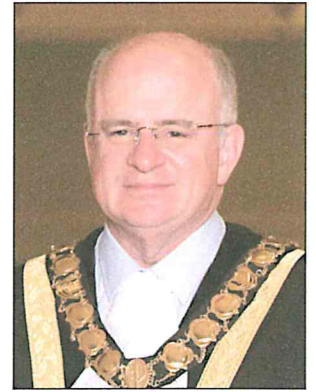




Ref: LORDMAYOR/2018/01508

24 October 2018

Ms Kate Mihaljek
Portfolio Committee 6
NSW Legislative Council
Parliament House
SYDNEY NSW 2001



Lord Mayor
Andrew Wilson
City of Parramatta

Dear Ms Mihaljek

Response to questions on notice and supplementary questions – Parliamentary Inquiry into the Arts and Music Economy in New South Wales - City of Parramatta Council

Thank you for your email of 21 September 2018 to Council Officers detailing questions on notice and supplementary questions to the Parliamentary Inquiry into the Arts and Music Economy in New South Wales. The City of Parramatta Council (Council) extends its appreciation to the Committee for the invitation to Council to provide expert evidence to the Parliamentary Inquiry.

Council also appreciates the granting of an extension to be able to provide a response to the Committee's supplementary questions.

Please find attached to this letter in response to the Committee's questions taken on notice and supplementary questions:

- The City's opening remarks to the Parliamentary Inquiry at **Attachment 1**;
- Response to questions taken on notice at **Attachment 2**;
- Response to the supplementary questions of the Committee at **Attachment 3**;
- An edited transcript of the proceedings at **Attachment 4**;
- Council's original response to the Parliamentary Inquiry (February 2018) at **Attachment 5**.

I trust these will be of assistance. Council looks forward to the final report and recommendations and wishes to thank the Committee for their interest in supporting the arts and music economy of New South Wales.

Should you have any questions about Council's response or if the City can be of any further assistance to the Committee, please contact Beau Reid – Project Officer Economic Development on

Yours sincerely

Cr Andrew Wilson
Lord Mayor
City of Parramatta

Attachment 1: Opening Statement on behalf of City of Parramatta Council - Inquiry into the Music and Arts Economy in New South Wales

Thank you for inviting City of Parramatta Council to provide evidence to this inquiry. My name is Beau Reid, I am the Economic Development Officer with primary responsibility for planning, policy, regulation and programs strategy relating to the development of our City's night time economy. In my role, I am currently undertaking the development of the first *Night Time Economy Strategy* for the City of Parramatta which is due to be considered by our Council later this year. I am accompanied here today by Mr Jeffrey Stein who is the Service Manager City Events and Festivals, an events management professional of over 20 years' experience, who leads the delivery of our annual program of major and civic events program.

The City of Parramatta is committed to becoming a thriving global city and cementing our place as Sydney's Central River City; one that champions music, arts, culture and a fantastic nightlife as key pillars to our vibrant and diverse community and a strong economy. Our City, and in particular our CBD is undergoing a massive amount of development and change, now and well into the future. Significant capital investments by local and state Government to transformative infrastructure, such as Parramatta Light Rail, Sydney Metro West and a new Western Sydney Stadium underpin this transformation and will position our City as a destination of choice for residents, workers, students and visitors. We are excited for Parramatta to continue its growth as an arts and music centre, with the State Government's commitment to a new Museum of Applied Arts and Sciences and re-developed Riverside Theatres, a nationally significant theatre and advocate for the arts in Western Sydney. These will forge a centre point of a thriving arts and cultural Central River City that fosters creativity, discovery and performance opportunity. To this end, we have tabled our *Cultural Plan* which was Highly Commended at the 2018 Local Government NSW Awards.

We are a City already with so much to offer. We have developed strong partnerships with the Live Music Office, and we work strongly with Create NSW to deliver key programs and events, such as our Live and Local Program and this year, being host to a series of live music performances as part of the Sydney Fringe Festival. We provide local business support through significant investment in mentoring, workshops, APRA licenses and programming acts within venues in Parramatta. We actively broker and create opportunities and connect local artists to showcase at large events, such as Invictus Games, Tropfest, TedX, Parramatta Lanes, Sydney Festival and Australia Day Parramatta.

We are a City that works directly with artists, contributing to the growth and sustainability of artist careers as well as our community's participation in the arts. Parramatta Artists Studios, a well-reputed arts organisation of Council, provides vital studio spaces to artists from across different art forms and career-stages, ensuring artists are making in the centre of our City. Artists based at Parramatta Artists Studios are industry recognised and award-winning.

