

c2020-243G  
GRNS--The Greens

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**LEGISLATIVE COUNCIL**

**Liquor Amendment (24-hour Economy) Bill 2020**

**Second print**

**Proposed amendment**

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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, modify development consents for licensed premises by declaring that all conditions of the development consents that are live entertainment conditions do not apply—
  - (a) in the local government area, or
  - (b) in a suburb in the local government area, or
  - (c) to a specified use of land in the local government area or a suburb.
- (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 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
  - (b) consider any submissions received in accordance with the notice and the impact of the proposed modification on the community.

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- (3) The notice is taken to have effect on the day the notice is published, or a later date specified by the notice.
  - (4) A condition to which the notice relates ceases to have effect from the time the notice takes effect.
  - (5) Section 4.55 does not apply to a modification under this clause.
  - (6) In this clause—  
*live entertainment condition*—
    - (a) means a condition mentioned in the *Liquor Act 2007*, Schedule 1, clause 70(1)(a)–(h), but
    - (b) does not include a condition relating to noise.

## **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 playing or performance of music, including the following—
    - (i) the genre of music played or performed, or
    - (ii) whether the music played or performed is live or amplified, or
    - (iii) whether the music played or performed is original music, or
    - (iv) the number of musicians or live entertainment acts playing or performing, or
    - (v) the type of instruments played,
  - (b) whether dancing occurs,
  - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
  - (d) the direction in which a stage for players or performers faces,
  - (e) 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*.