



Special Entertainment Precinct (SEP) Kickstart Grant Program

Guidelines

November 2024
(Updated 7 February and 26 March 2025)



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Overview

The NSW Special Entertainment Precinct Kickstart Grant Program (the Program) has been developed by the Office of the 24-Hour Economy Commissioner and is administered in partnership with Create NSW. The Office of the 24-Hour Economy Commissioner (O24HEC) and Create NSW form part of the Department of Creative Industries, Tourism, Hospitality and Sport (DCITHS).

Special Entertainment Precincts (SEPs) have been developed by the NSW Government as a tool for local councils to help unlock the potential of their night-time economies, encourage live performance and support vibrant going-out precincts.

A SEP is established under section 202 of the *Local Government Act 1993* and is an area, streetscape or single venue where trading hours and sound conditions are set by a council in a precinct management plan to support live performance and provide operational certainty for venues, neighbouring residents and businesses. The *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023* and the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024* strengthened the SEP framework by offering greater incentives for venues, streamlining regulations, and improving governance. SEPs can only be established in accordance with the mandatory steps outlined in the *NSW Special Entertainment Precinct Guidelines* (SEP Guidelines).

The SEP Kickstart Grant Program is an open, non-competitive grant program providing total funding of \$1,941,108 (excl. GST), ranging from \$50,000 to \$200,000 (excl. GST) per council, to eligible NSW councils for the purpose of establishing a SEP. To encourage regional SEPs to be established, \$100,000 (exc. GST) of the total fund will be reserved for priority allocation to councils located outside of the Sydney Metropolitan Area as defined in this Program using the NSW Department of Planning, Housing and Infrastructure's (DPHI's) map of 'Metropolitan Boundaries NSW', available at: www.planning.nsw.gov.au/plans-for-your-area/local-planning-and-zoning/departmental-support.

The funding is to be used for activities directly related to establishing one or more SEP/s in the council's LGA, such as for strategic planning activities, preparing acoustic criteria and/or undertaking community engagement.

1.1 Objectives

The purpose of the Program is to encourage take-up and implementation of trial SEPs across NSW and support the creation of sustainable and successful permanent SEPs. It will also support actions under the NSW 24-Hour Economy Strategy to foster collaboration and create vibrant, diverse and coordinated precincts.

Following a previous Expression of Interest for NSW councils, held from 26 February 2024 to 16 May 2024, O24HEC has identified a need to assist NSW councils wanting to establish a SEP in their LGA. In addition to clear guidance on roles and responsibilities, processes and model template sound criteria, councils identified the need for funding support for the necessary steps of community consultation, acoustic studies and preparation of the precinct management plan and other documentation to establish SEPs.

Funding allocated to eligible local councils through the Program may be used for resourcing the required experts and consultants to establish SEPs in accordance with the SEP Guidelines.

The Program will be supported by an online SEP Support Hub containing downloadable resources and templates for use by councils, which will be staffed by O24HEC, who will be available to answer queries on the SEP Guidelines and process.

1.2 Key program details

Grant Program Key Details and Timelines

Applications open	20 November 2024, 10:00 AM
Application process	Stage 1 - Expression of Interest (EOI) Stage 2 - Detailed application
NSW Government end-of-year closedown	23 December 2024 to 6 January 2025 (Note: Assessment outcomes for applications received between 16 December 2024 and 5 January 2025 may be delayed)
Final date for the receipt of Expression of Interest (EOI) applications	12 March 2025, 3:00 PM or earlier if funding is fully exhausted prior to this date Expression of Interest submissions will not be accepted after the Program closes to applications
EOI application outcome date	Confirmation of EOI outcome will be provided within 1 week of the EOI application submission Eligible applicants will be invited to complete a detailed application
Detailed application due date	6 weeks from notification of EOI outcome and invitation to submit a detailed application
Detailed application outcome	Confirmation of outcome is provided up to five weeks from receipt of the completed detailed application submission
Project delivery timeframe (for successful applications)	Planning proposal documents to be received within 6 months of executing a funding agreement and no later than 31 December 2025
Project acquittal reports (for successful applications)	At the conclusion of the nominated SEP trial period and no later than 30 June 2027
Decision-maker	Secretary, Department of Creative Industries, Tourism, Hospitality and Sport
NSW Government Agency	Office of the 24-Hour Economy Commissioner
Type of grant opportunity	Demand-driven or 'first-in, first-served'
Grant value	Grant Program value: \$1,941,108 excl. GST Individual grant amounts: from \$50,000 up to \$200,000 excl. GST
Enquiries	Office of the 24-Hour Economy Commissioner contact@24houreconomy.nsw.gov.au Office of the 24-Hour Economy Commissioner website

