

Passed by both Houses



New South Wales

24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of 24-Hour Economy Commissioner Act 2023 No 54	3
Schedule 2	Amendment of Liquor Act 2007 No 90	7
Schedule 3	Amendment of Local Government Act 1993 No 30	9
Schedule 4	Amendment of Major Events Act 2009 No 73	13
Schedule 5	Amendment of other legislation	18

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2024

Clerk of the Parliaments



New South Wales

24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2024

Act No _____, 2024

An Act to amend various Acts and regulations to increase the vibrancy of the night-time economy;
and for related purposes.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024*.

2 Commencement

This Act commences as follows—

- (a) for Schedules 1 and 5.1—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

Schedule 1 Amendment of 24-Hour Economy Commissioner Act 2023 No 54

[1] **Section 3, heading**

Omit “**Definition**”. Insert instead “**Definitions**”.

[2] **Section 3**

Insert in alphabetical order—

dispute, for Part 3—see section 11.

exercise a function includes perform a duty.

function includes a power, authority and duty.

head, of a Public Service agency, for Part 3—see section 11.

live music and performance venue, for Part 3—see section 11.

mediation, for Part 3—see section 11.

mediation policy, for Part 3—see section 11.

mediator, for Part 3—see section 11.

Public Service agency, for Part 3—see section 11.

Public Service employee, for Part 3—see section 11.

significant venue, for Part 3—see section 11.

[3] **Parts 3 and 4**

Insert after section 9—

Part 3 Resolution of disputes

10 Purpose of part

The purpose of this part is to facilitate the resolution of disputes in relation to live music and performance venues through mediation and other appropriate forms of alternative dispute resolution.

11 Definitions

In this part—

dispute—see section 12(1).

head, of a Public Service agency, has the same meaning as in the *Government Sector Employment Act 2013*.

live music and performance venue means—

- (a) a dedicated live music and performance venue within the meaning of the *Liquor Act 2007*, or
- (b) another venue at which live music is played or live performances are held.

mediation—see section 13(1).

mediation policy means the policy approved under section 19.

mediator—see section 13(2).

Public Service agency has the same meaning as in the *Government Sector Employment Act 2013*.

Public Service employee has the same meaning as in the *Government Sector Employment Act 2013*.

significant venue means a live music and performance venue that meets the criteria specified in the mediation policy.

12 Meaning of “dispute”

- (1) In this part, a *dispute* is a disagreement or conflict between—
- (a) the licensee, or owner or operator, of a live music and performance venue, and
 - (b) another person, including a local council.

Example— a disagreement about compliance with a development consent

- (2) A dispute does not include a disagreement or conflict prescribed by the regulations.

Example— The regulations may provide that a disagreement for which another resolution process exists is not a dispute for this part.

13 Meaning of “mediation” and “mediator”

- (1) In this part, *mediation* is not limited to formal mediation procedures and includes the following—
- (a) preliminary assistance in dispute resolution, including the giving of advice designed to ensure—
 - (i) the parties are fully aware of the parties’ rights and obligations, and
 - (ii) full and open communication between the parties about the dispute,
 - (b) other appropriate forms of alternative dispute resolution.

- (2) A reference in this part to a *mediator*—

- (a) means a person appointed in accordance with the mediation policy, and
- (b) includes a reference to a person who provides assistance or a form of alternative dispute resolution referred to in subsection (1).

14 Applications for mediation to assist in resolving disputes

- (1) The licensee, or owner or operator, of a live music and performance venue may apply to the Minister for mediation to be provided to assist in resolving a dispute in relation to the venue.
- (2) The application must be made in the way decided by the Minister.

15 Decisions about applications for mediation

If the Minister receives an application under section 14(1) for mediation to be provided, the Minister must decide the following in accordance with the mediation policy—

- (a) whether the live music and performance venue is or is not a significant venue,
- (b) whether mediation will or will not be provided to assist in resolving the dispute in relation to the venue.

16 Decision to refer dispute for mediation

- (1) The Minister may refer a dispute to a mediator for mediation under this part if the Minister is satisfied—
- (a) the live music and performance venue is a significant venue, and

- (b) the dispute relates to the operation of the venue's business of providing live music and performances, and
 - (c) it is in the public interest for the Minister to refer the dispute for mediation under this part.
- (2) The Minister may decline to refer a dispute for mediation under this part if, in the Minister's opinion, the dispute is vexatious or trivial.
- (3) The Minister may, with the agreement of the head of a Public Service agency, decide to refer a dispute to the Public Service agency for case management.
- (4) The Minister may, for the purposes of deciding how to deal with a dispute—
 - (a) make preliminary inquiries, and
 - (b) ask the person requesting the mediation for further information.

