

Relevant Information for Central Sydney Planning Committee

FILE: X009155 **DATE:** 25 June 2020

TO: The Central Sydney Planning Committee

FROM: Graham Jahn AM, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 4 – Public Exhibition - Planning Proposal - Open and Creative Planning Reforms[insert item title]

Alternative Recommendation

- (A) the Central Sydney Planning Committee approve the Planning Proposal - Open and Creative Planning Reforms, shown at Attachment A to the **subject Information Relevant To Item 4 Memorandum** ~~subject report~~, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Open and Creative Planning Reforms for public exhibition in accordance with any conditions required in the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 June 2020 that Council approve the Draft Sydney Development Control Plan: Open and Creative Planning Reforms, shown at Attachment B of the subject report, for public exhibition with the Planning Proposal;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 June 2020 that Council approve the Draft Technical Guidelines - Small Scale Cultural Activities in Spaces less than 500 square metres, shown at Attachment C to the subject report, for public exhibition with the Planning Proposal;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 June 2020 that Council seek authority from the Department of Planning, Industry and Environment to exercise its delegation under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the amending Local Environmental Plan;

- (F) authority be delegated to the Chief Executive Officer to make minor changes, including any changes required by the Department of Planning, Industry and Environment as a condition of the Gateway Determination to the Planning Proposal: Open and Creative Planning Reforms, and minor changes to the Draft Sydney Development Control Plan: Open and Creative Planning Reforms and Draft Technical Guidelines Small Scale Cultural Activities in Spaces less than 500 square metres to prepare them for public exhibition; and
- (G) ***the Central Sydney Planning Committee note a comprehensive review is being undertaken by staff separate to the subject report, of the land use zoning and permitted uses required to support the desired future uses of other town halls and Council-owned facilities.***

Background

This memo provides additional information to the Central Sydney Planning Committee (CSPC) following the meeting of the Transport, Heritage and Planning Committee on 22 June 2020.

The Transport, Heritage and Planning Committee requested further information on:

- an amendment to extend the exempt provision for later opening shops to include the B4 Mixed Use zone, and
- the zoning and additional permitted uses for Council's town halls and community facilities.

Later opening shops extended to the B1 Neighbourhood Centre and B4 Mixed Use Zones

The planning proposal removes the requirement for development consent for shops and businesses, wishing to extend their standard business hours until 10pm, excluding licensed and food and drink premises.

The proposals considered by the Transport, Heritage and Planning Committee and the CSPC limited this opportunity to shops and businesses in areas zoned B2 Local Centre, B3 Commercial Centre and B8 Metropolitan Centre as shown at Figure 1 below.

