



New South Wales

# Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979* to provide for certain decisions in relation to extended hours of operation for particular food and drink premises.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## Schedule 1      **Amendment of Environmental Planning and Assessment Act 1979 No 203**

**Schedule 1[2]** inserts proposed Schedule 8, Part 3. The proposed part provides that the Secretary of the Department of Planning and Environment (the *Planning Secretary*) may, after consultation with the 24-Hour Economy Commissioner under the *24-Hour Economy Commissioner Act 2023*, issue guidelines (*vibrancy guidelines*). The vibrancy guidelines may provide for matters to be considered in determining extended hours of operation applications to enable venues to operate in a way that achieves their full social, business and cultural potential as part of the night-time economy. An extended hours of operation application includes—

- (a) a development application that includes a proposal for extended hours of operation, and
- (b) an application to modify a development consent to allow extended hours of operation.

The vibrancy guidelines must be considered by a consent authority in determining an extended hours of operation application.

**Schedule 1[1]** inserts a transitional provision that provides that proposed Schedule 8, Part 3 only applies to an extended hours of operation application made after the commencement of the proposed part.



New South Wales

# Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024**

No. , 2024

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### **A Bill for**

An Act to amend the *Environmental Planning and Assessment Act 1979* to provide for the issuing of vibrancy guidelines, and the making of decisions about extended hours of operation for particular food and drink premises consistent with the guidelines.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

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*Clerk of the Parliaments*

**The Legislature of New South Wales enacts—**

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**1 Name of Act**

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This Act is the *Environmental Planning and Assessment Amendment (Vibrancy Reforms) Act 2024*.

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**2 Commencement**

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This Act commences on a day or days to be appointed by proclamation.

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<b>Schedule 1</b>	<b>Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	1
		2
[1]	<b>Schedule 4 Savings, transitional and other provisions</b>	3
	Insert after clause 7—	4
	<b>Part 3 Provision consequent on enactment of Environmental Planning and Assessment Amendment (Vibrancy Reforms) Act 2024</b>	5
		6
		7
	<b>8 Vibrancy guidelines</b>	8
	An amendment made by the <i>Environmental Planning and Assessment Amendment (Vibrancy Reforms) Act 2024</i> applies only to an extended hours of operation application, within the meaning of Schedule 8, clause 3, made after the commencement of the amendment.	9
		10
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		12
[2]	<b>Schedule 8 Special provisions</b>	13
	Insert at the end of the schedule, with appropriate part and clause numbering—	14
	<b>Part Application of vibrancy guidelines to certain applications relating to food and drink premises</b>	15
		16
	<b>Definitions</b>	17
	In this part—	18
	<b>24-Hour Economy Commissioner</b> means the Commissioner within the meaning of the <i>24-Hour Economy Commissioner Act 2023</i> .	19
		20
	<b>extended hours of operation</b> means hours of operation that extend beyond 7pm on any night of the week.	21
		22
	<b>extended hours of operation application</b> means either of the following applications made in relation to relevant food and drink premises—	23
		24
	(a) a development application that includes a proposal for extended hours of operation,	25
		26
	(b) an application to modify a development consent to allow extended hours of operation.	27
		28
	<b>food and drink premises</b> means food and drink premises within the meaning of the standard instrument.	29
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	<b>relevant food and drink premises</b> means food and drink premises that are—	31
	(a) not located within—	32
	(i) a special entertainment precinct within the meaning of the <i>Local Government Act 1993</i> , section 202, or	33
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	(ii) an area zoned R1, R2, R3, R4 or R5 within the meaning of the standard instrument, and	35
		36
	(b) situated on land that is 500m or more from the nearest residential accommodation within the meaning of the standard instrument.	37
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	<b>standard instrument</b> means the standard instrument set out in the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	39
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	<b>vibrancy guidelines</b> means guidelines about matters to be considered in determining extended hours of operation applications.	41
		42

<b>Vibrancy guidelines</b>	1
(1) The Planning Secretary may, after consultation with the 24-Hour Economy Commissioner, issue vibrancy guidelines to enable venues to operate in a way that achieves their full social, business and cultural potential, particularly as part of the night-time economy.	2 3 4 5
(2) In determining an extended hours of operation application, a consent authority must have regard to the vibrancy guidelines.	6 7
(3) To avoid doubt—	8
(a) the vibrancy guidelines may provide for matters to be considered in determining extended hours of operation applications but may not require applications to be automatically approved or refused, and	9 10 11
(b) the requirement to have regard to the vibrancy guidelines is in addition to any other requirement under this Act or another Act that applies to the extended hours of operation application.	12 13 14