17 Legal representation of parties to mediation

A party to mediation is not entitled to be legally represented at the mediation unless—

- (a) all other parties to the mediation consent to the representation, or
- (b) the mediator has agreed, on the application of the party, to the party being legally represented.

18 Participation in mediation

For the purposes of mediation under this part, a mediator may, by written notice given to a person, ask the person to—

- (a) give the mediator information, specified in the notice, relating to the person's dealings with a significant venue within the reasonable time specified in the notice, or
- (b) attend a meeting at a time and place specified in the notice, or
- (c) produce, at a time and place specified in the notice, to the mediator a document or other thing specified in the notice that—
 - (i) is in the possession or under the control of the person, and
 - (ii) in the mediator's opinion, would benefit the resolution of the dispute.

19 Minister may issue policy about mediation

- (1) The Minister may issue a policy about matters relating to mediation under this part.
- (2) Without limiting subsection (1), a mediation policy may provide for the following—
 - (a) the criteria to be considered in deciding whether a venue is a significant venue,
 - (b) the process for referring a dispute to mediation or case management,
 - (c) matters relating to mediators, including—
 - (i) eligibility for, and other matters relating to, appointment, and
 - (ii) functions, and
 - (iii) protection from liability,
 - (d) arrangements for the use of the services of Public Service employees or resources of Public Service agencies for the purposes of mediation,
 - (e) procedural matters for mediation,

- (f) the certification of outcomes of mediation.

20 Delegation

The Minister may delegate the exercise of a function of the Minister, other than this power of delegation, to—

- (a) a Public Service employee, or
- (b) a person authorised for this section by the regulations.

Part 4 Miscellaneous

21 Regulations

The Governor may make regulations about the following matters—

- (a) a matter that by this Act is required or permitted to be prescribed,
- (b) a matter that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule 2 Amendment of Liquor Act 2007 No 90

[1] Section 4 Definitions

Omit section 4(1), definition of *category 1 demerit offence*, paragraph (a)(vi).

[2] Section 4, definition of “category 1 demerit offence”, paragraph (c)

Omit “definition.” from paragraph (b). Insert instead—
definition, or
(c) the *Gaming and Liquor Administration Act 2007*, section 34A.

[3] Section 13 Special events extended trading period for certain venues

Omit “applies” wherever occurring in section 13(6), definition of *relevant licensed premises*, paragraphs (a), (c) and (d).

Insert instead “relates”.

[4] Section 13(6), definition of “relevant licensed premises”, paragraphs (f) and (g)

Omit “applies.” from paragraph (e). Insert instead—
relates,
(f) licensed premises to which an on-premises licence relates,
(g) licensed premises to which a producer wholesaler licence relates.

[5] Section 49 Extended trading authorisation—general provisions

Omit “that persons independent of the licensee (and of the owner or occupier of the premises) desire to celebrate or mark on the licensed premises concerned” from section 49(9).

[6] Section 75 Secretary, police officers and marine authorities may issue improvement notices to licensees and staff of licensed premises

Omit section 75(1). Insert instead—

- (1) The Secretary, a police officer or a marine authority may give a relevant person for licensed premises a notice (an *improvement notice*)—
 - (a) for the Secretary—
 - (i) if the Secretary reasonably believes there has been a contravention of this Act or the regulations on, or in relation to, the licensed premises, or
 - (ii) if the Secretary reasonably believes noise is being emitted from the licensed premises in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood in which the licensed premises are located, or
 - (iii) about any other matter relating to the licensed premises, including any conduct on the licensed premises, or
 - (b) for a police officer—if the police officer reasonably believes—
 - (i) noise is being emitted from the licensed premises in contravention of a noise or noise-related condition applying to the licence for the licensed premises, or
 - (ii) noise is being emitted from the licensed premises in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood in which the licensed premises are located, or

- (iii) noise is being emitted near the licensed premises by patrons of the licensed premises or staff or contractors of the licensee, or
Example of contractors—musicians contracted to perform on the licensed premises or the staff of the musicians
- (c) for a marine authority—if the marine authority reasonably believes noise is being emitted—
 - (i) in navigable waters from licensed premises that are a vessel in contravention of a noise or noise-related condition applying to the licence for the licensed premises, or
 - (ii) in navigable waters from licensed premises that are a vessel in a way that unduly disturbs, or unreasonably and seriously disturbs, the quiet and good order of the neighbourhood in which the licensed premises are located.

