



**CITY OF
PARRAMATTA**

SUBMISSION

**NSW Parliamentary Joint Select
Committee on Sydney's
Night Time Economy**

**ADOPTED
22 July 2019**



Introduction

City of Parramatta Council wishes to thank the NSW Parliament for the invitation to provide a submission to the Parliamentary Inquiry into Sydney's Night Time Economy. Considering the renewed and sustained focus and interest of various levels of government, industry, businesses and the community in the night time economy, the announcement of this inquiry into Sydney's night time economy is both welcomed and actively supported by Council.

The night time economy is an incredibly important part of the broader City of Parramatta economy, accounting for over \$1.1 billion of turnover in 2018 and employing over 8,000 people in the core night time industries of food, beverage and entertainment. Cumulative economic benefits to the broader supply chain supporting our core night time industries produce an additional \$4 billion annually to our local economy (Source: Council of Capital Lord Mayors, 2019).

Our resident and business communities inherently value our local night time economy and the social, environmental, economic and cultural benefits that flow from increased choice of night time activities, events and businesses, safe and vibrant centres and frequent public transport to their general wellbeing, connection with place and capacity to engage with the economy.

From consultation undertaken by the City, our community and stakeholders have told us they want to see:

- Their centres, big and small, be safe, well-lit and easily accessible;
- A diversity of open businesses; retail, services, hospitality and licensed venues in our centres;
- More events with more variety in offer, more often;
- A night time economy with a strong cultural offer of creative arts, live music and performance; and,
- Council and other government agencies make it easier to do business at night and to diversify their offer.

The City of Parramatta Council are proud leaders in the development, retention, growth and transition of a night time economy that is safe and diverse, offering great experiences to our community and visitors.

However, the regulatory environment that we, alongside many councils across Greater Sydney operate in presents challenges to planning for a rapidly changing Parramatta CBD that will need to transition to function 24-hours like the Sydney CBD in the medium term. Council requires the NSW Government to make substantial investments in planning and regulatory reform that support the development of diverse night time economy, attempting to strike the balance between a burgeoning residential population in inner-city areas and an active public domain and ground floor.

We advocate for a whole-of-experience, multi-agency and holistic approach to the future development, management and promotion of Sydney as a great night time

destination, meeting the diverse and rapidly changing expectations of our residents, workers, students and visitors with greater collaboration between the NSW Government and local councils such as the City of Parramatta.

The City provides the following feedback for the consideration of the Committee to help inform the basis of future matters of investigation of the Parliamentary Inquiry.

FEEDBACK 1: A Greater Sydney view of Night Time Economy Reform and Investment

Feedback 1 (a) – Clear and centralised state government departmental oversight and administration of the night time economy portfolio

While we recognise that Create NSW has been appointed as the lead agency for the night time economy portfolio at a state level, there needs to be a dedicated office which can more easily pull together diverse agencies outside the responsibility of Create NSW. A cross-sector network of service providers, local governments, state agencies and business representatives is required to drive change.

The spreading of responsibility of matters across state government portfolios, while valuable from a policy development perspective, makes it very difficult for councils to engage with the NSW Government on matters when there is irregularity and a lack of clarity as to who is responsible for what. This complexity disables councils in having clear avenues to collaborate with and provide a feedback loop to the State Government.

Feedback 1 (b) – Inclusion of the City of Parramatta on the re-constituted Sydney Night Time Economy Taskforce

In December 2016, the NSW Government committed to the establishment of a Night Time Economy Taskforce. The Taskforce was first convened in February 2017, represented by various state government departments and the City of Sydney with a defined focus to deliver of the NSW Government Response to the Sydney Night-Time Economy Roundtable Action Plan, which was centred on the Sydney Entertainment Precinct, wholly contained within the City of Sydney.

As part of our submission to the Parliamentary Inquiry into the Music and Arts Economy in New South Wales, the City of Parramatta made representations that the Taskforce should have a broader scope of responsibility or amendment to its terms of reference to encompass a wider cross-section of Greater Sydney and understand and work toward the delivery of actions that support the growth and management of night time economies across Greater Sydney. As part of this advocacy, City of Parramatta expressed its case for inclusion on the Taskforce.

