

# 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

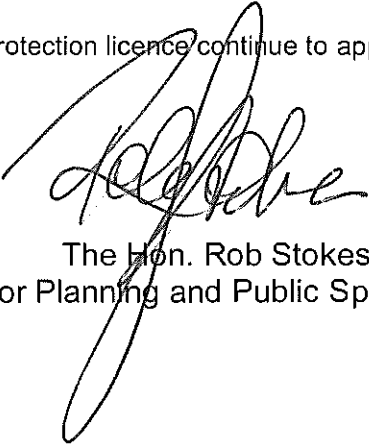
- (a) a State significant infrastructure approval,
- (b) an approval within the meaning of Division 5.1 of the Act that is granted in relation to an activity the subject of environmental assessment under Division 5.1 of the Act, and
- (c) an authorisation under Part 3 of the *Water Supply (Critical Needs)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