

c2020-174E
GOVT--Government

LEGISLATIVE COUNCIL

Liquor Amendment (24-hour Economy) Bill 2020

Second print

Proposed amendments

No. 1 **Outdoor dining**
Page 48. Insert after line 33—

Schedule 6 Amendment of Roads Act 1993 No 33

[1] **Part 9, Division 1**

Omit the heading. Insert instead—

Division 1 Use of roads for food or drink premises

[2] **Section 125**

Omit the section. Insert instead—

125 Approval to use road for food or drink premises

- (1) A roads authority may grant an approval that allows a person who operates food or drink premises adjacent to a public road to use part of the public road for the purposes of the food or drink premises.
- (2) However, a roads authority may not grant an approval in relation to the use of a classified road without the agreement of Transport for NSW.
- (3) A roads authority may grant an approval on the conditions, including conditions about payments in the nature of rent, decided by the roads authority.
- (4) A roads authority may grant an approval for the term decided by the roads authority, but not more than—
 - (a) for an approval for the use of a footway of a public road—7 years, or
 - (b) for an approval for the use of any other part of a public road—12 months.
- (5) A roads authority may terminate, or temporarily suspend, an approval granted by the roads authority under this section—

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- (a) immediately, if in the roads authority's opinion, it is necessary for safety reasons, or
- (b) otherwise—if the roads authority has given the holder of the approval at least 7 days written notice.
- (6) Unless sooner terminated, an approval lapses on the earlier of the following—
- (a) the end of its term,
- (b) if the part of the public road the subject of the approval ceases to be used for the purposes of food or drink premises, when the use for that purpose ceases.
- [3] Section 126 Authority to erect structures**
- Omit section 126(1). Insert instead—
- (1) A roads authority that grants an approval under section 125 may—
- (a) authorise the holder of the approval to erect, place or maintain structures, furniture or other things in, on or over any part of the road the subject of the approval, or
- (b) at the request and cost of the holder of the approval, erect, place or maintain structures, furniture or other things in, on or over any part of the road the subject of the approval.
- [4] Section 126(2)**
- Omit “council”. Insert instead “roads authority”.
- [5] Section 126(2)**
- Omit “footway”. Insert instead “public road”.
- [6] Section 127 Effect of approval**
- Omit “footway for the purposes of a restaurant” from section 127(a).
Insert instead “public road for the purposes of food or drink premises”.
- [7] Section 127(b)**
- Omit the paragraph. Insert instead—
- (b) the erection, placement or maintenance of structures, furniture or other things on the public road authorised by the roads authority under section 126(1),
- [8] Section 248 Evidentiary certificates**
- Omit “of a footway” from section 248(1)(e). Insert instead “of a public road”.
- [9] Section 248(1)(e)**
- Omit “for a footway restaurant”.
Insert instead “for food or drink premises under section 125”.
- [10] Schedule 2 Savings, transitional and other provisions**
- Insert after clause 80—

Part 8 Provision consequent on enactment of Liquor Amendment (24-hour Economy) Act 2020

81 Approvals under section 125

- (1) An approval under section 125 that was in force immediately before the commencement continues in force after the commencement, on the same conditions and for the same term, as if it had been granted after the commencement.
- (2) An application for an approval under section 125 made, but not decided, before the commencement is to be decided under section 125 as if the amendment Act had not commenced.
- (3) In this clause—
amendment Act means the *Liquor Amendment (24-hour Economy) Act 2020*.
commencement means the commencement of this clause.

[11] Dictionary

Omit the definitions of *footway restaurant* and *restaurant*.

Insert instead in alphabetical order—

food or drink premises has the same meaning as it has in the Standard Instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

Note. Under the *Standard Instrument (Local Environmental Plans) Order 2006* **food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

No. 2 Long title

Omit “and to make miscellaneous amendments to the Act and regulation”.

Insert “to make miscellaneous amendments to that Act and regulation; and for other purposes”.