

# **Attachment B**

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| <p><b>Special Entertainment Precincts Discussion<br/>Paper</b></p> |
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# Special Entertainment Precincts



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# Special Entertainment Precincts

## What is a Special Entertainment Precinct?

As part of the Vibrancy Reforms, the NSW Government announced a new framework for Special Entertainment Precincts.

Special entertainment precincts support live entertainment through extended trading hours and sound controls that provide operational certainty for venues, neighbouring residents and businesses. Councils can establish special entertainment precincts in their local areas.

Special Entertainment Precincts:

- are mapped by the Council in the Local Environmental Plan (LEP), they can be for an area, a street or a single venue
- have sound levels and trading hours set by Council in a precinct management plan and override those on a development consent
- have noise complaints continue to be managed by Liquor and Gaming NSW but with regard to the Council's precinct management plan
- Councils must notify residents and people moving into the area about the precinct designation, for example on planning certificates or on its website.

## What benefits and incentives are available for businesses?

As part of the Vibrancy Reforms the following benefits and incentives are available for businesses within a Special Entertainment Precincts:

- all venues are eligible for an 80 per cent discount on liquor licence fees
- all venues are eligible for a 1-hour extension on liquor trading every night of the week, when at least two live performances have occurred in that week (see Figure 2)
- simplified process to become a dedicated live music or performance venue
- dedicated live music and performance venues are eligible for a 2-hour extension on liquor trading on the night of a performance (see Figure 2)

The City would like to make these incentives available for all eligible business in all of our existing late night trading areas.



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## How does the City support night life and vibrancy?

City of Sydney already has a strong approach to support the night time economy and encourage live music and performance, including:

- an established strategy for night life precincts across three tiers of late-night trading areas
- a tried and tested approach to trading hours supporting 24-hour trading where it's appropriate and based on successful trials
- a bonus DA trading hour to incentivise live music and performance
- a long history of balancing the amenity of residents and venues in the management of entertainment sound (noting Liquor & Gaming NSW is now the lead regulator)
- activating our streets through On-street Alfresco Dining and regular Sydney Streets events
- funding Creative Grants, Innovation & Ideas Grants, Business Support Grants and Festival and Events Sponsorships
- support for business through our Business innovation program, Reboot webinar series, and promotion via What's On
- an emerging approach to managing entertainment sound issues in planning for new venues and residential buildings which are likely to be affected

Special Entertainment Precincts are an opportunity to evolve our existing strategy and unlock incentives and benefits for more businesses.

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## What is the City's proposed approach?

