



**In this issue:**

We set out the amendments to the **Local Government Act 1993** and the **Environmental Planning and Assessment Regulation 2021** introduced by the **Local Government And Other Legislation Amendment (Places Of Public Worship) Bill 2026**.

**LOCAL GOVERNMENT AND OTHER LEGISLATION  
AMENDMENT (PLACES OF PUBLIC WORSHIP) BILL 2026**

The **Local Government And Other Legislation Amendment (Places Of Public Worship) Bill 2026 (Bill)** was passed by the upper house of NSW Parliament on 7 May 2026 and will come into effect at a later date.

The Bill amends:

- (a) the *Local Government Act 1993* (**LG Act**) to increase the maximum penalty for a failure to comply with certain orders given under section 124; and
- (b) the *Environmental Planning and Assessment Regulation 2021* (**EPA Regulation**) to:
  - (i) prescribe places of public worship as development that may be subject to a utilities order under the *Environmental Planning and Assessment Act 1979* (**EPA Act**), Schedule 5, clause 35(1)(b), and
  - (ii) increase the penalty notice amount which for the offence of failing to comply with certain orders given under the EPA Act.

The explanatory material indicates that the Bill was introduced to enhance community safety in response to the Bondi Beach terror attack of 14 December 2025 and to improve the ability of councils to respond, regulate and manage cases of unauthorised religious premises.

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**DISCLAIMER**

The above are summaries only. They are not intended to take the place of legal advice.

Further reforms are slated to be introduced by the NSW Government which will require councils to consult with the NSW Commissioner of Police on community safety matters before approving development applications for new places of public worship or changes to the use of an existing place of public worship.

## **LG Act**

The Bill amends section 628(1A) of the LG Act to increase the maximum penalty for the offence of failing to comply with certain orders given under section 124.

Section 628 (1A) provides that a person who fails to comply with the terms of an order 15, 16 or 17 under Part 2 of Chapter 7 is guilty of an offence, being the following orders:

- Order No. 15 - Not to conduct, or to cease conducting, an activity on premises (whether or not the activity is approved under this Act);
- Order No. 16 - To cease the use of premises or to evacuate premises; and
- Order No. 17 - To leave premises or not to enter premises.

The previous maximum penalty for a breach of s 628(1A) was 100 penalty units for an individual (\$11,000) or 200 penalty units for a corporation (\$22,000).

The amendments introduce a new maximum penalty of 1,000 penalty units for an individual (\$110,000) and 2,000 penalty units otherwise (\$220,000).

While this is considered to be a fairly significant increase in the maximum penalties those penalties under the LG Act are significantly less than those which currently exist under the EPA Act.

## **EPA Regulation**

The Bill also makes amendments to the EPA Regulation.

*Penalty notice amounts for failure to comply with DCOs*

The Bill also increases the penalty notice amounts for offences under section 9.37 of the EPA Act, being a failure to comply with a development control order **except** for a failure to comply with the following orders:

- Order No. 6 - Remove Advertising Order to modify, demolish or remove an advertisement and any associated structure;
- Order No. 10 - Restore Works Order to restore premises to the condition in which they were before unlawful building or other works occurred;
- Order No. 12 - Repair or Remove Works Order to repair or remove a building in a public place; and
- Order No. 13 - Complete Works Order to complete authorised works under a planning approval within a specified time.

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The previous penalty notice amount for an offence under section 9.37 (failure to comply with a development control order), excluding for those orders set out above, was \$3,000 for an individual and \$6,000 for a corporation. The Bill increases the penalty amounts to \$6,000 for an individual and \$12,000 for a corporation. It retains the exclusion for orders 6, 10, 12 & 13.

Whilst an increase in the penalty notice amounts is likely to be welcomed by councils, in our experience the increase in penalty notice amounts for certain offences under the *Protection of the Environment Operations Act 1997* has led to an increase in court elections of such penalty notices to the Local Court.

Whilst utilities orders remain a last resort enforcement measure in cases of failure to comply with DCOs and are relatively rarely used (in our experience), these new powers provide a further option for councils to deal with certain unauthorised uses. It needs to be noted that any application for a utilities order is subject to the notice requirements set out under Schedule 5, clause 35(7) of the EPA Act.

**For more information about this update, please contact Tom Ward.**

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