Selection criteria

The Program is a non-competitive, demand-driven/‘first in, first served’ grant process. Eligibility will be assessed across the two-stage application process:

- Expression of Interest (EOI)
- Detailed Application

This means that applications will be assessed as they are received, in the order in which EOI applications are submitted. Provided a complete (EOI and detailed) application satisfies stated eligibility criteria, and there is funding available at the time of the assessment being undertaken, the application will be recommended for funding.

EOI submissions must be received no later than 3:00 PM on 12 March 2025, or earlier if the Program closes due to funds being fully exhausted.

Expression of Interest submissions will not be accepted after the Program closes to applications.

The sections below outline applicant and project eligibility and how funding may be used.

2.1 Eligibility criteria

Eligible Applicants

To be eligible for the Program, applicants must:

- Be a local council in NSW; and
- Have an existing mandate/resolution to establish the SEP/s, which must identify a specific location and boundary for the SEP/s; and
- Have adopted a night-time economy strategy **or** another strategy document or strategic planning statement in which the night-time economy is identified as a priority, objective, pillar or key action **or** have resolved to prepare a night-time economy strategy **and** have other demonstrated strategic context including a visitor economy strategy or plan or economic development strategy or plan.

Eligible Applications

Applications for funding for eligible councils will be assessed against and must meet the following criteria.

Council mandate or resolution	<p>Your council must have an existing endorsed mandate/resolution to establish the SEP/s, which must identify a specific location and boundary for the SEP/s. You must provide evidence such as a copy of minutes and endorsement.</p> <p>Refer to Appendix A for more information on the requirements.</p>
Strategic alignment with the Night-Time Economy	<p>Your application must demonstrate that the SEP/s align with Council’s strategic policies in at least one of the following ways:</p> <ol style="list-style-type: none">The relevant council has adopted a Night-Time Economy Strategy; orThe relevant council has another adopted strategic council document that references the night-time economy as a key objective, priority, pillar or action; orThe relevant council has resolved to prepare a night-time economy strategy and has other demonstrated strategic context including a visitor economy strategy or plan or economic development strategy or plan. <p>You must provide evidence such as a copy of the relevant strategy (a or b) or the Council resolution and complementary visitor economy strategy or plan or economic development strategy or plan (c).</p> <p>Refer to Appendix B for more information on the requirements.</p>
Community support	<p>Your application must demonstrate that the SEP/s location and boundary has been informed by early consultation with the community and businesses to which it affects. You must provide evidence such as an Engagement or Consultation Outcomes Report that demonstrates outreach, and could include the dates and length of the engagement, consultation material and number and content of the submissions.</p> <p>Refer to Section 3.1.2 for more information on the requirements.</p>
Deliverability	<p>Your application must clearly detail how you intend to deliver the SEP/s by outlining:</p> <ul style="list-style-type: none">– The proposed outcomes and objectives of the SEP/s– The expected progress of the SEP/s from the project commencement to the project completion– The proposed expenditure of grant money (evidence of quotes/invoices)– The proposed project team comprising members from at least 2 different council departments or teams. <p>Refer to Section 3.1.2 for more information on the requirements.</p>

Eligible Costs

To be eligible, costs must be:

- Directly related to the establishment of a new SEP (i.e. the cost must relate to a step/s in the SEP Guidelines)
- Incurred within the project period
- Reasonable and reflect competitive market rates.