It is Council's understanding that with the restructuring and reconstituting of various state government departments following the State Election, the Taskforce will likely (or has been) dissolved and will be re-constituted. While it is understood that there is a need for certain concerted efforts from various government departments to address particular issues in the City of Sydney pertinent to their night time economy, a body constituting all the relevant actors in the night time economy space from a state government perspective does not exist more broadly for local government.

City of Parramatta strongly recommends that the terms of reference and scope of the re-constituted Taskforce should have a broader voice for local government on the body to fill in this feedback loop and drive meaningful change across Greater Sydney. To this end, Council strongly advocates for the City of Parramatta's inclusion on the re-constituted taskforce.

Feedback 1 (c) – Delivery of a Night Time Economy Strategy for Greater Sydney

The Night Time Economy Roundtable Action Plan identifies the need to develop a night time economy master plan for Sydney, which has yet to be undertaken. The draft masterplan should be done in collaboration with Councils and key stakeholders with a focus on Greater Metropolitan Sydney rather than just Sydney CBD.

The draft plan should also include an acknowledgement of the potential to develop and grow existing night time economies in each of the "three cities" (Eastern, Central and Western) and such "loci" can have local intensity and critical mass, and would support each other.

Feedback 1 (d) – Create a clear reporting and evaluation system for action in process and actions completed

The Action Plan has a number of critical actions that can assist in developing our night time economies. However, there appears to be no clear reporting and evaluation system to determine whether an action has been started, is in progress or has been completed.

Of importance are those actions with elements that have proven (through best practice) to be crucial to a thriving night time economy, such as efficient late night public transportation.

FEEDBACK 2 – Greater late night public transport across Greater Sydney, including the City of Parramatta

During the preparation of Council's Night Time Economy Discussion Paper, access to public transport at night was cited as the second most important concern to our community in engaging with our city at night. Our community voiced key concerns with the frequency and reliability of connected public transport options in getting them to and from Parramatta in a safe and timely manner. An efficient transport network also ensures that our city and its various attractions are made accessible to all residents and

visitors. Reliable and frequent public transport options are needed to ensure that visitors spend less time in quiet areas of the city. Council strongly advocates for greater public transport at night both to and from our CBD and local centres and that the state government continue to investigate options for greater diversity of night time transport, such as on-demand buses. While we acknowledge the benefits to be realised of having services to 1am as part of the delivery of Stage 1 of Parramatta Light Rail, more investment is needed in the frequency of services across modes to key centres in and out of Parramatta CBD, in particular.

FEEDBACK 3 – The need for dedicated state government funding to local Councils to deliver night time economy outcomes, namely community safety initiatives and public domain improvements;

Council advocates for specialised grant funding to support local Councils to deliver on the Roundtable Action Plan (or any Night Time Economy Strategy for Greater Sydney) in our own local and major centres, particularly in respect of delivery of public domain improvements to increase public safety.

FEEDBACK 4 – Proactive responses to entertainment sound and application of the “agent of change”

In order to balance a thriving night time economy that supports music, arts and culture, it is necessary to ensure that new developments are better attenuated to minimise potential land use conflicts between sensitive uses and the night time economy.

As the Greater Sydney Commission and other state agencies advocate for a “30-minute city”, locating housing in close proximity to entertainment and other uses, the conflict between residents and noise-generating uses will need to be proactively managed. To develop effective policies, the following issues need to be considered:

- The maturity of the precincts (established, in growth or developing).
- The Application of the “agent of change” principle where relevant. This principle holds the “agent of change” accountable for sound attenuation. The “agent of change” principle dictates that it is the responsibility of the new development to respond to the existing context of their local environment and make accommodations in their building accordingly (such as a new residential building adequately sound-proofing to account for a theatre in close proximity). The Victorian State Government have introduced the Agent of Change as part of their Planning Scheme Amendment VC120 2014 and Clause 52.43, which is triggered when a new planning application is lodged.
- Planning objectives for vibrant mixed use precincts need to incorporate appropriate building design responses, particularly for the ground and first floor levels, and also consideration of potential trading hours for commercial uses (day, evening and late night) to address expectations of both residents and business owners and reduce potential for conflict.