[7] Section 75(2A)

Omit “An improvement notice must”.

Insert instead “An improvement notice given by the Secretary or a police officer must be in writing and”.

[8] Section 75(2A)(b)(ii)

Omit “noise, or”. Insert instead “noise.”.

[9] Section 75(2A)(c)

Omit the paragraph.

[10] Section 75(2AB)

Insert after section 75(2A)—

- (2AB) An improvement notice given by a marine authority—
 - (a) may be given orally or in writing, and
 - (b) must be in the form approved by the Secretary and include—
 - (i) a direction that a person whom the marine authority believes to be a person who caused the emission of the noise to stop the noise, or
 - (ii) a direction that a person whom the marine authority believes to be making, or contributing to the making of, the noise to stop making or contributing to the noise.

[11] Section 79A Licensed premises must not disturb quiet and good order of neighbourhood

Omit the section.

[12] Section 79B Making disturbance complaints

Omit section 79B(3). Insert instead—

- (3) A disturbance complaint must be made in the form and way, and meet any other requirements, determined by the Secretary.

Schedule 3 Amendment of Local Government Act 1993 No 30

[1] Section 202

Omit the section. Insert instead—

202 Definitions

In this part—

complying development certificate has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

dedicated live music and performance venue has the same meaning as in the *Liquor Act 2007*.

entertainment activity—see section 202A.

noise means unwanted sound.

planning certificate means a certificate issued under the *Environmental Planning and Assessment Act 1979*, section 10.7.

Planning Minister means the Minister administering the *Environmental Planning and Assessment Act 1979*, Parts 3 and 4.

precinct management plan—see section 202D(2).

sound includes noise.

special entertainment precinct—see section 202B.

State environmental planning policy has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

202A Meaning of “entertainment activity”

- (1) An *entertainment activity*—
 - (a) means an activity carried out for the purposes of entertaining members of the public, including—
 - (i) live or recorded music, and
 - (ii) other performances and activities carried out for the purposes of entertaining members of the public, for example, karaoke, trivia, bingo and comedy, and
 - (b) includes the following if carried out in the course of a business to which a liquor licence applies or that otherwise provides hospitality services—
 - (i) a private function, for example, a wedding, party or ticketed event,
 - (ii) the provision of food and drink services, whether accompanied by another activity mentioned in paragraph (a) or not.
- (2) Without limiting subsection (1), entertainment activity also includes activities associated with activities referred to in that subsection including—
 - (a) the set up and pack down of the activities, and
 - (b) rehearsals and sound checks associated with the activities, and
 - (c) the entry or exit of persons from premises on which the activities are being carried out, and
 - (d) other activity by patrons or staff on the premises on which the activities are being carried out, for example, staff announcements and sound caused by patrons.

202B Meaning of “special entertainment precinct”

- (1) A *special entertainment precinct* is an area in which—
 - (a) sound from entertainment activity from premises in the area is regulated in accordance with a precinct management plan, and
 - (b) requirements about sound attenuation included in a precinct management plan apply to certain types of development in the area, and
 - (c) dedicated live music and performance venues are authorised to trade for an additional 60 minutes under the *Liquor Act 2007*, section 12A(4).
- (2) If the area for which a special entertainment precinct is established includes relevant premises—
 - (a) the premises are taken not to be included in the special entertainment precinct, and
 - (b) the precinct management plan for the special entertainment precinct does not apply to the premises.
- (3) In this section—

relevant premises means the following—

 - (a) premises used for the purposes of a brothel or other sex services,
 - (b) premises used for adult entertainment of a sexual nature,
 - (c) premises that, due to the nature of the business conducted on the premises, restrict access to patrons or customers who are 18 years of age or older.