Eligible expert and consultant costs include, but are not limited to:

- Labour expenditure for temporary employment to establish the new SEP/s
- External or third-party costs, such as:
 - Acoustic specialists to prepare the sound management framework
 - Strategic planning consultants to prepare internal reporting and maps, lodgement of planning proposal, draft DCP provisions, and/or draft precinct management plan
 - Community engagement consultants to develop consultation strategies and undertake engagement activities (such as letterbox drops or drop-in sessions)
 - Costs associated with marketing and communication of the SEP/s prior to the trial period being approved.

If your application is successful, we will ask you to verify project costs. We will request evidence of costs such as supplier contracts, quotes and invoices.

The Office of the 24-Hour Economy Commissioner may use industry cost benchmarks to assess whether costs are reasonable and will make the final decision on whether a claimed cost is eligible and/or reasonable (and will only pay the reasonable amount).

Applicants may be offered less than their requested amount in the application if:

- Insufficient funds remain in the Program to cover the full requested amount, and/or
- Ineligible costs have been identified in the proposed expenditure.

Ineligible Costs and Activities

The grant cannot be used to fund the following activities:

- Other than minor boundary changes, establishment of a SEP in a different location than originally proposed in the grant application
- Activities that will not be delivered prior to the end of the grant funding period, per agreed project milestones, unless otherwise approved by formal variation
- Activities that have commenced or been completed prior to an offer of funding made to successful applicants (i.e. no retrospective funding)
- Physical activation of the SEP/s once established
- Permanent staff salaries
- Capital works or physical works within the SEP
- Funding for works that are part of the council's ongoing maintenance and management of the SEP.

Application process

3.1 How to apply

The SEP Kickstart Grant Program follows a two-stage application process comprising:

1. Expression of Interest (assessed against the eligibility criteria)
2. Detailed Application (assessed against the Detailed Application Criteria below).

The two-stage application process has been designed in recognition of the resourcing required to prepare an application.

Only one complete application per Council will be accepted. However, each application can comprise more than one SEP (to be consolidated as maximum one (1) planning proposal). A complete application is made up of an Expression of Interest and a Detailed Application. Where an application comprises more than one SEP, the maximum amount of funding which can be requested is up to \$200,000 per application.

Funding will be allocated per Council/application, not per SEP.

3.1.1 Expression of interest

To apply, NSW councils must:

- Complete and submit an Expression of Interest online form via the SmartyGrants portal before the Program closes to applications and no later than 3:00 PM, 12 March 2025 (or date of closure if the Program closes earlier due to funds being exhausted) and
- Provide all information requested, including any supporting documentation, in line with the instructions provided within the form.

Applicants will receive an automatic acknowledgement receipt of their Expression of Interest.

If the funds are exhausted earlier than 3:00 PM on 12 March 2025, DCITHS will notify potential Applicants by email. Potential Applicants are recommended to email contact@24houreconomy.nsw.gov.au for more information.

Expression of Interest submissions will not be accepted after the Program closes to applications.

3.1.1.1 Re-applying

Councils whose applications have been deemed ineligible at the Expression of Interest stage may re-apply with updated information, provided the new Expression of Interest is received before the application close date of 3:00 PM, 12 March 2025, or earlier if the available funds are exhausted prior to this date.

Councils who re-apply must do so via the SmartyGrants portal and the submission will be assessed as a new application. As such, it will be assessed based on the date the new application is received, not the original EOI submission date.

3.1.2 Detailed application

Councils invited to submit a detailed application will be required to:

- Complete and submit the application form provided within 6 weeks of receiving it, and
- Provide all information requested, including any supporting documentation, in line with the instructions provided within the form.

Applicants will receive an automatic acknowledgement receipt of their Detailed Application.

