



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Trading Hours of Licensed Premises on New Year's Eve) 2017

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State Environmental Planning Policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Trading Hours of Licensed Premises on New Year's Eve) 2017*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] **Clause 2.131 Specified development—extended trading hours of licensed premises generally**

Omit “extended hours”. Insert instead “extended trading hours”.

[2] **Clause 2.131 (b)**

Insert “or 49A” after “section 49” where firstly occurring.

[3] **Clause 2.131 (b)**

Insert “or 49A (3) (b)” after “section 49 (5) (b)”.

[4] **Clause 2.131 (c)**

Omit the paragraph. Insert instead:

- (c) the premises are not subject premises within the meaning of Division 1A of Part 4 of the *Liquor Act 2007* while the freeze period (as referred to in that Division 1A) is in force.

[5] **Clause 2.131A**

Insert after clause 2.131:

2.131A Specified development—extended trading hours on new year's eve for licensed premises in Kings Cross and Sydney CBD Entertainment precincts

(1) In this clause:

extended trading authorisation has the same meaning as in the *Liquor Act 2007*.

new year's eve trading period, in relation to subject premises, means the period from the end of the standard trading period on any Sunday that falls on 31 December in any year to 2 am on the next succeeding day.

standard trading period has the same meaning as in the *Liquor Act 2007*.

subject premises has the same meaning as in Division 1A of Part 4 of the *Liquor Act 2007*.

(2) Despite clause 2.131, the operation of subject premises during the new year's eve trading period is development specified for this code if:

- (a) there is a development consent under which the development may be carried out at times other than the new year's eve trading period, and
- (b) the development is authorised:
 - (i) under section 14 (2) (b), 18 (2) (b), 25 (5) or 50 (2) (b) of the *Liquor Act 2007*, or
 - (ii) by an extended trading authorisation.

(3) This clause does not limit the operation of any extended trading authorisation that applies in relation to the subject premises concerned.

[6] **Clause 2.132 Development standards**

Omit “that development” from clause 2.132 (1).

Insert instead “any development referred to in clause 2.131 or 2.131A”.

[7] Clause 2.132 (1)

Insert “under clause 2.131 or during the new year’s eve trading period under clause 2.131A (as the case requires)” after “extended trading hours”.