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Environmental Planning and Assessment (COVID-19 Development—Infrastructure Construction Work Days No. 2) Order 2020

I, the Hon. Rob Stokes, MP, the Minister for Planning and Public Spaces, make the following Order under section 10.17 of the *Environmental Planning and Assessment Act 1979*.

I am satisfied this Order is necessary to protect the health, safety and welfare of members of the public during the COVID-19 pandemic as it will facilitate social distancing by spreading infrastructure construction work over more days in a week. I have consulted with the Minister for Health and Medical Research in relation to the making of this Order.

1 Name of Order

This Order is the *Environmental Planning and Assessment (COVID-19 Development—Infrastructure Construction Work Days No. 2) Order 2020*.

2 Commencement

This Order commences on the day it is published in the Gazette and remains in force for the prescribed period.

3 Definitions

(1) In this Order—

the Act means the *Environmental Planning and Assessment Act 1979*.

prescribed period has the meaning that it has in section 10.17 of the Act.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Notes included in this Order do not form part of this Order.

4 Relationship with orders under the *Public Health Act 2010*

To the extent that this Order is inconsistent with an order under Part 2 of the *Public Health Act 2010*, the order under that Part prevails.

5 Development authorised by this Order

The development specified for this Order may be carried out without the need for any approval under the Act if it complies with the conditions specified for the development.

6 Infrastructure construction work days

- (1) The carrying out of any building work or work, or the demolition of a building or work, on a Saturday, Sunday or public holidays is development specified for this Order.
- (2) The conditions specified for the development are that the development must—
 - (a) be the subject of an approval, and
 - (b) comply with all conditions of the approval other than any condition that restricts the hours of work or operation on a Saturday, Sunday or public holiday, and
 - (c) for work or operation on a Saturday, Sunday or public holiday—
 - (i) comply with the conditions of the approval that restrict the hours of work or operation on any other day as if the conditions applied to work or operation on a Saturday, Sunday or public holiday, and
 - (ii) not involve the carrying out of rock breaking, rock hammering, sheet piling, pile driving or similar activities during the hours of work or operation that would not be permitted but for this Order, and
 - (iii) take all feasible and reasonable measures to minimise noise.
- (3) In this clause—

approval means

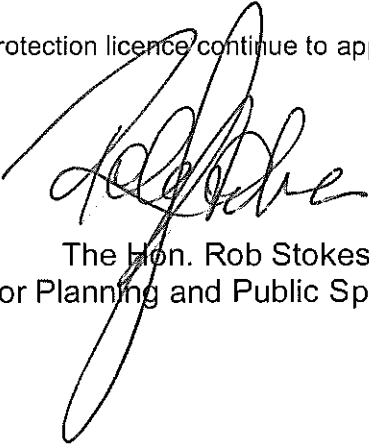
- (a) a State significant infrastructure approval,
- (b) an approval within the meaning of Division 5.1 of the Act that is granted in relation to an activity the subject of environmental assessment under Division 5.1 of the Act, and
- (c) an authorisation under Part 3 of the *Water Supply (Critical Needs) Act 2019*.

condition includes a limitation on the carrying out of an activity required by the determining authority when granting an approval in relation to the activity.

7 Suspension of regulatory instruments

- (1) For the purpose of enabling development to be carried out in accordance with clause 6 of this Order, the following regulatory instruments do not apply to the extent necessary to serve that purpose:
- (a) any agreement, covenant or other similar instrument that restricts the carrying out of that development, and
 - (b) an environment protection licence under the *Protection of the Environment Operations Act 1997* that was issued before the commencement of this Order.

Note. All other conditions of an environment protection licence continue to apply.



The Hon. Rob Stokes, MP
Minister for Planning and Public Spaces

Environmental Planning and Assessment (COVID-19 Development—Health Services Facilities No. 2) Order 2020

I, the Hon. Rob Stokes, MP, the Minister for Planning and Public Spaces, make the following Order under section 10.17 of the *Environmental Planning and Assessment Act 1979*.

I am satisfied this Order is necessary to protect the health, safety and welfare of members of the public during the COVID-19 pandemic as it will facilitate the use of buildings or places as health services premises and allow health services facilities under construction to be completed sooner. I have consulted with the Minister for Health and Medical Research in relation to the making of this Order.

1 Name of Order

This Order is the *Environmental Planning and Assessment (COVID-19 Development—Health Services Facilities No. 2) Order 2020*.

2 Commencement

This Order commences on the day it is published in the Gazette and remains in force for the prescribed period.

3 Definitions

(1) In this Order—

the Act means the *Environmental Planning and Assessment Act 1979*.

prescribed period has the meaning that it has in section 10.17 of the Act.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) A word or expression used in this Order has the same meaning as it has in the *Standard Instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006*.

(3) Notes included in this Order do not form part of this Order.

4 Relationship with orders under the *Public Health Act 2010*

To the extent that this Order is inconsistent with an order under Part 2 of the *Public Health Act 2010*, the order under that Part prevails.

5 Development authorised by this Order

The development specified for this Order may be carried out without the need for any approval under the Act if it complies with the conditions specified for the development.

6 Health services facilities—change of use and temporary work

- (1) A change of use of a building or place to a health services facility is development specified for this Order.
- (2) A change of use of a health services facility to another health services facility is development specified for this Order.
- (3) The construction or installation of a temporary structure, and a temporary alteration or addition to a building or work, for a purpose described in subclauses (1) or (2) is development specified for this Order.
- (4) The conditions specified for the development are that the development—
 - (a) is carried out by or on behalf of:
 - (i) the Health Administration Corporation, or
 - (ii) in the case of land owned by another public authority—the public authority that owns the land,
 - (b) if not located within the boundaries of an existing health services facility owned by a local health district or statutory health corporation within the meaning of the *Health Services Act 1997*—has the consent in writing of the owner of the land,
 - (c) when operating outside the hours of operation of the premises that would apply but for this Order, must have taken steps to reduce noise, and
 - (d) in the case of temporary structure or alteration or addition to a building or work—must not remain in place for more than 4 months after the expiry of prescribed period.

7 Health services facilities—hours of construction

- (1) The carrying out of development for the purposes of a health services facility by or on behalf of a public authority, at any time, is development specified for this Order.
- (2) The conditions specified for the development are that the development—
 - (a) must be the subject of a development consent, State significant infrastructure approval or have been the subject of environmental assessment under Division 5.1 of the Act, and
 - (b) in the case of development the subject of a development consent or State significant infrastructure approval—must comply with all conditions of the consent or approval for the use of the premises other than any condition that:
 - (i) restricts the hours of construction or the frequency or movement of vehicles,

- (ii) relates to noise, and
 - (iii) requires anything to be done before a building is occupied, and
- (c) in the case of development the subject of environmental assessment under Division 5.1 of the Act—must comply with any limitations on the carrying out of development required by the determining authority when granting an approval in relation to the activity, other than a limitation that:
- (i) restricts the hours of construction,
 - (ii) restricts the frequency or movement of vehicles,
 - (iii) relates to noise, and
 - (iv) requires anything to be done before a building is occupied.



The Hon. Rob Stokes, MP
Minister for Planning and Public Spaces