DCITHS may come back to you for more detail or clarification if your application is incomplete or unclear. If this happens, assessment of your application will pause until all required information is received.

Requests for extension of time must be received within the 6-week submission period.

Applicants requesting extension must lodge a request for an extension of detailed application submission due date by email to contact@24houreconomy.nsw.gov.au setting out the reasons for the request, along with any evidence.

Requests for extension of time will be considered and approved at the sole discretion of DCITHS and will only be considered where it would not compromise the integrity and fairness of the process.

What to Include in the Application – Stage 1 Expression of Interest Criteria

Council mandate or resolution

Your council must have an existing endorsed Council mandate resolution to establish the SEP/s, which must identify a specific location, map or boundary of the SEP/s. Refer to Appendix A for further information on the required wording of this mandate.

Important information

NOTE: one application can be used to cover multiple SEPs, but they can only be lodged as one planning proposal.

You must provide evidence such as a copy of the approved Council minutes.

Strategic alignment with Night-Time Economy

Your application must demonstrate that the SEP/s align with Council's strategic policies in at least one of the following ways:

- a. The relevant council has adopted a Night-Time Economy Strategy; **or**
- b. The relevant council has another strategic council document that references the night-time economy as a key objective, priority, pillar or action; **or**
- c. The relevant council has resolved to prepare a night-time economy strategy **and** have other demonstrated strategic context including a visitor economy strategy or plan or economic development strategy or plan.

You must provide evidence such as a copy of the relevant strategy (a or b) or the Council resolution and complementary visitor strategy or plan (c).

Refer to Appendix B for further information on this requirement.

What to Include in the Application – Stage 2 Detailed Application Criteria

Demonstrate that the SEP/s location and boundary has been informed by early consultation with the community and businesses to which it affects	<p>Your application must demonstrate that the SEP/s location and boundary has been informed by early consultation with the community and businesses to which it affects.</p> <p>You must provide a summary of consultation (e.g. Consultation Outcomes Report). The report should include details of engagement methods, a summary of the content within the consultation material, and a summary of the feedback received.</p>
Outline the intended objectives and outcomes of the SEP/s	<p>Outline your intended objectives and outcomes for each SEP.</p> <p>Provide evidence such as a project plan or project scoping document that outlines the intended objectives of the SEP/s (strategic priorities) as well as the intended outcomes or goals for the SEP/s.</p>
Outline the expected progress of the SEP/s from receipt of grant funding to establishing the SEP/s trial	<p>Outline the expected progress of the SEP/s in a project plan or timeline.</p> <p>Expected progress can be demonstrated in your project plan or other document, such as a project timeline. This should include details on timing for SEP/s establishment and the approximate dates for the SEP trial.</p>
Supply a budget of proposing expenditure of the grant money	<p>Provide an estimate of the proposed SEP/s budget including all expenditure areas with notes regarding how you have arrived at the cost.</p> <p>Provide finalised written quotes, project management experience, market research to demonstrate the budget is accurate and detailed, demonstrates realistic costs, and provides value for money realistic to the scale of the project.</p>
Describe the project team for the SEP/s	<p>List the proposed project team job titles, which must include at least several Council teams/departments to ensure a cross-collaborative approach.</p> <p>Outline the SEP/s project team involved with members from at least 2 different Council teams.</p>

3.2 Support available to applicants

To assist applicants in preparing their applications, additional information and resources, including Program FAQs, can be found on the SEP Support Hub on the O24HEC website.

An online webinar (with invites to be sent to all NSW councils) will be held in late 2024, and will cover an overview of the Program, how to apply, and eligibility requirements, followed by a Q&A.