Sound attenuation policies should be developed to establish minimum criteria with which to build new development. These policies should be applicable to any new development including state significant developments assessed by the State Government. Policies should also take a considered approach for resident's needs, and determine the maximum LAeq levels and Bass levels for new venues that are opened.

Currently the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Protection of the Environment Operations Act 1997* (POEO Act) and the *Liquor Act 2007* all deal with entertainment noise, which makes it difficult for a venue, residents and applicants to navigate and understand the process. A more consistent approach to dealing with noise complaints across the three legislations would make it easier for the general public and businesses to understand and reduce 'red tape'.

Council recommends that the Department of Planning, Industry and Environment lead a review into sound attenuation policy and guidelines to remove these contentions, where possible and that local government be actively involved in developing these solutions with the Department.

FEEDBACK 5 – Activate Sydney @ Night

In March 2019, Create NSW with both the Office of Responsible Gambling and the Department of Industry, launched the "Activate Sydney @ Night" program with a view to support low-scale and low-risk activation and business activity within a variety public and private spaces at night. The program is two-fold, consisting of:

- Activate Sydney @ Night Grant Program – a funding pool of \$500,000 to support the delivery of low-scale, low-risk activations, business activity and creative uses (Office of Responsible Gambling);
- A 12-month trial of pop-up bar and pop-up event licenses with a maximum duration of 6 weeks, allowing for patronage of 100 for pop-up bars and 300 for events (Department of Industry).

A "Parramatta Night Time Activation Precinct" (broadly Parramatta CBD extended eastwards to cover Rosehill Gardens) was included as part of the pilot. Council welcomes this announcement as a recognition of the Parramatta CBD's strategic importance as a key night time economic centre, and as a welcome first step in the delivery of specifically night time economy programs beyond Sydney Entertainment Precinct.

Despite these positive first steps, the delivery and accessibility of these programs has been less than optimal and should be reviewed to ensure they are meeting their intended objectives. Suggestions about how Council would like to see improvements and enhancements to the Activate Sydney @ Night program include:

Feedback 5 (a) – The need for broader collaboration with local councils on the delivery of the 12-month pop-up license trial

The launch of the 12-month pop-up license trial for pop-up bars and pop-up event licences within the Parramatta Night Time Activation Precinct is welcomed. However, the

program has had some shortcomings in that it does not simplify the Development Application process. Council was not consulted prior to the launch of the program and as such was unable to make meaningful suggestions or provide local planning advice as to how to run the program successfully in the City of Parramatta. As such, the pilot program has had limited success to date.

Feedback 5 (b) – Support from the Department of Planning, Industry and Environment (DPIE) for reforms to small-scale cultural uses as exempt and complying development across the state

Council wishes to explore options to promote small-scale cultural uses as exempt or complying development (similar to the options explored in the City of Sydney's Open and Creative Discussion Paper) that may yield better results in the implementation of these trial licenses (i.e. a business could gain a licence to have a pop-bar within a retail store for a temporary basis with the temporary change in use being considered exempt or complying development).

The Activate Sydney @ Night Program is primarily centred in providing opportunities for small-scale creative and cultural uses and for existing operators to diversify night time offerings. The current planning system makes it difficult to achieve a positive outcome. Some common issues that confront the planning system from a night time economy perspective include:

- Space used for a temporary purpose distinct from the primary use;
- Space used for a temporary activation or event (alongside the primary use);

Council advocates for broad state-wide support from the Department of Planning, Industry and Environment in investigating options for councils to make modifications to either Schedules 1 and 2 of their own respective Local Environmental Plans, or preferably to the State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 in order to facilitate better night time economy outcomes.