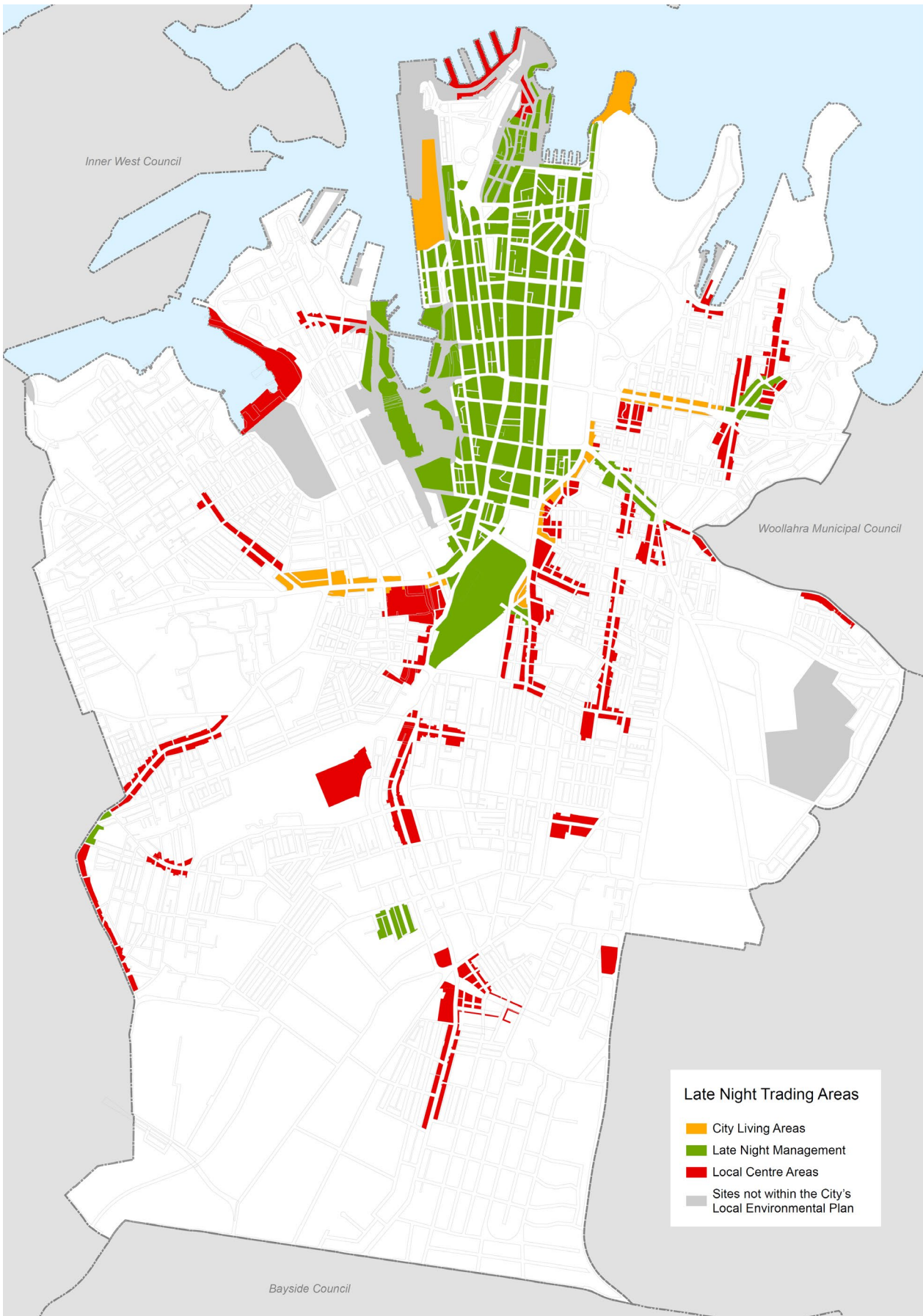
Our preferred approach is to upgrade our existing late-night trading areas to Special Entertainment Precincts.

This approach:

- acknowledges the quantity and diversity of the many 'going out' areas in the LGA
- extends incentives and benefits to more businesses
- supports diversity in night life locations and offerings, reducing the risk of concentration and homogenisation
- manages amenity for residents by continuing our tried and tested approach to late night trading
- enables the City to set bespoke sound criteria which protects amenity and responds to local conditions



Figure 1. proposed Special Entertainment Precincts



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## What are the benefits of this approach?

We have been investigating how Special Entertainment Precincts might best be applied in our local area. We also considered the alternative option of identifying smaller, specific areas as Special Entertainment Precincts. The proposed approach:

- emphasises the quantity and diversity of night life areas in the area;
- extends the benefits of Special Entertainment Precincts to as many businesses as possible;
- avoids potential impacts of noise and anti-social behaviour coming from the over-intensification of nighttime activity in small areas
- provides the assurance to residents that the City will continue with our tried and tested approach to late night trading;
- enables bespoke sound criteria in certain areas, to supplement the general draft DCP entertainment sound criteria and respond better to local conditions;
- avoids the potential to focus economic activity, investment and patronage to limited designated areas at the expense of other areas in the local area; and
- avoids the potential for change of character in designated areas, such as homogenisation of offerings, increasing rents, focus on alcohol, concentration of nightlife and loss of daytime trading and local services.

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## How will the City manage trading hours?