The local, national and international success of our artists has contributed to generating demand for Parramatta-located galleries and exhibition spaces, a significant presentation gap in our cultural offer. From small artist-run galleries to a larger public gallery, the City's ability to negotiate spaces for the arts,

and partner with key stakeholders to realise spaces for arts presentation, is key to the growth and sustainability of the arts sector.

We aspire to continue this momentum, leverage on this significant cultural investment and position ourselves as the arts and cultural capital of Greater Sydney. But doing this is not without challenges.

Our community has told us that they want to see more arts opportunities and live music in Parramatta, and more support for local artists, musicians and businesses to broker these opportunities. They are conscious to the pressures of change, and want us to be proactive to a City in transition and respond to additional entertainment noise. As we grow, the importance of the Central River City in meeting the cultural infrastructure requirements of a burgeoning Greater Sydney cannot be understated. The City advocates for planning and regulatory reform, as we detail in our submission, to support greater flexibility for Council and operators to provide arts and culture opportunities, for businesses to diversify their offerings and for our nightlife to thrive.

City of Parramatta Council is pleased to be in attendance here today and we welcome the opportunity to provide answers to any specific questions in relation of our previous submission, or any matters of interest to the Committee. Thank you.

Beau Reid
Project Officer Economic Development

Jeffrey Stein
Service Manager City Events and Festivals

on behalf of City of Parramatta Council

Attachment 2: Response to Questions taken on Notice

Q. That is the evidence we have heard. I think the representative from the City of Parramatta referred to the agent of change principle and the Victorian legislation. Can you comment on that principle?

Council's original submission to the Committee detailed the following in relation to the 'agent of change principle', on Page 3:

Recommendation 5 – Proactive approach to entertainment noise

"To develop effective policies, the following issues need to be considered:"

- *"Application of the "agent of change" principle where relevant. This principle holds the "agent of change" accountable for sound attenuation. 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."*

In the view of Council Officers, the general rationale behind the "agent of change principle" is sound and consistent with general planning principles, to minimise amenity impact where land uses conflict or could be impacted by changes in conditions or operating hours, such as noise. Notwithstanding this, as stipulated in oral evidence provided to the Committee, there are some concerns as to the capacity for smaller operators, such as small bars and temporary tenants to meet overly onerous standards associated with the "agent of change principle" in some circumstances, which needs to be considered.

It is the view of Council Officers that the "agent of change principle" should be explored as part of any future modifications or review to relevant environmental planning instruments, namely the *Parramatta Local Environmental Plan 2011* and *Parramatta Development Control Plan 2011*. Such consideration ought to account for the particular needs of precincts and the types of potential and actual land use conflicts, namely the Parramatta CBD and special use precincts.

It is understood by Council that the NSW Department of Planning and Environment is currently working on a sound attenuation policy. The full scope of this project, how and where it would be applying, as well as the type of enforcement is not fully known to Council.

It should be noted that Council exhibited a draft Late Night Trading Development Control Plan in late 2017, which did not provide detail for sound attenuation controls. The Late Night Trading Development Control Plan is formally a deferred matter for consideration of the Council. Any modifications to noise and sound attenuation controls as part of any future review of sound attenuation and other late night trading development controls, would need to consider how the State Government has chosen to respond to sound attenuation in any standardised planning instrument, State Environmental Planning Policy or other guidelines.

Attachment 3: Response to Supplementary Questions

Q1. If the NSW Government was to legislate a framework for entertainment precincts across the state which gave councils the option of implementing these in their local area, would your council consider using applying such a concept locally?

Assuming, as the question suggests, that such a framework was voluntary, the merits for the City of Parramatta adopting such a framework locally would need to be considered in the context of;

- The scope of the framework and the reforms it suggests;
- How 'entertainment precincts' are defined;
- The level of flexibility for Councils who choose to 'opt-in' in, how such a framework would be applied and can be tailored to suit local conditions and local planning controls, as well as the ability to 'opt-out', if required;
- How the framework is implemented; whether through Guidelines or Planning Circulars, legislated and mandated in the form of a *State Environmental Planning Policy* or changes to local environmental planning instruments, such as the *Standard Local Environmental Plan Instrument 2006*, or other associated Acts.

Any formal position on any devised 'entertainment precinct' framework would be considered in detail and resolved by the Council.

Q2. What other steps would you like to see the NSW Government take to support the music scene in your local council area?

City of Parramatta would like to see greater financial investment by the NSW State Government into seed funding for live music performance, talent development and retention, and music education. In Victoria, upwards of \$22 million annually is provided for contemporary music funding and support programs that Council would like to see replicated in New South Wales. Programs such as major funding grants, *Music Passport*, the *Victorian Music Crawl* and *Music Under Wings* are extremely successful in Victoria and similar programs ought to be seriously funded and supported in NSW.