Example for paragraph (c)— sex shops, adult bookstores

202C Establishing special entertainment precincts

- (1) A special entertainment precinct may be established—
 - (a) by the council for the area in which the precinct will be located, by identifying the precinct in a local environmental plan that applies to the land on which the precinct will be located, or
 - (b) in a State environmental planning policy—
 - (i) at the request of the council for the area in which the precinct will be located, or
 - (ii) if all of the following apply—
 - (A) a local environmental plan does not apply to the land, or any part of the land, on which the precinct will be located,
 - (B) the Planning Minister is the consent authority for development on the land or part of the land,
 - (C) the council for the area in which the precinct is located endorses the establishment of the precinct.
- (2) A special entertainment precinct may consist of—
 - (a) a single premises, or
 - (b) a precinct, streetscape or otherwise defined locality in the council’s area.
- (3) If a special entertainment precinct is established, the council for the area in which the precinct is located must notify the following persons about the precinct, including by publishing a notice on the council’s website and by a notation on planning certificates for land in the precinct—
 - (a) residents of the area,

- (b) persons moving into the area.

202D Preparation of precinct management plan

- (1) This section applies if a special entertainment precinct is proposed to be established.
- (2) Before the special entertainment precinct is established, the council for the area in which the special entertainment precinct will be located must prepare a plan (a *precinct management plan*) that provides for the following—
 - (a) the trading hours for premises in the special entertainment precinct,
 - (b) the regulation of sound from entertainment activity from premises in the special entertainment precinct,
 - (c) that the process for managing complaints in relation to licensed premises in the proposed special entertainment precinct is the process set out in the *Liquor Act 2007*, Part 5, Division 3.
- (3) If the special entertainment precinct is to be established by a State environmental planning policy, the council must prepare the precinct management plan in consultation with the Planning Minister.
- (4) A copy of the precinct management plan must be published on the website of the council for the area in which the special entertainment precinct is proposed to be established.

202E Relationship with other instruments

- (1) A condition of a development consent that is inconsistent with the following matters in a precinct management plan ceases to have effect to the extent of the inconsistency—
 - (a) the trading hours for premises in a special entertainment precinct,
 - (b) the regulation of sound from entertainment activity from premises in the special entertainment precinct,
 - (c) the provision of live entertainment in the special entertainment precinct.

Examples of conditions inconsistent with a precinct management plan—

 - a condition of a development consent that prohibits live entertainment in its entirety
 - a condition of a development consent that prohibits live entertainment after a specified time if the precinct management plan allows live entertainment after that time
- (2) A condition of a complying development certificate that is inconsistent with the following matters in a precinct management plan ceases to have effect to the extent of the inconsistency—
 - (a) the trading hours for premises in a special entertainment precinct,
 - (b) the regulation of sound from entertainment activity from premises in the special entertainment precinct.
- (3) Subsections (1)(a) and (2)(a) apply only if—
 - (a) for subsection (1)(a)—the trading hours in the condition of the development consent are less than the trading hours in the precinct management plan for the special entertainment precinct, or
 - (b) for subsection (2)(a)—
 - (i) the trading hours in the condition of the complying development certificate are less than the trading hours in the State environmental planning policy, and

- (ii) the trading hours in the State environmental planning policy are less than the trading hours in the precinct management plan for the special entertainment precinct.

[2] Dictionary

Insert in alphabetical order—

complying development certificate, for Chapter 8, Part 3—see section 202.

dedicated live music and performance venue, for Chapter 8, Part 3—see section 202.

entertainment activity, for Chapter 8, Part 3—see section 202.

noise, for Chapter 8, Part 3—see section 202.

planning certificate, for Chapter 8, Part 3—see section 202.

Planning Minister, for Chapter 8, Part 3—see section 202.

precinct management plan, for Chapter 8, Part 3—see section 202.

sound, for Chapter 8, Part 3—see section 202.

special entertainment precinct, for Chapter 8, Part 3—see section 202.

State environmental planning policy, for Chapter 8, Part 3—see section 202.

Schedule 4 Amendment of Major Events Act 2009 No 73

[1] Section 3 Objects of Act

Omit “be of a large scale with” from section 3(a). Insert instead “have”.

[2] Section 4 Definitions

Omit “5(4)(b)” from section 4(1), definition of *major event period*.

Insert instead “5A(1)(a)”.

[3] Section 4(1)

Insert in alphabetical order—

Ministerial order means an order made by the Minister under section 5A.

[4] Section 4(1), definition of “promoter”

Omit “prescribed as the promoter for the major event under section 5(4)(d)”.

Insert instead “specified in a Ministerial order as the promoter for the major event”.

