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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
AND MISCELLANEOUS ACTS (PLANNING) REPEAL AND
AMENDMENT ACT 1979—ORDER**

NEW SOUTH WALES



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I, the Minister for Planning, in pursuance of section 33 of the Environmental Planning and Assessment Act 1979 and clause 4 of Schedule 3 to the Miscellaneous Acts (Planning) Repeal and Amendment Act 1979, make the Order set out in the following Schedule.

ROBERT WEBSTER,
Minister for Planning.

Sydney, 8th July, 1992.

SCHEDULE

The standard or model provisions published in Gazette No. 88 of 17 July 1970 at pages 2794–2797 are amended:

- (a) by inserting before clause 1 the following clause:
1A. This Schedule of provisions may be cited as the Environmental Planning and Assessment Model Provisions 1970.
- (b) by omitting from clause 1 the definitions of “Hospital”, “Hotel” and “Institution”;
- (c) by inserting in clause 1, in alphabetical order, the following definitions:

“Child care centre” means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

- (a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Reform Act 1990; and
- (b) the building or place does not provide residential care for any of the children (other than those related to the owner or operator).

“Health care professional” means a person who provides professional health services to members of the public, and includes:

- (a) a podiatrist registered under the Podiatrists Registration Act 1989; and
- (b) a chiropractor or osteopath or chiropractor and osteopath registered under the Chiropractors and Osteopaths Act 1991; and
- (c) a physiotherapist registered under the Physiotherapists Registration Act 1945; and
- (d) an optometrist registered under the Optometrists Act 1930.

“Hospital” means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

- (a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors; and
- (b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use.

“Hotel” means the premises to which a hotelier’s licence granted under the Liquor Act 1982 relates.

“Institution” means a penal or reformatory establishment.

(d) by inserting at the end of clause 1 the following subclause:

(2) The substitution or amendment of a definition in this clause does not have the effect of prohibiting the carrying out of development that was being lawfully carried out immediately before the definition was substituted or amended.

EXPLANATORY NOTE

The object of this Order is to amend the “1970 Model Provisions” (which comprise a set of standard definitions and substantive provisions adopted in certain deemed environmental planning instruments).

The Order inserts a citation and definitions of “child care centre” and “health care professional”, updates the definitions of “hospital” and “hotel” and narrows the meaning of “institution” (so that it refers only to penal or reform institutions).

The Order also inserts a transitional provision to ensure that a change in a definition in the 1970 Model Provisions cannot by itself result in an existing lawful development becoming unlawful. One application of this transitional provision is to ensure that psychiatric institutions being lawfully run as “institutions” before the Order takes effect will continue to be treated as institutions in the former (wider) sense of that word.
