



New South Wales

State Environmental Planning Policy Amendment (Arts and Cultural Activity) 2020

under the

Environmental Planning and Assessment Act 1979

Her 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*.

ROB STOKES, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Arts and Cultural Activity) 2020

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Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Arts and Cultural Activity) 2020*.

2 Commencement

This Policy commences on the commencement of Schedules 4.5 and 4.6 to the *Liquor Amendment (Night-time Economy) Act 2020* and is required to be published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

Schedule 1 Amendment of local environmental plans— particular amendments relating to arts and cultural activity

1.1 Blue Mountains Local Environmental Plan 1991

Clause 3 Objectives

Insert at the end of clause 3.1, with appropriate paragraph numbering—

Arts and Cultural Activity

To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.

1.2 Blue Mountains Local Environmental Plan 2005

Clause 12 Principal objectives of the plan

Insert after clause 12(m)—

- (n) To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.

1.3 Blue Mountains Local Environmental Plan No 4

Clause 2 Aims, objectives etc

Omit “environment.” from clause 2. Insert instead—

environment, and to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.

1.4 Byron Local Environmental Plan 1988

[1] Clause 2 Aim, objectives and guiding principles

Omit “habitats, and” from clause 2(1)(d). Insert instead “habitats,”

[2] Clause 2(1)(f)

Insert after clause 2(1)(e)—

, and

- (f) the protection and promotion of the use and development of land for arts and cultural activity, including music and other performance arts.

1.5 Campbelltown Local Environmental Plan—District 8 (Central Hills Lands)

Clause 2 Aims, objectives etc

Omit “that City.” from clause 2. Insert instead—

that City, and to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.

1.6 Kiama Local Environmental Plan 1996

Clause 4 Aims and objectives

Insert before clause 4(1)(a)—

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

1.7 Lake Macquarie Local Environmental Plan 2004

Clause 14 Aims

Insert at the end of the clause, with appropriate paragraph numbering—

, and

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

1.8 Leichhardt Local Environmental Plan 2000

Clause 13 General objectives

Insert after clause 13(3)—

- (4) The general objective for **arts and cultural activity** is to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.

1.9 Lismore Local Environmental Plan 2000

Clause 2 Aims, objectives etc of plan

Insert at the end of clause 2(2), with appropriate paragraph numbering—

, and

with respect to arts and cultural activity—

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

1.10 Lord Howe Island Local Environmental Plan 2010

Clause 2 Commencement and aims of Plan

Insert at the end of clause 2(2), with appropriate paragraph numbering—

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

1.11 Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)

[1] Clause 2 Heritage aims and objectives

Omit “applies, and” from clause 2(2)(f). Insert instead “applies.”.

[2] Clause 2(2)(h)

Insert after clause 2(2)(g)—

, and

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

1.12 Penrith Local Environmental Plan 1998 (Urban Land)

Clause 7 Aims and objectives of this plan

Insert at the end of clause 7(1), with appropriate paragraph numbering—

Arts and Cultural Activity

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

1.13 Queanbeyan Local Environmental Plan 1991

Clause 2 Aims, objectives etc

Insert after clause 2(1)—

- (1A) The plan also has the objective to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts

1.14 South Sydney Local Environmental Plan No 114 (Southern Industrial and Rosebery/Zetland Planning Districts)

Clause 4 Aims, objectives etc

Insert after clause 4(2)(k)—

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

1.15 Tweed Local Environmental Plan 2000

Clause 4 Aims of this plan

Insert at the end of the clause, with appropriate paragraph numbering—

, and

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

1.16 Warringah Local Environmental Plan 2000

Clause 3 What are the purposes of this plan?

Insert at the end of the clause, with appropriate paragraph numbering—

, and

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

Schedule 2 Amendment of local environmental plans— general amendment relating to arts and cultural activity

[1] Amendment to aims, objectives and purpose of Plans

For each local environmental plan specified in the table below, insert the following paragraph in appropriate order in the clause specified opposite each local environmental plan—

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

Name of local environmental plan	Clause to be amended
<i>Ballina Local Environmental Plan 1987</i>	clause 2(2)
<i>Bega Valley Local Environmental Plan 2002</i>	clause 2
<i>Botany Local Environmental Plan 1995</i>	clause 5(7)
<i>Forbes Local Environmental Plan 1986</i>	clause 2(1)
<i>Hurstville Local Environmental Plan 1994</i>	clause 2
<i>Lithgow City Local Environmental Plan 1994</i>	clause 2
<i>Shellharbour Local Environmental Plan 2000</i>	clause 2
<i>Shellharbour Rural Local Environmental Plan 2004</i>	clause 3
<i>Shoalhaven Local Environmental Plan 1985</i>	clause 2(2)
<i>Singleton Local Environmental Plan 1996</i>	clause 2
<i>Sutherland Shire Local Environmental Plan 2006</i>	clause 3
<i>Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011</i>	clause 1.2(2)
<i>Sydney Local Environmental Plan (Green Square Town Centre) 2013</i>	clause 1.2(2)
<i>Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013</i>	clause 1.2(2)
<i>Waverley and Woollahra Joint Local Environmental Plan 1991—Bondi Junction Commercial Centre</i>	clause 2(1)
<i>Wollongong Local Environmental Plan 1990</i>	clause 4
<i>Yarrowlumla Local Environmental Plan 2002</i>	clause 3(2)