Assessment process

4.1 Assessment of grant applications

The grant program is a non-competitive, open, demand-driven grant. This means that:

- EOI submissions will be assessed as they are received, in the order of the time and date of submission.
- EOI submissions that meet the eligibility criteria will be invited to submit a detailed application, which provides a response to the Detailed Application criteria. Detailed applications are required to be submitted within 6 weeks of notification of the outcome of the EOI assessment, unless otherwise approved by DCITHS.
- Detailed applications will be assessed in the order of the original EOI submission date, provided that they are received within 6 weeks of invitation to submit a Detailed Application, or other approved date confirmed by DCITHS.
- Detailed applications that sufficiently meet the Detailed Application Criteria will be recommended for approval, between \$50,000 and \$200,000 (excl. GST) per council.

To encourage regional SEPs to be established, up to \$100,000 (excl. GST) of the total fund will be reserved for priority allocation to councils located outside of the Sydney Metropolitan Area. (Councils in these geographic areas will also be eligible for funding through the larger pool, with a total allocation not to exceed \$200,000 excl. GST per council.) If the reserved funding is not fully allocated to eligible regional councils, any remaining funding will be made available to other waitlisted eligible councils.

The Sydney Metropolitan Area is defined in this Program using the NSW Department of Planning, Housing and Infrastructure's (DPHI's) map of 'Metropolitan Boundaries NSW', available at: www.planning.nsw.gov.au/plans-for-your-area/local-planning-and-zoning/departmental-support.

The Program will close to EOI applications once the total Program funding of \$1,941,108 (excl. GST) has been exhausted, and no later than the EOI application close date of 3:00 PM on 12 March 2025.

Eligibility will be assessed across the two-stage application process:

- Expression of Interest
- Detailed Application

Eligible applications will be considered based on a non-competitive process and will be assessed by DCITHS staff with experience in council and precinct strategies. As noted above, applications will be assessed in the order in which EOI applications are received, subject to DCITHS receiving all required documentation, and the detailed application is received within 6 weeks of invitation (unless an extension of time has been granted).

Detailed applications which are submitted after the due date may lose their place in the assessment order and be treated as a new submission, unless prior approval has been obtained from DCITHS. It will be at the absolute discretion of DCITHS as to whether an extension to the 6-week period will be provided to applicants.

Applications submitted that do not meet eligibility criteria will not be considered, unless there is a decision by the decision maker to waive the eligibility requirements in accordance with Section 6.3.2 of the Grants Administration Guide. Throughout the assessment process, DCITHS may request additional information from applicants.

Advice and information may also be sought from other NSW Government agencies or other parties to assist with the assessment of applications, including an independent probity advisor. Confidentiality will be maintained throughout the process.

4.1.1 Waitlist

Should a Council submit an EOI after the total Program funding has been allocated but before the EOI application closing date, they will be notified of the closure of the funding round. If eligible, their EOI application will be kept on file, and they may be invited to complete a detailed application in the event that a participating council withdraws or requires less funding than originally requested, or if further funding becomes available.

If additional funding becomes available, and any applicants are subsequently invited to submit a detailed application, these will be assessed in the order of EOI application receipt, until funding is again exhausted.

4.2 Decision-making

Successful applications will be approved by Program decision-maker; the Secretary, Department of Creative Industries, Tourism, Hospitality and Sport (DCITHS) OR the Executive Director Data, Strategy and Coordination; 24-Hour, Screen and Sound, DCITHS.

DCITHS's decision is final in all matters including:

- Application eligibility
- The assessment outcome
- The approval of the grant; and
- The grant amount to be awarded.

May also consider other factors that may affect the decision to provide the grant including whether there are any conflicts of interest, whether the applicant and any person associated with the applicant are fit and proper and whether there is any reputation risk associated with providing the grant.

The decision-maker will not approve funding if there are insufficient funds remaining in the Program.

4.2.1 Probity advice

An independent probity advisor will provide guidance to DCITHS on any issues concerning integrity, fairness and accountability that may arise throughout the application, assessment, and decision-making process.