[5] Section 4C

Insert after section 4B—

4C Cancellation or variation of order by Premier

- (1) The Premier may cancel or vary an order of the Minister for a major event, including a Ministerial order, by giving written notice to the promoter for the event.
- (2) The Premier may take action under this section only if—
 - (a) both of the following apply—
 - (i) taking the action is on the advice of a relevant person,
 - (ii) the Premier is reasonably satisfied taking the action is necessary because of a significant risk of harm to persons from a natural or other threat, or
 - (b) the Premier is reasonably satisfied taking the action is otherwise necessary in the public interest.
- (3) The Premier is not required to consult with the promoter before taking action under this section.
- (4) In this section—

relevant person means—

 - (a) the Commissioner of Police, or
 - (b) the Commissioner of Fire and Rescue NSW, or
 - (c) the Commissioner of the NSW Rural Fire Service, or
 - (d) the Commissioner of the State Emergency Service, or
 - (e) the Chief Health Officer.

vary includes impose conditions or restrictions.

[6] Section 5 Declaration of major event

Omit “facilities.” from section 5(3)(j). Insert instead—
facilities,

- (k) whether the event is a foundation event.

[7] Section 5(4)

Omit the subsection. Insert instead—

- (4) A regulation under subsection (1) must describe the event.

[8] Section 5(7)

Insert after section 5(6)—

- (7) For subsection (3)(k), a *foundation event* is an event—
- (a) the Minister for Jobs and Tourism has determined to be significant, and
 - (b) held annually, biennially or otherwise on a recurring basis, and
 - (c) for which the State provides significant investment.

[9] Section 5A

Insert after section 5—

5A Minister may specify certain matters

- (1) The Minister may, by order published in the Gazette, specify the following for a major event—
- (a) the period (the *major event period*) for which the declaration of the major event is in force,
 - (b) the provisions of Part 4 that apply in relation to the major event and the period for which the provisions apply,
 - (c) the person who is the promoter of the major event,
 - (d) an area as a controlled area under section 37(1),
 - (e) a sales control period for section 37,
 - (f) prescribed articles for section 37,
 - (g) a site as an advertising controlled site under section 39(1),
 - (h) airspace as advertising controlled airspace under section 40(1),
 - (i) a period as a parking control period for section 59,
 - (j) a thing to be a prohibited thing for section 43(7), definition of *prohibited thing*.
- (2) To avoid doubt, a Ministerial order may provide that the responsible authority for a major event is the promoter of the major event.
- (3) A Ministerial order takes effect on—
- (a) the day the order is published in the Gazette, or
 - (b) a later day specified in the order.

[10] Section 13

Omit the section. Insert instead—

13 Provisions of part apply only if regulations or Ministerial order provide

- (1) A provision of this part, other than section 38, does not apply in relation to a major event unless a Ministerial order declares that the provision applies.
- (2) Section 38 does not apply in relation to a major event unless a regulation declares that the section applies.

- (3) A provision of this part applies only—
 - (a) during the major event, or
 - (b) for section 38—during a shorter period prescribed by the regulations in relation to the section, or
 - (c) for another provision of this part—during a shorter period specified in the Ministerial order in relation to the provision.

[11] Section 13A

Insert before section 14—

13A Responsible authority may consult with government agencies

The responsible authority for a major event may consult with government agencies to facilitate and support the holding and conduct of the major event.

[12] Section 26 Road closures—integrated road and transport services

Omit “7 days” from section 26(3). Insert instead “3 days”.

[13] Section 27 Road closures—major events

Omit “7 days” from section 27(9). Insert instead “3 days”.

[14] Section 28 Road closures—short periods

Omit “3 consecutive days” from section 28(2). Insert instead “7 days”.

[15] Sections 37(1), 39(1) and (11)(b) and 40(1)

Omit “the regulations” wherever occurring.

Insert instead “a Ministerial order”.

[16] Sections 37(9), definitions of “prescribed article” and “sales control period”, 43(7), definition of “prohibited thing”, paragraph (g) and 59(4)

Omit “prescribed by the regulations” wherever occurring.

Insert instead “specified by a Ministerial order”.

[17] Section 39 Prohibition of certain advertising on buildings and structures

Omit “prescribed” from section 39(9)(a). Insert instead “specified”.

