

Passed by both Houses



New South Wales

Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Environmental Planning and Assessment Amendment (Vibrancy Reforms) Bill 2024

Act No _____, 2024

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

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

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

[1] Schedule 4 Savings, transitional and other provisions

Insert after clause 7—

Part 3 Provision consequent on enactment of Environmental Planning and Assessment Amendment (Vibrancy Reforms) Act 2024

8 Vibrancy guidelines

An amendment made by the *Environmental Planning and Assessment Amendment (Vibrancy Reforms) Act 2024* applies only to an extended hours of operation application, within the meaning of Schedule 8, clause 3, made after the commencement of the amendment.

[2] Schedule 8 Special provisions

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

Part Application of vibrancy guidelines to certain applications relating to food and drink premises

Definitions

In this part—

24-Hour Economy Commissioner means the Commissioner within the meaning of the *24-Hour Economy Commissioner Act 2023*.

extended hours of operation means hours of operation that extend beyond 7pm on any night of the week.

extended hours of operation application means either of the following applications made in relation to relevant food and drink premises—

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

food and drink premises means food and drink premises within the meaning of the standard instrument.

relevant food and drink premises means food and drink premises that are—

- (a) not located within—
 - (i) a special entertainment precinct within the meaning of the *Local Government Act 1993*, section 202, or
 - (ii) an area zoned R1, R2, R3, R4 or R5 within the meaning of the standard instrument, and
- (b) situated on land that is 500m or more from the nearest residential accommodation within the meaning of the standard instrument.

standard instrument means the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

vibrancy guidelines means guidelines about matters to be considered in determining extended hours of operation applications.

Vibrancy guidelines

- (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) In determining an extended hours of operation application, a consent authority must have regard to the vibrancy guidelines.
- (3) To avoid doubt—
 - (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
 - (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.