enquiries and complaints about health infrastructure projects can be made directly to the project's nominated email address or HI-info@health.nsw.gov.au.