4.3 Notification of application outcome

4.3.1 Successful applicants

Successful applicants will be notified in writing within 5 weeks of receipt of their completed detailed application (which includes all required information) with an offer of funding. The offer of funding will include a funding agreement which must be reviewed, signed and returned to DCITHS within 2 weeks of its receipt. Payment of funding is conditional on the successful applicant entering into a funding agreement with DCITHS, and subject to the terms of the funding agreement.

4.3.2 Unsuccessful applicants

Unsuccessful applicants will be notified in writing, within 5 weeks of receipt of their completed application, and will be offered the opportunity to request feedback on their application and requirements to meet the eligibility criteria. If the application is unsuccessful at Expression of Interest stage, applicants may submit a new application to the Program if it is still open for funding.

4.4 Publication of grants information

In accordance with the requirements of the [NSW Grants Administration Guide](#) (March 2024), relevant information about the grants awarded will be made available on the NSW Government Grants and Funding Finder within 45 days of execution of a funding agreement between DCITHS and a successful applicant.

All records in relation to this decision will be managed in accordance with the requirements of the *State Records Act 1998* (NSW) and the *Personal Information Protection Act 1998* (NSW) (PIIP Act).

Successful grant applications

5.1 Grant funding agreement

Successful applicants will be required to enter into a legally binding funding agreement with DCITHS which includes the agreed project outline, and terms and conditions.

The following terms and conditions should be considered alongside the eligibility criteria.

5.1.1 Grant payment

Successful applicants will be expected to complete and sign a funding agreement within 2 weeks of receiving it. Upon execution of the funding agreement successful applicants will receive the fully allocated grant amount in a single payment.

5.1.2 Project milestones

Unless otherwise agreed, successful applicants will be subject to the following milestones:

- Milestone 1 – within 6 months of executing a funding agreement and no later than 31 December 2025
 - Submission of progress report, including lodgement documents to DPHI for the Planning Proposal to amend the LEP for the SEP/s and information relating to expenditure carried out for the project (e.g. invoices, payment remittance).
- Milestone 2 – At the conclusion of the SEP trial period and no later than 30 June 2027
 - Final reports and acquittals.

5.1.3 Acknowledgement

All recipients of NSW Government funding should acknowledge this financial support in accordance with the Funding Acknowledgement Guidelines for Recipients of NSW Government Rebates available at www.nsw.gov.au/branding/sponsorship-and-funding-acknowledgment-guidelines/funding-acknowledgement-guidelines.

You must seek our written consent prior to any significant public announcement, marketing, press announcements, or official launch in relation to the Program.

Non-personally identifiable information provided by applicants may be used by DCITHS or the NSW Government for media and communication purposes.

5.1.4 Variations

Projects will need to be delivered in line with the funding agreement and project plan. Grant recipients will need to request any changes to approved projects in writing to DCITHS.

Initial requests will be received via email. Recipients may then be asked to provide additional details in a Variation form, submitted through the SmartyGrants portal.

Change requests will be assessed on their impact on the purpose, scope, timing and conditions of the approved project, and will only be allowed once agreed upon by all parties through a formal variation.

Significant changes e.g. requesting additional funds, or use of allocated funds for a different, unapproved purpose may be viewed as a request for a new grant. These changes will only be approved at the sole discretion of DCITHS.

Minor changes include requests such as:

- An extension-of-time request of a relatively short duration
- A minor change to scope that aligns with the approved purpose and does not involve the seeking of any additional funds.

If approved, information on the NSW Government Grants and Funding Finder may be updated to reflect the project change.

5.1.5 Unspent funds

Evidence of costs incurred throughout the project will be requested, for validation, in the project acquittal report. Any allocated grant funds which remain unspent, or have been identified as ineligible costs, will need to be returned to DCITHS.

5.2 Indicative reporting and acquittal requirements

The successful Applicant must submit reports in-line with the timeframes in the funding agreement. DCITHS may provide sample templates for these reports in the funding agreement.

The grant will be monitored through mandatory milestone reports (progress and final reports) which are outlined below.

The Applicant must report on the:

- Progress against agreed project milestones and outcomes; and
- Expenditure of the grant.

