

c2020-198
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Liquor Amendment (24-hour Economy) Bill 2020

Second print

Proposed amendment

No. 1 Planning matters

Page 47, Schedule 4. Insert after line 9—

4.2A Environmental Planning and Assessment Act 1979 No 203

Section 1.4 Definitions

Omit from “(a) such” to “regulations” from the definition of *Building Code of Australia*. Insert instead—

- (a) the amendments made by the Board and prescribed by the regulations, and
- (b) the variations approved by the Board in relation to New South Wales and prescribed by the regulations, and
- (c) the variations prescribed by the regulations.

4.2B Environmental Planning and Assessment Regulation 2000

Clause 7 Building Code of Australia

Insert after clause 7(2)—

- (3) Also, the Code mentioned in subclause (1) is varied in relation to small live music or arts venues as follows—
 - (a) Volume One of the Code applies as if, in Schedule 3, paragraph (c)(iii) of the definition of Assembly building were omitted and replaced with—
 - (iii) a sports stadium, sporting or other club—but not including a small live music or arts venue; or
 - (b) Volume One of the Code applies as if, in Schedule 3, after the definition of Sitework, the following definition were inserted—

small live music or arts venue means the whole or part of a Class 6 building that has a rise in storeys of no more than 2—

 - (a) in which live music or arts are provided to the public, and

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- (b) that has a floor area of not more than 300 square metres.
- (c) Volume One of the Code applies as if, at the end of the definition of Class 6 in clause A6.6 the following were inserted—

A Class 6 building or part of a Class 6 building in which people assemble for entertainment remains a Class 6 building or part of a Class 6 building if it is a *small live music or arts venue*—see the definition of Assembly building in Volume One of the Code.

4.2C State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2, Division 1 General Exempt Development Code

Insert after Subdivision 15AA—

Subdivision 15AB Entertainment associated with food and drink premises

2.30AC Specified development

Low impact performance of live music or arts is development specified for this code if it is not carried out in a residential zone.

2.30AD Specified development

- (1) The standards specified for this development are that the development—
- (a) must be carried on inside a building, and
 - (b) must not contravene an existing relevant condition of the most recent development consent, other than a complying development certificate, that applies to the premises,
 - (c) must not contravene the *Protection of the Environment Operations Act 1997*, and
 - (d) must not be primarily used for adult entertainment, including, for example, a strip club, and
 - (e) must not be carried on in connection with a proposed change of use of premises.
- (2) In this clause—
- existing relevant condition* means a condition relating to any of the following—
- (a) the number of persons permitted in the building,
 - (b) hours of operation,
 - (c) noise, other than a condition mentioned in the *Liquor Act 2017*, Schedule 1, clause 70(1),
 - (d) car parking, vehicular movement and traffic generation,
 - (e) loading management of waste,
 - (f) landscaping.

4.2D Standard Instrument (Local Environmental Plans) Order 2006

Standard instrument, clause 1.2

Insert before clause 1.2(2)(a)—

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,