[18] Section 39A

Insert after section 39—

39A Prohibition of certain advertising on digital billboard vehicles

- (1) This section applies if a site is an advertising controlled site under section 39.
- (2) A person who is the owner or operator of a digital billboard vehicle must not use the digital billboard vehicle, or allow the digital billboard vehicle to be used, within the advertising controlled site for the purposes of advertising unless permitted or authorised by the responsible authority for the major event.
Maximum penalty—
 - (a) for an individual—250 penalty units, or
 - (b) otherwise—500 penalty units.
- (3) In this section—

digital billboard vehicle means a vehicle equipped with LED screens.

vehicle has the same meaning as in the *Road Rules 2014*.

Note— Under the *Road Rules 2014*, a vehicle includes a motor vehicle, a trailer and a bicycle.

[19] Section 41 Commercial and other activities

Insert after section 41(1)(f)—

- (f1) undertake charitable activities, including collecting money for a charitable purpose,

[20] Section 41(1)(m)

Omit “requires).” from section 41(1)(l)(ii). Insert instead—

- requires),
- (m) anything else that is contrary to a condition of entry to the major event area that is displayed on a sign approved by the relevant authority and erected at the entry to, or within, the major event area.

[21] Section 46 Directions to leave

Insert after section 46(3)—

- (3A) An authorised officer may do the following—
 - (a) direct a person who is in control of a locker, storage area or other locked area in a major event area to open the locker, storage area or other locked area so that the contents of the locker, storage area or other locked area may be inspected,
 - (b) if the person in control of a locker, storage area or other locked area in a major event area cannot be identified or located—open the locker, storage area or other locked area so the contents of the locker, storage area or other locked area may be inspected,
 - (c) inspect a locker, storage area or other locked area in a major event area and the contents of the locker, storage area or other locked area.

Example— a staff locker on premises in a major event area

[22] Section 47

Omit the section. Insert instead—

47 Prohibition on entry to certain areas within major event area

- (1) A person must not enter or remain on a relevant area within a major event area unless the person—
 - (a) is a participant in an event held with the authorisation of the responsible authority for the major event, or
 - (b) is engaged in the control or management of the event or relevant area, or
 - (c) is, or is a member of a class of persons that is, authorised by the responsible authority for the major event to enter the relevant area.
- (2) In this section—

relevant area means—

 - (a) a playing field or other competition area, or
 - (b) a stage or other performance area, or
 - (c) an area for which accreditation is required.

[23] Section 49, heading

Insert “etc” after “**photographs**”.

[24] Section 49

Omit “or make another form of image”.

Insert instead “or video, or make another form of image,”.

[25] Section 59 Illegal car parks

Omit “regulation” from section 59(5). Insert instead “Ministerial order”.

[26] Section 61 No liability in nuisance

Omit “or the regulations” wherever occurring in section 61(a) and (b).

Insert instead “, the regulations or a Ministerial order”.

Schedule 5 Amendment of other legislation

5.1 Environmental Planning and Assessment Act 1979 No 203

Schedule 8 Special provisions

Insert after clause 1—

1A Removal of certain conditions of development consents

- (1) A condition of a development consent for licensed premises that provides for the following ceases to have effect on the commencement of this subclause—
 - (a) the type of music that may be played on the licensed premises, including, for example—
 - (i) the genre of music that may be played, and
 - (ii) whether the music played must be original music or a cover of original music,
 - (b) the number and type of instruments that may be played on the licensed premises,
 - (c) the number of musicians that may perform on the licensed premises,
 - (d) whether dancing occurs,
 - (e) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (f) the direction in which a stage for players or performers faces,
 - (g) the decorations to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) If a condition of a development consent requires compliance with a plan of management and the plan of management includes a provision or requirement that provides for any of the matters referred to in subclause (1)(a)–(g) or (4), the provision or requirement of the plan of management ceases to have effect on the commencement of this subclause.
- (3) Subclause (1)(g) does not apply in relation to lighting used by players or performers if the licensed premises are on land to which the *Dark Sky Planning Guideline* applies under the regulations.
- (4) A condition of a development consent for licensed premises to which a hotel licence, club licence or small bar licence relates under the *Liquor Act 2007* that prohibits live entertainment, including live music, ceases to have effect on the commencement of this subclause.

Examples of conditions that prohibit live entertainment—

 - a condition of a development consent that prohibits live music or live entertainment in its entirety
 - a condition of a development consent that prohibits live music or live entertainment after a specified time
- (5) Subclauses (1) and (2) do not apply to the following conditions—
 - (a) a condition of a development consent to carry out State significant development,
 - (b) a condition of a complying development consent,
 - (c) a condition of a development consent granted by the Minister under this Act, Part 4, Division 4.3.