The scope of works and milestones submitted as part of your application will form the basis project reporting requirements.

5.2.1 Progress report

No later than 6 months after receiving the grant payment (or as agreed per the funding agreement) applicants must submit a progress report to O24HEC. The progress report must comprise the draft documentation and request for Gateway Determination to DPHI, including relevant documents such as the precinct management plan (with the trading hour and sound criteria framework), development control plan amendment if applicable, the SEP/s boundary map, and planning proposal report.

In addition, the progress report must include information relating to expenditure carried out for the project (e.g. invoices, payment remittance).

Extensions to the due dates of the reporting may be granted at the discretion of DCITHS. Recipients should contact the O24HEC to request an extension. Grant recipients must keep the relevant agency updated if their circumstances change.

5.2.2 Project acquittal report

When you complete the project, you must provide a project acquittal report. This will include a signed statement of income and expenditure relating to the grant, and proof of purchases, invoices and payment remittance as required.

Project acquittal reports must also:

- Identify if and how outcomes of the SEP trial were successful and achieved
- Include the agreed evidence as specified in the funding agreement
- Identify the total eligible expenditure incurred and provide evidence of expenditure as required
- Be submitted within the timeframe and in the format outlined in the funding agreement.

Recipients must also provide a six-month and twelve-month post-acquittal report, relating to the long-term success of the SEP/s, to assist with Program evaluation. These reports may include data on, for example:

- Number of licensed venues participating in the SEP
- Community sentiment around the SEP
- Total consumer spend in the SEP
- Foot traffic in the SEP
- Safety of the SEP.

5.3 Evaluation

DCITHS will evaluate the Program to measure how well the outcomes and objectives have been achieved. We may use information from your application and reports for this purpose. We may also interview you or ask you for more information to help us understand how the Program impacted your organisation and to evaluate how effective the Program was in achieving its outcomes.

We may contact your organisation up to three years after you submit your final acquittal report under the Program for more information to assist with this evaluation.

Additional information and resources

6.1 SEP Guidelines and additional resources

For further information about SEPs please refer to Office of the 24-Hour Economy Commissioner website, which includes the NSW Special Entertainment Precinct Guidelines, Acoustic Toolkit, a best practice Handbook, as well as additional resources and templates. The website also includes the SEP Support Hub to assist with queries relating to SEPs.

6.2 Enquiries and feedback

Any enquiry you have about the assessment process or the outcome of your application for this Program should be sent to contact@24houreconomy.nsw.gov.au.

6.3 Complaint handling

Complaints concerning grant outcomes or the application process should be emailed to contact@24houreconomy.nsw.gov.au.

In the first instance, complaints will be reviewed by DCITHS. We will aim to resolve the complaint within 20 business days of receipt.

If you do not agree with the way DCITHS has handled your complaint, you may wish to contact the NSW Ombudsman. The NSW Ombudsman will not consider a complaint unless the matter has been first raised directly with DCITHS.

NSW Ombudsman
Level 24
580 George Street
Sydney NSW 2000
Phone: 1800 451 524

6.4 Privacy

DCITHS treats your personal information according to the Department of Creative Industries, Tourism, Hospitality and Sport Privacy Management Plan available at www.nsw.gov.au/departments-and-agencies/dciths/policies-plans-and-procedures/privacy and the *Privacy and Personal Information Protection Act 1998*.

This includes letting you know:

- What personal information we collect
- Why we collect your personal information
- Who we give your personal information to.

Your personal information can only be disclosed to someone for the primary purpose for which it was collected unless an exemption applies.

DCITHS may also use or disclose information about Applicants and recipients under this Program for reporting purposes.

By submitting an application to the Program, Applicants consent to DCITHS sharing the information provided by Applicants with other NSW Government entities for purposes including government administration, to verify information provided, to assist in the assessment process, and research or service delivery.