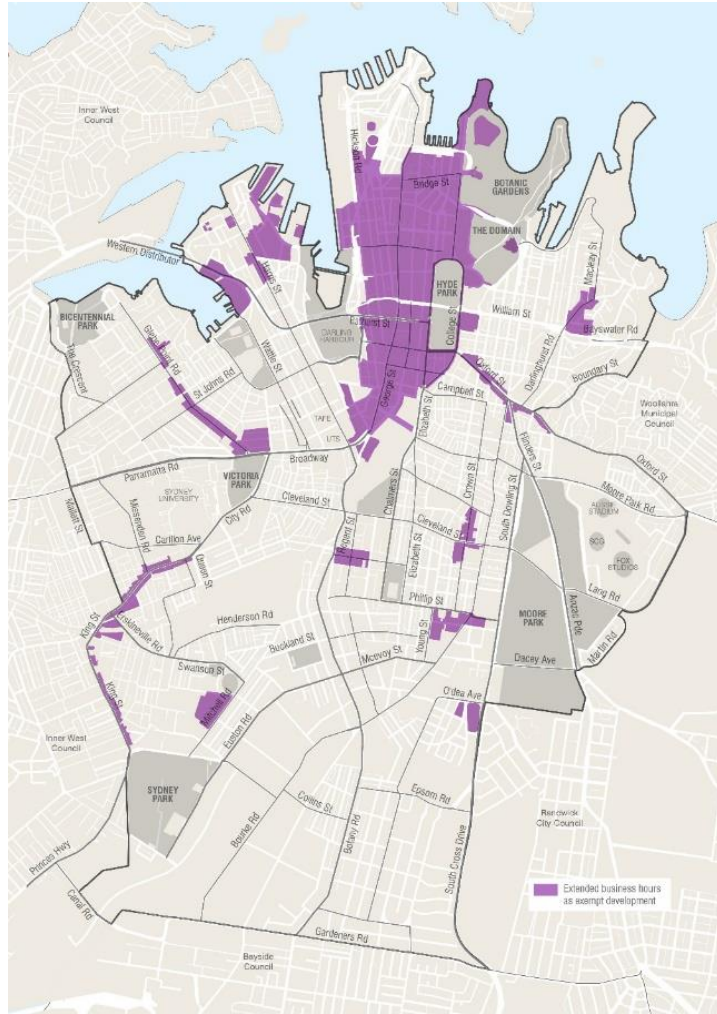


Figure 1: Areas where shops and businesses could open until 10pm without an additional approval including the B2, B3 and B8 zones

Councillors have requested that the exempt provision include streets, such as Parramatta Road, William Street and Botany Road located in the B4 Mixed Use zone. The B4 zone is included to capture these streets and other surrounding areas with retail and business premises. It includes parts of Surry Hills, Ultimo, Darlinghurst, Pyrmont, Chippendale, Rosebery, Camperdown, Beaconsfield, Paddington, Redfern and Zetland. With the expansion of the exempt provision to B4 zones it is also recommended that the B1 Neighbourhood Centre zone is included. The Neighbourhood Centre zone includes shops and businesses in Erskineville, Camperdown, Forest Lodge, Darlington, Ultimo, East Sydney and Rosebery.

