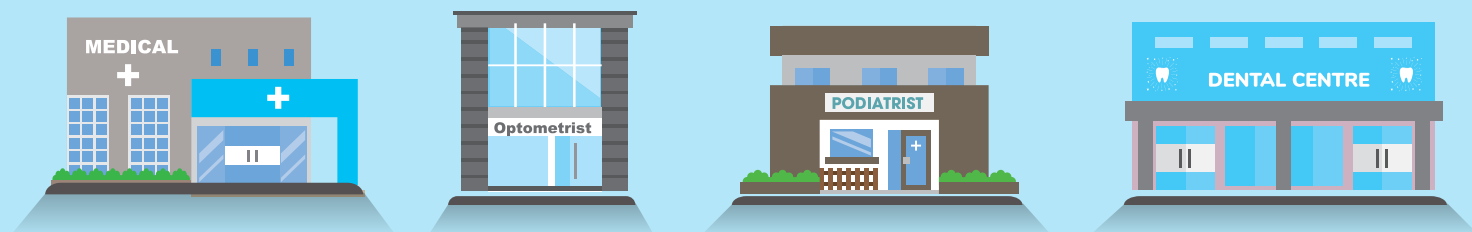


Rules for exempt and complying development



Use of premises offering health services by a healthcare professional as complying development

This document answers frequently asked questions about establishing a health services practice by a healthcare professional as complying development. It explains the relevant planning provisions set out in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (State Policy).

Do I need development consent to establish a health services practice?

The State Policy allows you to use an existing business premises, office premises or shop as a medical centre without having to get development consent from council, as long as you meet development standards.

A [medical centre](#) is a premises that people use to provide health services, including preventative care, diagnosis, medical or surgical treatment, counselling and alternative therapies. Medical centres are for outpatients only, and healthcare professionals principally provide the health services. They may include ancillary provision of other health services.

Things to consider



Water supply or sewerage services — approval from water utility, relevant council, or both



COUNCIL APPROVAL OR PERMIT FOR THE FOLLOWING:

- [pruning or removing a tree](#)
- stormwater drainage connection under [Section 68 of the Local Government Act 1993](#)
- signage projecting over a footway or public road under [Section 138 of the Roads Act 1993](#)

Restrictions



Refer to the Codes SEPP for any land-based exclusions or local variations that may apply to the land

Setting up a healthcare practice

Rules for exempt and complying development

What types of healthcare professionals can operate from a healthcare practice?

A healthcare professional is any person registered under an Act to provide health care. Some health professionals that the Health Practitioner Regulation National Law Regulation 2018 recognises include:

- Chiropractors
- Dentists
- Occupational therapists
- Optometrists
- Physiotherapists
- Podiatrists

What development standards must I meet before I start my healthcare practice?

[Clause 5.4](#) of the State Policy sets out the list of development standards that you must fully satisfy before you start operating your healthcare practice. Development standards are criteria that manage the impacts of your business. These include (but are not limited to):

- You must meet the requirements of the Building Code of Australia.
- You cannot conduct your healthcare practice at premises that are a manufactured home, moveable dwelling or associated structure, temporary structure, tent, swimming pool, ship or vessel.

Do I need to make sure council allows my health - care practice under existing planning controls?

Yes. The use must be permissible with consent under an environmental planning instrument that applies to the land. A council's local environmental plan is one such environmental planning instrument.

The applicable land-use table in the local environmental plan must state that council permits a medical centre or healthcare practice with consent. Figure 1 is an example of a land use table. In the figure, the underlined land use indicates that council permits medical centres with consent. If you are unsure, contact your local council for help determining whether it permits your healthcare practice.

You can find the relevant environmental planning instrument or local environmental plan under 'environmental planning instruments' on the [NSW legislation website](#) or on the local council website.

Figure 1. Example land use table

2 Permitted without consent
Nil
3 Permitted with consent
Boarding houses; Business premises; Car parks; Centre-based child care facilities; Community facilities; Environmental protection works; Group homes; Home businesses; Home industries; Home occupations; Hostels; <u>Medical centres</u> ; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Seniors housing; Service stations; Shop top housing; Shops; Signage; Take away food and drink premises; Tank-based aquaculture; Veterinary hospitals
4 Prohibited
Pond-based aquaculture; Any other development not specified in item 2 or 3

Setting up a healthcare practice

Rules for exempt and complying development

Does the previous use of the premises need to be lawful?

Yes, the previous use needs to be lawful. A consent authority must have previously issued a development consent or complying development certificate. You can get a copy of the previous approval from your local council.

Councils can release certain information relating to a development file, such as development consents, construction certificates, occupation certificates, plans and reports, subject to copyright restrictions. The public can review these documents for free, and you can get copies for a reasonable photocopying fee.




The previous use must not be an existing use as defined in [Section 4.65](#) of the Environmental Planning and Assessment Act 1979. An ‘existing use’ is one that a previous environmental planning instrument allowed and approved but that the government would no longer consider permissible since the start of a new environmental planning instrument.

What else do I need to consider?

You need to check whether the building is suitable for occupation and use according to the Building Code of Australia classification. If you are proposing an increase to the area of the premises, you also need to confirm the building fire resistance performance and the structural integrity of awnings.

Keep in mind that a change in car parking requirements may apply when you change from one use to another, such as the number of car parking spaces you must provide. An existing development consent that applies to the land may stipulate these requirements, or they may vary between local government area policies. If you are unsure, check with council to see whether its local environmental plan or development control plan covers parking rates.

You must also manage waste disposal of any generated contaminated waste in line with NSW legislation, licensing and waste-minimisation practices. A licensed waste collector must dispose of any such waste.

Important: You may also need the following licences or approvals:	
	Licence under Private Health Facilities Act 2007.
	Licence under Poisons and Therapeutic Goods Regulation 2008.
	Approval of a method to treat clinical waste under the Protection of the Environment Operations Act 1997.



Setting up a healthcare practice

Rules for exempt and complying development

Can I make alterations and additions?

The State Policy considers installing a new or replacement awning, windows or skylights; a rubbish bin enclosure; or a business identification sign (projecting from the wall or freestanding) as complying development.

You can carry out these types of development as complying development as long as you comply with the development standards in [Part 5](#) of the State Policy.

You may also build an addition to the rear of a commercial premises or externally alter a commercial premises as complying development under [Part 5A](#) of the State Policy.

Can I add or change the business identification signs associated with my shop?

Signage for your business may not require approval. Please refer to the [Advertising and Signage](#) page on the NSW Planning Portal for more information on installing signs as exempt development.

Should I seek professional help with my application?

We encourage you to engage a professional town planner and building designer who can help you make sure your proposal meets the required development standards.

When your plans fully comply with these standards, you can lodge your application with your local council or private certifier.

What happens once I lodge my application?

Once you have lodged your application, either your local council or an accredited certifier will assess it.

If your development meets the specific development standards, they can approve your complying development certificate in as few as 20 days. The certifier will register the complying development certificate on the NSW Planning Portal, and your local council will be notified accordingly.

More information



Contact the Codes Hotline.

Tel: 13 77 88

Email: codes@planning.nsw.gov.au

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You should read this fact sheet in conjunction with our Exempt and complying development – FAQs