As part of your application, you declare your ability to comply with the *Privacy and Personal Information Protection Act 1998* and impose the same privacy obligations on officers, employees, agents and subcontractors that you engage to assist with the activity, in respect of personal information you collect, use, store, or disclose in connection with the activity. Accordingly, you must not do anything that would breach your obligations under the Act.

6.5 Accessibility, inclusion and support

The NSW Government is committed to improving accessibility to all our funding programs. If you are an applicant with a disability and you require this information in a format which is accessible to you, or if you require this information in another language, you can contact us on (02) 9372 8700 between 9:00am and 5:00pm Monday to Friday (except on public holidays).

The National Relay Service numbers are:

- Speak and Listen users: Phone 1300 555 727 then ask for (02) 9372 8700
- TTY users: Phone 133 677 then ask for (02) 9372 8700.

6.6 Confidential information

Other than information available in the public domain, you agree not to disclose to any person, other than DCITHS, any confidential information relating to the Program, grant application and/or agreement, without DCITHS's prior written approval. The obligation will not be breached where you are required by law, Parliament or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

1. You clearly identify the information as confidential and explain why we should treat it as confidential
2. The information is commercially sensitive
3. Revealing the information would cause unreasonable harm to you or someone else.

DCITHS will not be in breach of any confidentiality requirements if the information is disclosed to:

- Application assessors and other NSW Government employees and contractors to help us manage the Program effectively
- Employees and contractors of DCITHS, so we can research, assess, monitor, and analyse our programs and activities
- Employees and contractors of other NSW Government departments or agencies for any purposes, including government administration, to verify information provided, to assist in the assessment process, and research or service delivery

- Other Commonwealth, State, Territory or local government agencies in program reports and consultations
- The Auditor-General, Ombudsman or Privacy Commissioner
- The responsible Minister or Secretary
- A House or a Committee of the NSW Parliament.

The funding agreement may also include any specific requirements about special categories of information collected, created or held under the funding agreement.

6.7 Government Information (Public Access) Act 2009

Applicants should be aware that information in applications and all related correspondence, attachments and other documents may be made publicly available under the *Government Information (Public Access) Act 2009*. Information that is deemed to be commercially sensitive will be withheld.

The *Government Information (Public Access) Act 2009* makes government information accessible to the public by:

- Requiring government agencies to make certain types of information freely available
- Encouraging government agencies to release as much information as possible
- Giving the public an enforceable right to make access applications for government information
- Restricting access to information only when there is an overriding public interest against disclosure.

Appendix A – Guide to wording of mandate

The Council resolution/mandate to establish a SEP required in the EOI application must meet the following requirements:

1. Applicants must demonstrate an endorsed specific council resolution or mandate to establish a SEP/s, which must include a specific boundary and location for the SEP/s. The location can be indicated via a map, or a description inclusive of suburb and/or roads. For example: “Council approves the establishment of a Special Entertainment Precinct at *[precinct boundary]*.”
2. It is required that:
 - The mandate/resolution must relate to a specific boundary and location for the SEP/s
 - The mandate/resolution must **not** be in draft form (i.e. must be endorsed/approved)
 - The mandate/resolution must **not** be for
 - a. endorsement of a strategy or plan that references an entertainment precinct, unless it is specifically acknowledged in the strategy/plan a specific boundary and location for the SEP has been identified;
and/or
 - b. an intent to ‘investigate’, ‘discuss’ or ‘consider’ a SEP or similar wording.

Appendix B – Guide to night-time economy strategy

To satisfy the requirements for the night-time economy strategy, at least one of the following options must be selected. Council must have:

- a. Adopted a night-time economy strategy, **or**
- b. Adopted another strategy document or strategic planning statement in which the night-time economy is identified as a priority, pillar or key action **or**
- c. Resolved to prepare a night-time economy strategy **and** have other demonstrated strategic context including a visitor economy strategy or plan or economic development strategy or plan.

A discussion paper or study is not acceptable in satisfying this criteria.



24-Hour Economy

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