While it is understood that modification to the Parramatta Local Environmental Plan 2011 are the responsibility of Council, concurrence is required by DPIE through the Gateway process. Council recommends that DPIE work with Councils to ensure that modifications of this nature are possible and supported through the Planning Proposal process.

Feedback 5 (c) – Expansion of Activate Sydney @ Night to more precincts within the City of Parramatta

The Activate Sydney @ Night trial identified 7 delivery precincts. Areas within the City of Sydney account for 5 of the 7 precincts. Only 1 precinct was established in the City of Parramatta. It is the view of Council that there are several other precincts within the City of Parramatta that have the requisite critical mass and availability of space, businesses and resources that could benefit from the expansion of the Activate Sydney @ Night

program and would benefit from the resource funding pool that is hopefully replicated in 2020 by the NSW Government.

Council strongly activates that the NSW Government explore the opportunities to extend the Activate Sydney @ Night program to Sydney Olympic Park, Wentworth Point and Epping. Wentworth Point and Epping are significant precincts with the potential to foster diverse and vibrant night time economy due to their exponential growth and highly dense populations. Access to funding support to promote night time activities in these precincts through the Activate Sydney @ Night program would be greatly beneficial.

Sydney Olympic Park now forms part of the City of Parramatta Council boundaries and is an internationally significant sports and major events destination which, by 2030, is projected to be home to up to 23,000 residents. Sydney Olympic Park Authority and the City of Parramatta are currently working together to deliver business support, events programming and advocacy to develop the night time economy within the areas of our respective control. Support through the Activate Sydney @ Night program, particularly in relation to the pop-up licences, would greatly assist the Authority in delivering its place activation programs.

FEEDBACK 6 – Collaborative approach to pilot development application and liquor licensing streamlined notification process

There should be an integrated process when development applications come to councils for proposals that also seek to serve alcohol as a licensed premises. For example, venues should be able to submit a single Community Impact Statement (CIS) in place of a Social Impact Assessment that can be assessed in the development application process and in the liquor licensing application process.

As stated above, this is an issue preventing the Activate Sydney @ Night program from working to full effect. It is our understanding that the City of Sydney is working with NSW Liquor and Gaming at potential trialing a joint-notification and joint-application form in the near future. Council recommends that such trial should be employed in the City of Parramatta and that the partner agencies actively engage with Council to facilitate this outcome.

FEEDBACK 7 – Live Music and Performance

Feedback 7 (a) – Advocacy for the release of the Contemporary Music Strategy

Music is a huge part of the social and cultural fabric of Parramatta, and a pillar of existing competitive strength and immense opportunity for the night time economy in the City of Parramatta. In 2018, Create NSW announced it had commenced work on developing a Contemporary Music Strategy for the State as a response to the Night Time Economy Taskforce's work to implement the Government's Response to the Night Time Economy Roundtable Action Plan. Throughout 2018, Create NSW engaged with

relevant stakeholders to shape goals, strategies, actions and priorities that will provide a framework to focus for the expansion and growth of contemporary music in New South Wales. City of Parramatta was an active participant in the stakeholder consultation for the Contemporary Music Strategy.

The draft Strategy was purported to be released in a draft form for stakeholder comment in October 2018, however it has yet to be released by Create NSW.

Council strongly advocates that the NSW Contemporary Music Strategy is publicly released as a matter of urgency and that the earmarked funding for the delivery of the Contemporary Music Strategy begin to be assigned to projects identified under the Strategy for delivery. Council is keen to work constructively with Create NSW and relevant stakeholders in the delivery of the Contemporary Music Strategy.

Feedback 7 (b) – Support for the establishment of new live music venues throughout Greater Sydney

At last count, the City of Sydney has lost over 175 live music venues and this number continues to rise across Greater Sydney as longstanding live music venues are forced to close by the significant urban transformation. The City of Parramatta currently lacks a dedicated live music venue to host touring artists and performers, which greatly limits the capacity for the City to attract touring artists. Council has limited capacity to host performances, particularly for indoor live music.