[2] Amendment to aims and objectives of Plans

For each local environmental plan specified in the table below, insert the following paragraph in appropriate order in the clause specified opposite each local environmental plan—

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

Name of local environmental plan	Clause to be amended
<i>Campbelltown (Urban Area) Local Environmental Plan 2002</i>	clause 2(2)
<i>Deniliquin Local Environmental Plan 1997</i>	clause 2
<i>Penrith Local Environmental Plan No 201 (Rural Lands)</i>	clause 2(3)
<i>Queanbeyan Local Environmental Plan 1998</i>	clause 2
<i>South Sydney Local Environmental Plan 1998</i>	clause 7
<i>Sydney Local Environmental Plan 2005</i>	clause 11

Schedule 3 Amendment of local environmental plans— development consent relating to playing and performing music

Amendment to provisions of Plans—development consent relating to playing and performing music

For each local environmental plan specified in the table below, insert the following clause at the end of the Part or the Division specified opposite each local environmental plan, with appropriate clause numbering—

Standards that cannot be used to refuse consent—playing and performing music

- (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 decoration 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*.

Name of local environmental plan	Insert at end of Part/Division specified
<i>Ballina Local Environmental Plan 1987</i>	Part 3
<i>Bega Valley Local Environmental Plan 2002</i>	Part 11
<i>Blue Mountains Local Environmental Plan 1991</i>	Part entitled “Special provisions”
<i>Blue Mountains Local Environmental Plan 2005</i>	Part 2, Division 3
<i>Blue Mountains Local Environmental Plan No 4</i>	Part 3, Division 6
<i>Botany Local Environmental Plan 1995</i>	Part 3
<i>Byron Local Environmental Plan 1988</i>	Part 3, Division 4
<i>Campbelltown Local Environmental Plan— District 8 (Central Hills Lands)</i>	Part 3

Name of local environmental plan	Insert at end of Part/Division specified
<i>Campbelltown (Urban Area) Local Environmental Plan 2002</i>	Part 3, Division 3
<i>Deniliquin Local Environmental Plan 1997</i>	Part 3
<i>Forbes Local Environmental Plan 1986</i>	Part 3
<i>Hurstville Local Environmental Plan 1994</i>	Part 3
<i>Kiama Local Environmental Plan 1996</i>	Part 10
<i>Lake Macquarie Local Environmental Plan 2004</i>	Part 4
<i>Leichhardt Local Environmental Plan 2000</i>	Part 8
<i>Lismore Local Environmental Plan 2000</i>	Part 2
<i>Lithgow City Local Environmental Plan 1994</i>	Part 3
<i>Lord Howe Island Local Environmental Plan 2010</i>	Part 1
<i>Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)</i>	Part 2
<i>Penrith Local Environmental Plan 1998 (Urban Land)</i>	Part 5
<i>Penrith Local Environmental Plan No 201 (Rural Lands)</i>	Part 3
<i>Queanbeyan Local Environmental Plan 1991</i>	Part 3, Division 4
<i>Queanbeyan Local Environmental Plan 1998</i>	Part 13
<i>Shellharbour Local Environmental Plan 2000</i>	Part 12
<i>Shellharbour Rural Local Environmental Plan 2004</i>	Part 3, Division 4
<i>Shoalhaven Local Environmental Plan 1985</i>	Part 3, Division 8
<i>Singleton Local Environmental Plan 1996</i>	Part 10
<i>South Sydney Local Environmental Plan 1998</i>	Part 4, Division 4
<i>South Sydney Local Environmental Plan No 114 (Southern Industrial and Rosebery/Zetland Planning Districts)</i>	Part 3
<i>Sutherland Shire Local Environmental Plan 2006</i>	Part 3, Division 3
<i>Sydney Local Environmental Plan 2005</i>	Part 3
<i>Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2011</i>	Part 5
<i>Sydney Local Environmental Plan (Green Square Town Centre) 2013</i>	Part 5
<i>Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013</i>	Part 5
<i>Tweed Local Environmental Plan 2000</i>	Part 12
<i>Waverley and Woollahra Joint Local Environmental Plan 1991—Bondi Junction Commercial Centre</i>	Part 3
<i>Warringah Local Environmental Plan 2000</i>	Part 2

Name of local environmental plan	Insert at end of Part/Division specified
<i>Wollongong Local Environmental Plan 1990</i>	Part 3
<i>Yarrowlumla Local Environmental Plan 2002</i>	Part 5

Schedule 4 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 2, Division 1 General Exempt Development Code

Omit “**food and drink**” from the heading to Subdivision 15AB.

Insert instead “**existing**”.