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Environmental Planning and Assessment (COVID-19 Development—Extended Operation) 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.

1 Name of Order

This Order is the *Environmental Planning and Assessment (COVID-19 Development—Extended Operation) Order 2020*

2 Commencement

This Order commences on the day it is published in the Gazette and remains in force for the prescribed period (within the meaning of section 10.17 of the *Environmental Planning and Assessment Act 1979*).

3 Definitions

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

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

4 Development authorised by this Order

(1) The development specified for this Order may be carried out without the need for any approval under the *Environmental Planning and Assessment Act 1979* if it complies with the standards specified for the development.

(2) This Order does not authorise anything to be done in contravention of an order under Part 2 the *Public Health Act 2010*, or any other Act or law.

Note. Orders under Part 2 the *Public Health Act 2010* provide that certain non-essential venues must be closed to members of the public except in limited circumstances.

(3) Nothing in this Order affects the times at which liquor may be sold.

5 Retail premises trading and operating hours

(1) The use of retail premises at any time, including the removal of waste from those premises, is development specified for this Order.

(2) The standards specified for the development are that the development—
(a) must be for the operation of premises that are the subject of a development consent, and

- (b) must comply with all conditions of the consent for the use of the premises other than any condition that restricts the hours of trading or operation of the premises, and
- (c) when operating outside the hours of trading or operation of the premises that would apply but for this Order, must have taken steps to reduce noise.

6 Home businesses and home industries operating hours

- (1) The carrying out of a home business or home industry at any time is development specified for this Order.
- (2) The standards specified for the development are that the development—
 - (a) must be for the operation of premises that are the subject of a development consent or may be carried out without development consent, or
 - (b) may involve the employment of more than 2 persons other than the permanent residents of the dwelling, but not more than 5 persons, and
 - (c) in the case of development the subject of a development consent, must comply with all conditions of the consent for the use of the premises other than any condition that restricts—
 - (i) the hours of operation of the premises, and
 - (ii) the number of employed by the business or industry, and
 - (d) in the case of development that may be carried out without development consent, must comply with the provisions of any environmental planning instrument applying to the development other than any provision which restricts—
 - (i) the hours of operation of the premises, and
 - (ii) the number of employed by the business or industry, and
 - (e) when operating outside the hours of operation of the premises that would apply but for this Order, must have taken steps to ensure that it has no adverse impact on the amenity of the neighbourhood by reason of the emission of noise, smell, fumes or waste products.

The Hon. Rob Stokes, MP
Minister for Planning and Public Spaces
25th March 2020