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Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 3) 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: 30/7/2021

Explanatory note

The object of this Order is to repeal the *Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 2) 2021* and make a new Order.

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Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 3) 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 3) 2021*.

2 Commencement

This Order commences on the day it is published in the Gazette and remains in force until 24 December 2021.

3 Definitions

(1) In this Order—

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

Existing Order means the *Environmental Planning and Assessment (COVID-19 Development—Construction Work Days) Order (No 2) 2021* dated 10 June 2021 and published in Gazette No. 250 on 11 June 2021.

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 Construction work permitted by the Order

5 Development authorised by this Order

The development specified in 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 days

- (1) The carrying out of building work or work, or the demolition of a building or work, on a Saturday, Sunday or public holiday is development specified for this Order.
- (2) The conditions specified for the development are that it must—
 - (a) be the subject of a development consent,
 - (b) comply with all conditions of the development consent other than any condition that restricts the hours of work or operation on a Saturday, Sunday or public holiday,
 - (c) be carried out on a Saturday, Sunday or public holiday during the hours of work or operation specified for a weekday in the development consent,
 - (d) 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
 - (e) take all feasible and reasonable measures to minimise noise.

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.

Part 3 Miscellaneous

8 Repeal of Existing Order

- (1) The Existing Order is repealed.