

NSW Productivity and Equality Commission Review

Regulatory barriers impeding a vibrant 24-hour economy

Terms of Reference

May 2025

Review purpose

Identify barriers to productivity in the night-time economy across the state and quantify the economic impact of these barriers for venues, events and precincts operating within, or with intent to operate within, the night-time economy.

Provide recommended actions for the NSW Government and other stakeholders to address these barriers, informed by ongoing work and existing analyses by NSW Government and other sources as required.

Scope

- With reference to consultation and research undertaken to date by NSW Government agencies, review current planning, liquor licensing and environmental barriers (including built environment, noise, and barriers to point-to-point access) impacting the cost and ease of establishing, operating and growing night-time economy businesses including:
 - **Venues** (licensed and unlicensed) that host entertainment (e.g. live music, performance) and/or may or may not serve food and beverages
 - **Entertainment-related events** (e.g. community festivals or performances) held in venues, public spaces, or on streets, from planning and approval to delivery.
- Identify the productivity and wider economic impacts of these barriers.
- Analyse the role of key stakeholders in overcoming these barriers.
- Provide prioritised recommendations to the Minister for the Arts, Music and the Night-time Economy to address key identified barriers (which may include legislative or regulatory changes).

Review process

The Review will be undertaken by the NSW Productivity and Equality Commissioner, Mr Peter Achterstraat AM.

The work will be carried out utilising resources (funding and personnel) from NSW Treasury, Transport for NSW, and the Department of Creative Industries, Tourism,

Hospitality and Sport and in consultation, as required, with the Vibrancy Regulatory Reforms Steering Committee.

The Commissioner will deliver a final report to the Minister for the Arts, Music and the Night-time Economy by end of August 2025. As part of this process, the Minister's Office should be briefed on the likely findings and recommendations in early August.

In undertaking its review, the Commissioner may:

- consult with NSW Government agencies, external stakeholders, and the community, as appropriate
- assemble and analyse relevant data
- draw on best practice in other jurisdictions, previous reviews, and published research.

The Review will have regard to relevant reviews and documentation:

- NSW Parliament Inquiry into the music and arts economy (established 23 November 2017)
- Liquor & Gaming NSW Liquor licensing reform options discussion paper (late 2022/early 2023)
- Vibrancy Reforms (Tranche 1) (late 2023)
- Vibrancy Reforms (Tranche 2) (late 2024)
- Department of Planning and Environment Outdoor Dining Explanation of Intended Effect (October 2023)
- Department of Planning, Housing and Infrastructure Cultural SEPP Explanation of Intended Effect (December 2024)
- Relevant internal reports and documentation.

A governance framework is to be included in consultation with NSW Treasury, the NSW Productivity and Equality Commissioner, the Office of the 24-Hour Economy Commissioner, and Transport for NSW.