

c2020-243D
GRNS--The Greens

LEGISLATIVE COUNCIL

Liquor Amendment (24-hour Economy) Bill 2020

Second print

Proposed amendment

No. 1 **Planning matters**

Page 48. Insert after line 33—

Schedule 5A Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 8 Special provisions

Insert before Part 4—

Part 1 Playing and performing music

1 Modifications involving playing and performing music

- (1) A council for a local government area may, by notice published on the council's website, declare that a development consent is modified so that one or more conditions relating to the playing or performance of music on licensed premises, within the meaning of the *Liquor Act 2007*, do not apply to—
 - (a) the local government area, or
 - (b) a specified use of land in the local government area, or
 - (c) a suburb in the local government area.
- (2) Before publishing a notice under subclause (1), the council must—
 - (a) publish on the council's website, and in other ways the council considers appropriate, a notice that—
 - (i) states the council proposes to modify the development consent, and
 - (ii) gives details of the condition or conditions that will be affected by the modification, and
 - (iii) invites submissions from the community about the proposed modification within the period, not less than 14 days after the day the notice is published, stated in the notice, and

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- (b) consider any submissions received in accordance with the notice and the impact of the modifications on the community.
 - (3) Subclause (1) does not apply to a condition in relation to noise.
 - (4) A notice under subclause (1) is taken to have effect on the day the notice is published, or a later date specified by the notice.
 - (5) Section 4.55 does not apply to a modification under this clause.

Schedule 5B Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Standard instrument

Insert after clause 5.19—

5.20 Standards that cannot be used to refuse consent—playing and performing music [compulsory]

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
 - (a) the genre of music played or performed,
 - (b) whether the music played or performed is live or amplified,
 - (c) whether the music played or performed is original music,
 - (d) the number of musicians or live entertainment acts playing or performing,
 - (e) the type of instruments played,
 - (f) whether dancing occurs,
 - (g) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (h) the direction in which a stage for players or performers faces,
 - (i) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—
licensed premises has the same meaning as in the *Liquor Act 2007*.