5.2 Gaming and Liquor Administration Act 2007 No 91

[1] Section 21 Requirement to provide information and records

Insert after section 21(1)—

- (1A) A marine authority may, by oral or written notice given to a relevant person on board licensed premises that are a vessel, require the relevant person to give the information specified by the notice that is required for the purposes of giving a notice under the *Liquor Act 2007*, section 75(1)(c).

[2] Section 21(2)

Omit “Any such notice”. Insert instead “A notice under subsection (1) or (1A)”.

[3] Section 21(3)

Insert after section 21(2)—

- (3) In this section—
marine authority has the same meaning as in the *Liquor Act 2007*.
relevant person has the same meaning as in the *Liquor Act 2007*, section 75.

5.3 Liquor Regulation 2018

[1] Clause 8A Review

Omit the clause.

[2] Clause 12 Trading hours risk loading element

Insert after clause 12(5)—

- (6) Also, a trading hours risk loading element is not payable in relation to a licence for licensed premises if—
- (a) either of the following apply—
- (i) the premises are a dedicated live music and performance venue that trades past midnight on the nights on which live entertainment is provided at the venue,
- (ii) the licence is subject to an occasional extended trading condition, and
- (b) a trading hours risk loading element would not have been payable in relation to the licence if the trading hours had not been extended under the Act, section 12A.

[3] Clause 44C Licensee’s duty to preserve the quiet and good order of the neighbourhood

Omit the clause.

5.4 Protection of the Environment Operations (General) Regulation 2022

[1] Section 91A, heading

Insert “and premises in special entertainment precincts” after “premises”.

[2] Section 91A(1)–(1B)

Omit section 91A(1). Insert instead—

- (1) The relevant provisions do not apply to an entertainment activity carried out on—
 - (a) liquor licensed premises, or
 - (b) premises in a special entertainment precinct, other than residential premises.
- (1A) The entertainment activity must be carried out in accordance with each of the following that applies to the premises—
 - (a) for liquor licensed premises—
 - (i) the liquor licence for the premises, including any conditions applying to the licence, and
 - (ii) the *Liquor Act 2007*,
 - (b) for premises in a special entertainment precinct, other than residential premises—the precinct management plan for the special entertainment precinct.
- (1B) If the entertainment activity is carried out on liquor licensed premises in a special entertainment precinct and there is an inconsistency between the precinct management plan and a requirement specified in subsection (1A)(a), the plan prevails to the extent of the inconsistency.

[3] Section 91A(3)

Insert in alphabetical order—

entertainment activity has the same meaning as in the *Local Government Act 1993*, Chapter 8, Part 3.

precinct management plan has the same meaning as in the *Local Government Act 1993*, Chapter 8, Part 3.

5.5 Registered Clubs Act 1976 No 31

[1] Section 4 Definitions

Insert after section 4(3)—

- (4) A reference in this Act to a temporary member of a club includes a person who has become a member of the club in accordance with section 30(5B).
- (5) Subsection (4) and this subsection are repealed at the end of 31 December 2025.

[2] Section 30 Rules of registered clubs

Omit “or subsection (3B) is complied with in the case of a temporary member” from section 30(2)(c)(ii).

[3] Section 30(2A)(a), (3B) and (3C)

Omit the provisions.

[4] Section 30(5B)

Insert after section 30(5A)—

- (5B) Subsection (2)(c)(i) does not apply to a provision in the rules of a club that prohibits a person from being admitted as a temporary member of the club because the person’s ordinary place of residence is—
 - (a) within New South Wales, and

(b) within a radius of 5km from the premises of the club.

[5] Section 30(13A)

Insert after section 30(13)—

(13A) Subsection (5B) and this subsection are repealed at the end of 31 December 2025.

[6] Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

**Part Provision consequent on enactment of 24-Hour
Economy Legislation Amendment (Vibrancy
Reforms) Act 2024**

Temporary membership

Section 30(5B) does not prevent a club from enforcing a provision in the rules of the club that, before the enactment of the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024*, provided that a person was not eligible for admission as a temporary member of the club because the person's ordinary place of residence is—

- (a) within New South Wales, and
- (b) within a radius of 5km from the premises of the club.

Repeal of part

This part is repealed at the end of 31 December 2025.

5.6 Registered Clubs Regulation 2015

Clauses 29 and 29A

Omit the clauses.