There are currently significant complexities in the establishment of new live music venues, due to Building Code restrictions, noise restrictions and land use planning requirements. This is having an adverse effect in providing points of entry to new operators.

Council advocates for regulatory improvements, namely consistent and clear guidelines to the establishment of live music venues, licensing streamlining for liquor sale and consumption at live music venues and support for operators to establish live music venues. Inner West Council is an exemplary example for live music support with the establishment of a Live Music Liaison, which is something Council may consider.

FEEDBACK 8 – Support for 'night time friendly' planning and regulatory reforms

Planning regulations need to be reformed to ensure the sustainability of permanent and temporary venue spaces are available for music, the arts and creative uses. Examples of how this can be achieved include:

Feedback 8 (a) - Establish an independent music and arts committee that can provide feedback on planning reforms

The Department of Planning, Industry and Environment are currently doing a review of retail policy to improve the NSW planning system for retailing. As part of this, they appointed an independent committee – the Retail Expert Advisory Committee to provide advice. The committee has provided the following recommendations:

- Develop state-wide retail planning policy
- Change the standard instrument
- Improve the assessment process
- Provide clearer planning guidance

Using this example, it is recommended to undertake a similar process to determine the way forward with planning reform to support the establishment and sustainability of permanent and temporary venues for music and the arts.

Feedback 8 (b) - Flexibility with the standard instrument

There is a growing trend towards multi-functional and multi-use development such as cafes with live music, and shopfronts and galleries that are licenced. Examples of this trend include '107 Projects' in Redfern and 'Trouw' in Amsterdam, which is a night club with an art scene, a creative accelerator, a bar, restaurant and Sunday Markets. These types of multi-functional and multi-use developments however are difficult to assess in the existing planning framework. There needs to be more flexibility with the standard instrument to make it clearer for planners and for applicants that wish to establish permanent venues.

Feedback 8 (c) - Amend the SEPP Exempt and Complying Development Code

Council recommends amendment to the Codes SEPP to introduce controls for temporary arts, cultural and live performance uses to ensure existing underutilised spaces in appropriate areas can be activated without the formality of a development application. This will assist in creating a thriving day and night economy.

FEEDBACK 9 – State government support and collaboration with the NSW Night Time Economy Councils Committee

Partly in response to the Night Time Economy Taskforce being exclusively targeted to deal with matters pertaining to the Sydney Entertainment Precinct, and partly in order to facilitate open dialogue between leading metropolitan and regional councils, the Night Time Economy Councils Committee (NTECC) was formed in late 2016 and now consists of City of Parramatta, City of Sydney, Waverley Council, Liverpool City Council, Wollongong City Council, City of Newcastle, City of Canterbury-Bankstown, Inner West Council, Lake Macquarie City Council, Penrith City Council, Northern Beaches Council and Local Government NSW.

NTECC facilitates a large network of over 150 local government professionals to share information, dialogue and build capacity within local government to understand, plan

and grow night time economies across New South Wales. NTECC has delivered capacity building masterclasses on developing a night time economy strategy, engaging businesses in the night time economy, planning and regulation and making space for culture which have been well attended and received over the past 2 years.

NTECC is well-regarded within local government as a peak level advocacy group for night time economy policy. It is actively encouraged by Council that NTECC and Local Government NSW be actively sought out by the NSW Government to road-test ideas, initiatives and reform to support the growth and management of the night time economy in Sydney as a strong collective body representative of local government.

Contact Details

Council looks forward to seeing the results and recommendations stemming from this Parliamentary Inquiry and commits itself to working constructively with the NSW Government to deliver on positive night time economy outcomes for our community.

For further information in relation to Council's submission, please contact **Beau Reid - Project Officer Economic Development** on 02 9806 5538 or BReid@cityofparramatta.nsw.gov.au

Yours sincerely,

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Executive Director City Strategy and Development

Attachment 1 – Night Time Economy Discussion Paper
Attachment 2 – Culture and Our City – a Cultural Plan for Parramatta's CBD 2017-2022



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