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Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 2) 2021

I, Rob Stokes, 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 the Order is necessary to protect the health, safety and welfare of members of the public during the COVID-19 pandemic. I have also consulted with the Minister for Health and Medical Research in relation to the making of this Order.

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

Dated:

Explanatory note

The object of this Order is to permit any building work or work, or the demolition of a building or work on a Saturday between the hours of 7 am and 5 pm and specified works on a Sunday between the hours of 9 am and 5 pm.

Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 2) 2021

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Order

This Order is the *Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 2) 2021*.

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 Act.

3 Definitions

(1) In this Order—

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

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.

Part 2

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 Construction work

- (1) The carrying out of building work or work, or the demolition of a building or work, on a Saturday between the hours of 7 am and 5 pm is development specified for this Order.
- (2) The carrying out of the following works or activities on a Sunday between the hours of 9 am and 5 pm is development specified for this Order:
 - (a) Professional works and administrative activities related to the construction site, such as inspections by certifiers, designers, engineers, or builders, which do not involve any physical construction works
 - (b) Painting
 - (c) Wall and Floor Tiling
 - (d) Waterproofing
 - (e) Silicone work (sealing)
 - (f) Builders clean (being the final clean by professional cleaners before handover, including vacuum and window cleaning, but does not include site clearing by use of bobcats or similar machinery).
 - (g) Carpet laying
 - (h) Prefabricated joinery installation
 - (i) Any other works occurring indoors which do not produce substantial noise.
- (3) The conditions specified for the development are that the development must—
 - (a) be the subject of a development consent, and
 - (b) comply with all conditions of the consent other than any condition that restricts the hours of work or operation on a Saturday or a Sunday, and
 - (c) take all feasible and reasonable measures to minimise noise, and
 - (d) for work or operations on a Saturday— 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,

- (e) for works or activities permitted under subclause (2) on a Sunday –
 - i. not involve the use of the following:
 1. pneumatic or gas-powered fastening tools or equipment (including nail guns),
 2. explosive powered tools and equipment,
 3. petrol- or diesel-powered tools and equipment, and
 4. electric power tools and equipment, and
 - ii. the person carrying out the work or activity must not play music on any device or equipment or use a radio.

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.