We already have a policy that supports late night trading, which is working well. Our policy has 'base hours' and 'extended hours' which can be approved via a development application (DA) with extended hours on a trial basis accompanied by a plan of management.

These hours vary for different categories of business based on amenity impacts, with more generous hours for lower impact businesses like shops (Category C), compared to higher impact venues like small bars and clubs (Category B) and larger venues and nightclubs (Category A). The hours also differ in the three tiers (see Figure 1): Late Night Management, City Living and Local Centres.

With a Special Entertainment Precinct, we would seek to streamline this approach, with no DA required for trading hours within base hours (see Figure 2). A DA would still be required for businesses to take up extended hours (see Figure 3).

The NSW Government offers additional liquor licence hours to incentivise live music and performance. However, DA trading hours can limit venues being able to access these incentives.

We would unlock venues being able to access these incentives by introducing program incentive and dedicated venue hours without the need for a DA (see Figure 2).

With any changes we make to trading hours, we would make sure that no businesses are disadvantaged. All businesses should be allowed to trade the same hours as they are currently permitted or later.

Figure 2. proposed Special Entertainment Precinct trading hours

|                       |                           | Category A      |             | Category B      |             | Category C      |
|-----------------------|---------------------------|-----------------|-------------|-----------------|-------------|-----------------|
|                       |                           | Indoor          | Outdoor     | Indoor          | Outdoor     | Indoor          |
| Late Night Management | <b>Base</b>               | 6am to midnight | 9am to 10pm | 6am to 2am      | 7am to 10pm | 6am to 2am      |
|                       | <b>Program incentive*</b> | 6am to 1am      | –           | 6am to 3am      | –           | 6am to 3am      |
|                       | <b>Dedicated venue**</b>  | 6am to 2am      | –           | 6am to 4am      | –           | 6am to 4am      |
| City Living           | <b>Base</b>               | 7am to 11pm     | 9am to 10pm | 7am to 1am      | 7am to 10pm | 7am to 1am      |
|                       | <b>Program incentive*</b> | 7am to midnight | –           | 7am to 2am      | –           | 7am to 2am      |
|                       | <b>Dedicated venue**</b>  | 7am to 1am      | –           | 7am to 3am      | –           | 7am to 3am      |
| Local Centre          | <b>Base</b>               | 9am to 10pm     | 9am to 10pm | 7am to 11pm     | 7am to 10pm | 7am to 11pm     |
|                       | <b>Program incentive*</b> | 9am to 11pm     | –           | 7am to midnight | –           | 7am to midnight |
|                       | <b>Dedicated venue**</b>  | 9am to midnight | –           | 7am to 1am      | –           | 7am to 1am      |

\*only available where the venue has a program of live music performance or other arts and cultural event of at least 45 minutes after 8pm on at least 2 nights in any 7-day period

\*\*only available on the night of a live performance that is at least 45 minutes long, after 8:00pm, and the venue is a dedicated live performance venue published on the Liquor and Gaming website

Figure 3. proposed extended trading hours

|                       |                 | Category A |                 | Category B       |                 | Category C |
|-----------------------|-----------------|------------|-----------------|------------------|-----------------|------------|
|                       |                 | Indoor     | Outdoor         | Indoor           | Outdoor         | Indoor     |
| Late Night Management | <b>Extended</b> | 24 hours   | 9am to 1am      | 24 hours         | 7am to 1am      | 24 hours   |
| City Living           | <b>Extended</b> | 7am to 5am | 9am to midnight | 7am to 5am       | 7am to midnight | 24 hours   |
| Local Centre          | <b>Extended</b> | 9am to 1am | 9am to midnight | 7am to midnight* | 7am to midnight | 7am to 2am |

\*proposals for extended indoor hours may be approved to 2am but only where entry and egress of all patrons will be onto a main street and not onto a laneway, or predominantly residential area.



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## How will sound levels be enforced and complaints managed?

In a Special Entertainment Precinct, noise complaints will continue to be managed by Liquor and Gaming NSW but with regard to the Council's precinct management plan, which will include bespoke sound levels.