Council believes that greater investment in music industry development, targeted at Greater Western Sydney is required. Greater Western Sydney has a population of over 2 million people. However, it is the City's view that there is little State Government support focused directly on the development of an organic Western Sydney music scene that caters to our unique and diverse community. Currently, there are no music venues supporting contemporary music, no 'home-grown' record labels in Western Sydney and little support from mainstream radio and the media for acts from, and performances in Western Sydney.

It is our view that Western Sydney, and particularly Parramatta as the Central River City, needs more creative spaces and broad promotion of our local music industry, and the capacity for existing operators to move west. Currently, there are no medium to large music booking agents or promoters based in Greater Western Sydney.

Local councils are limited in their capacity to develop, promote and run these services and we need greater support from the State Government to deliver on our strategic objectives. We would like to see

Create NSW's support for local touring networks in the West, North West and South West, creating local music circuits and a new offering currently untapped.

Further, Council supports and advocates for the State Government to establish a number of creative hubs in Greater Western Sydney to support the development of, co-location and collaboration of various creative art forms, including music.

Further, the City re-iterates its recommendations as outlined in our original submission:

- That the City of Parramatta be invited to join the NSW Night Time Economy Taskforce;
- That the NSW State Government develop a holistic approach to the development of night time economies, aligned to the Greater Sydney Commission's Regional and District Plans;
- That the NSW State Government establish an entity with the ongoing responsibility to implement the NSW Night Time Economy Roundtable Action Plan at a Greater Sydney level, in collaboration with local Councils;

Q3. How many licenced venues are there in your council area, by licence type, have 'no entertainment' or 'no live music' conditions on their development applications?

As far as Council could ascertain within the timeframe given for response, we do not believe that any venues in the City of Parramatta have 'no entertainment' or 'no live music' conditions on the development consent for any licensed venues. The City applies the *Parramatta Development Control Plan 2011* – Section 3.3.4 – Acoustic and Visual Amenity (or any equivalent section of a Development Control Plan applying in an area since amalgamated into the City of Parramatta, or any relevant localised controls) to limit noise entertainment noise to reasonable levels. Applicants are further limited by a merit-based assessment to ensure that entertainment noise is considered appropriate within a local context and conditions set accordingly, where through noise controls or sound abatement requirements.

The City would be reluctant to impose a condition of the kind that would prohibit 'entertainment' or 'live music', unless there is absolutely no possible recourse to facilitate these activities without substantial and unreasonable amenity impact.

Council must caveat however, that a full review of all licensed venues has not been undertaken due to the time limitation for response, to be able to say that this is the case with absolute certainty.

Q4. What other conditions on the development conditions of licenced venues in in your council area might relate to entertainment? Please provide examples.

Due to the short timeframe for Council to respond, a comprehensive review of all development applications and conditions issued was not able to be undertaken.

However, generally, Council would impose:

- A requirement for a detailed Acoustic Report completed by a suitably qualified acoustic engineer to accompany the Development Application, prior to a consent being issued;
- A detailed Plan of Management for the licensed venue, including alcohol management, security and public safety, as well as entertainment noise requirements;

Q5. Please list the venues, by licence type, and the conditions relating to entertainment.

As this question directly relates to Question 4 and would require a detailed review of our development consents, it was not possible to answer this question within the timeframe given for response.

Q6. How many commercial properties in your council area that are not licenced premises, would have conditions on their development application that relate to entertainment?

Q7. How many commercial properties relating to the music industry, for example record stores and music stores in your council area, would have conditions on their development application that relate to entertainment?

As the response to these questions is the same, Questions 6 and 7 are answered together, below:

Given the short timeframe given for the response to these questions, an exact number of commercial properties, both that are not licensed premises, or relating to the music industry that may have conditions on their development consents that relate to entertainment, is not available. Such a review would require a manual identification of 'commercial properties relating to the music industry' and a manual review of their development consents.

In principle, however, commercial properties would only have particular conditions relating to 'entertainment' if they were to have live music performances or the like on their premises. Such conditions would form part of their APRA license and would be accompanied by an Acoustic Report.

In the assessment of development applications, the general principles, objectives and controls as contained in the *Parramatta Development Control Plan 2011*; Section 3.3.4 – Acoustic and Visual Amenity (or the equivalent section of the Development Control Plans of areas since amalgamated into the City of Parramatta), or site-specific controls relating to acoustic impact, would apply. Only in the event that the record or music store (or the like) were to exceed its primary purpose of retailing would additional requirements be necessitated.