



New South Wales

Environmental Planning and Assessment Model Provisions (Place of Public Worship) Amendment Order 1998

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following Order under section 33 of the *Environmental Planning and Assessment Act 1979*.

Craig Knowles

Minister for Urban Affairs and Planning

Explanatory note

This Order is made as a consequence of the decision of Sheahan J in the Land and Environment Court on 9 October 1998 in *Bankstown City Council v House of Peace Pty Limited and Anor*. In that case, His Honour found that a use as a church, which is a place of worship in the Christian tradition, would not permit a use as an Islamic mosque.

The object of this Order is to substitute the definition of *place of public worship* in the *Environmental Planning and Assessment Model Provisions 1970* and the *Environmental Planning and Assessment Model Provisions 1980*. Both those Model Provisions have defined *place of public worship* to mean “a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training.” The Order also inserts a definition of *church* into those Model Provisions so that if the word church is used in an environmental planning instrument that has adopted either of the Model Provisions its meaning will not be limited to a place of worship in the Christian tradition.

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Explanatory note

Under section 33 (2) of the *Environmental Planning and Assessment Act 1979*, on the publication of this Order in the Gazette, the substituted definition and the new definition will apply in all environmental planning instruments that have adopted the definitions in either of the Model Provisions.

Environmental Planning and Assessment Model Provisions (Place of Public Worship) Amendment Order 1998

1 Name of Order

This Order is the *Environmental Planning and Assessment Model Provisions (Place of Public Worship) Amendment Order 1998*.

2 Amendment of 1970 Model Provisions

The *Environmental Planning and Assessment Model Provisions 1970* are amended as set out in Schedule 1.

3 Amendment of 1980 Model Provisions

The *Environmental Planning and Assessment Model Provisions 1980* are amended as set out in Schedule 2.

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Schedule 1 Amendment of Environmental Planning and Assessment Model Provisions 1970

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(Clause 2)

[1] Clause 1

Insert in alphabetical order:

church means any place of public worship, whether in the Christian tradition or otherwise.

[2] Clause 1

Omit the definition of *place of public worship*. Insert instead:

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

Schedule 2 Amendment of Environmental Planning and Assessment Model Provisions 1980

(Clause 3)

[1] Clause 4 Definitions

Insert in clause 4 (1) in alphabetical order:

church means any place of public worship, whether in the Christian tradition or otherwise.

Clause 4 (1)

Omit the definition of *place of public worship*. Insert instead:

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.