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## What about areas where the City's LEP does not apply?

The map at Figure 1 identifies the City's preferred boundaries for our Special Entertainment Precincts'. These boundaries are existing boundaries that align with our late-night trading areas.

The boundaries include existing late-night trading areas where the City's Local Environmental Plan does not apply and the NSW Minister for Planning and Public Spaces is the planning authority (see areas in grey shown in Figure 1).

It is the City's intent for any planning proposal to establish Special Entertainment Areas to include these areas. The City will work with the NSW Government to ensure a consistent approach across the late-night trading areas.

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## How will the City set sound levels?

We are committed to enhancing the cultural and creative vibrancy of our city while ensuring a balance between lively activities and residential amenity. This approach will provide greater certainty for both businesses and residents.

A key advantage of our proposed strategy is the ability to establish tailored sound criteria for our late-night trading areas. This will respond to the local context and protect venues with more permissive sound criteria than in the DCP or that may be used by Liquor and Gaming NSW.

To develop sound criteria for Special Entertainment Precincts, we will engage acoustic experts to conduct a detailed sound study, assessing current noise levels. Additionally, we will consult the NSW Government's Special Entertainment Precinct Guidelines and Acoustic Toolkit for recommended sound levels.

These custom sound levels will be designed to support the vibrancy of nightlife, in balance with the need for residential amenity. We will trial and test these sound levels for a minimum 18-month period.

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## What are we trying to achieve?

Our proposed approach reflects Direction 8 of Sustainable Sydney 2030-2050: A thriving cultural and creative life, where:

- we value our cultural life and champion our creative industries, and
- our cultural life reflects the diversity of our community.

By adopting our tried and tested approach to trading hours but adapting it to align it the NSW Government's Vibrancy Reforms, we are seeking to promote access to live music and performance across our area.

Consistent with our existing objectives for our late night trading areas, our approach:

- identifies appropriate locations and trading hours for late night trading premises
- encourages late night trading premises that contribute to vibrancy and vitality as appropriate for a Global City
- encourages a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in the city as well as people who visit the city
- encourages a diversity of night-time activity in defined areas
- encourages a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues
- prevent the proliferation of poorly managed high impact late night premises
- ensure that new late night trading premises do not reduce the diversity of retail services in an area.



## What is the process for designating a Special Entertainment Precinct?

The NSW Government's [Special Entertainment Precinct Guidelines](#) provide more information on the process for designating a Special Entertainment Precinct.

The Guidelines are supported by Optional Sound Guidance and Templates.

The mandatory steps for a council to establish a Special Entertainment Precinct are in Figure 4.

The process from Step 1 to 12 is estimated to take approximately 18-24 months.

The NSW Government's Guidelines provide a more detailed description of each stage as well as steps dealing with operating a Special Entertainment Precinct and suspending / revoking a Special Entertainment Precinct.

The NSW Minister for Planning and Public Spaces may establish a Special Entertainment Precinct directly and is not bound by the mandatory steps.

## Figure 4. mandatory steps

### mandatory steps

1. identify and map
2. establish strategic intent
3. obtain a Council mandate to proceed
4. prepare a precinct management plan
5. prepare a sound management framework
6. prepare a compliance framework
7. prepare a planning proposal to amend the local environmental plan
8. prepare a development control plan amendment
9. undertake targeted community consultation
10. submit the planning proposal for NSW Government approval and publicly exhibit
11. finalise the local environmental plan amendment for the Special Entertainment Precinct to come into effect
12. evaluate the Special Entertainment Precinct after a trial period

## What are the next steps?

This Discussion Paper represents steps 1 and 2 of the process to designate Special Entertainment Precincts.

Before we proceed to Step 3, we would like community and business feedback in relation to our proposed approach.

After the public consultation period, we will review the feedback and report the outcomes to council with recommendations on how to proceed.

**We'd like to hear your views about our proposed approach to designate the late-night trading areas as Special Entertainment Precincts.**

Please fill out the survey at:

*Link to be inserted.*



