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Overview of *Local Court and Bail Legislation Amendment Act 2026* removing reference to magistrates in the *Local Court* across NSW legislation.

COMMENCEMENT OF 24-HOUR ECONOMY LEGISLATION AMENDMENT (VIBRANCY REFORMS) ACT 2024 SWITCHES OFF CERTAIN CONDITIONS AT LICENCED PREMISES.

Background:

On 13 March 2026, the NSW Government published a Commencement Proclamation giving effect to Schedule 5.1 of the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024 (Vibrancy Reforms Act)*.

Schedule 5.1 amends the *Environmental Planning and Assessment Act (EPA Act)* to switch off certain conditions of development consents relating to performances at all licenced premises venues.

The NSW Government has stated that purpose of this amendment is to end over-prescriptive prohibitions on the offering of entertainment and live performances. As put in the second reading speech for the *Vibrancy Reforms Act*:

"We are not characters in Footloose, where people are not allowed to dance or sing or celebrate."

Schedule 5.1 and Amendments to the EPA Act

Schedule 5.1 of the *Vibrancy Reforms Act* inserts section 1A in Schedule 8 of the *EPA Act*.

Per the new schedule 1A, the following aspects of development consents for licenced premises will cease to have effect (including insofar as the consent requires

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compliance with any similar provision in a plan of management):

- type of music that may be played;
- number and type of instruments that may be played;
- number of musicians that may perform
- whether dancing occurs;
- presence or use of a dance floor;
- direction in which stage faces;
- decorations to be used by performers, including lighting (except for land to which the *Dark Sky Planning Guideline* applies).

The above provisions will not apply to consents for State Significant Development, complying development, or consents under Part 4 Division 4.3 of the EPA Act.

Additionally, prohibitions on live entertainment, including live music, contained within a development consent for a licensed hotel, club, or small bar, will cease to have effect. However, this will not apply to complying development or to consents granted under Part 4 Division 4.3 of the EPA Act.

We note that a related provision switching off conditions of consent regulating noise generated from a licenced premises was previously inserted by cl 97A of the EPA Regulation on 1 July 2024 under the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023*.

To the extent to which development consents issued by councils have included such conditions, then they need to be mindful of these amendments. This is particularly the case if enforcement action was being considered for a breach of such a condition.

Similarly on future development consents, councils may wish to consider whether conditions should be imposed seeking to regulate such matters.

Local Court and Bail Legislation Amendment Act 2025

On 13 March 2026, the NSW Government published a Commencement Proclamation under the *Local Court and Bail Legislation Amendment Act 2025 (Local Court Amendment Act)* giving effect to Schedule 1 and part of Schedule 2.

Schedule 1 and Schedule 2 of the Local Court Amendment Act amend over 94 NSW legislations to remove all references to 'Magistrates' in the Local Court and change the titles to 'Judge' in all instances. Associated transitional and savings provisions have also been inserted to improve clarity during the transition.

The purpose of these amendments is to improve public understanding of the role of magistrates in the Local Court. The NSW Government has found that the existing differences in terminology across judicial systems has led to confusion and a lack of understanding of the significance of local court proceedings.

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Anyone participating in future Local Court proceedings should make note of this change and adjust accordingly.

This article is based on the Commencement Proclamations published by the NSW Government which can be accessed here: [Vibrancy Reforms Act](#) and here: [Local Court Amendment Act](#).

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