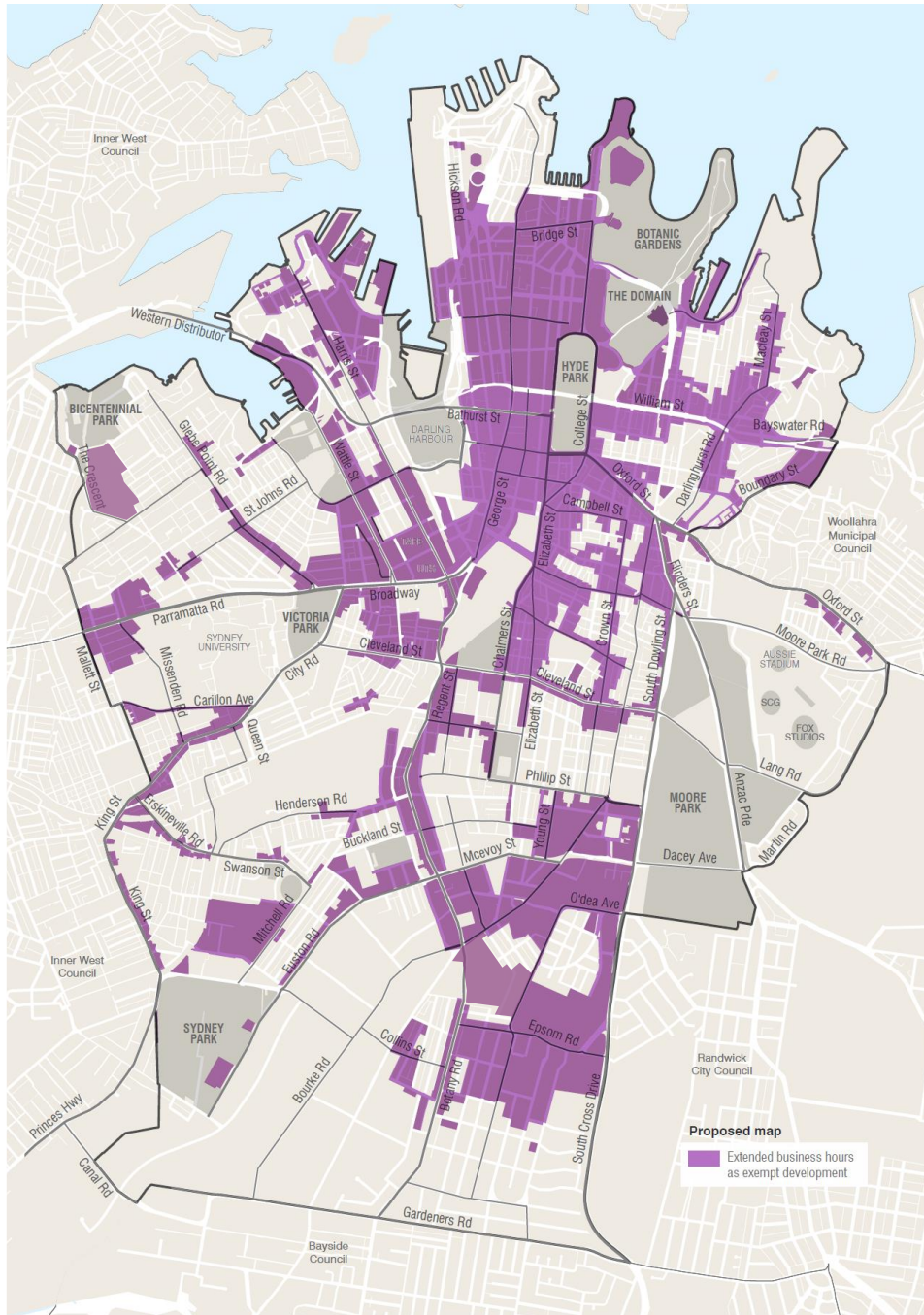


Figure 2: Areas where shops and businesses could open until 10pm without an additional approval including the B1, B2, B3, B4 and B8 zones

The inclusion of late opening shops and businesses in the B1 Neighbourhood Centre and B4 Mixed Use zones as exempt development is supported, because:

- It will achieve the objectives of the zones to provide a range of retail and business uses that serve the needs of people who live or work in the surrounding neighbourhood and a mixture of compatible land uses in accessible locations to encourage walking and support the viability of centres.

- It will complement and support the late night DCP controls. Many of the shops and businesses located in the zones are already included in DCP late night trading areas where unlicensed shops and businesses may apply for later trading after 10pm and the principle of late night retail activity has been established.
- The principle and impacts of standard business hours for shop or businesses in the zones have been assessed in individual development approvals. The impacts of the extension of these hours until 10pm will only be minor. This is because eligible premises will not be licensed or food and drink premises or involve outdoor trading and as a result, will not create unacceptable sound impacts or anti-social behaviour.
- It will increase the opportunity for more shops and businesses to open later, which contributes to the liveability, vibrancy and safety of an area and increases services for local communities. This may encourage more people to shop locally at their convenience after work and support the viability of businesses in the recovery from the Covid-19 pandemic.

The planning proposal has been amended to reflect the addition of the B1 Neighbourhood Centre and B4 Mixed Use zone and is included at Attachment A. Amendments are shown in bold italic underlined and strike-through text.

Extending entertainment uses to other City facilities

The planning proposal makes entertainment facilities, such as theatre, cinema, music and dance, an additional permitted use for Erskineville Town Hall. Entertainment facilities are currently prohibited in the B1 Neighbourhood Centre zone, where the Erskineville Town Hall is located.

Other facilities such as the Paddington Town Hall, Glebe Town Hall, Redfern Town Hall, Alexandria Town Hall and Surry Hills Community Centre are zoned SP2 Infrastructure. Uses in the SP2 Infrastructure zone are limited to those for the purpose shown on the land zoning map, including any development that is ordinarily incidental or ancillary to development for that purpose.

With the exception of Surry Hills Community Centre, these properties are labelled 'Community' uses, however each are different in terms of their function and the types of activities currently occurring within them. Some activities may occur under existing use rights.

The additional permitted use for Erskineville Town Hall is proposed because this site does not have SP2 zoning. It is considered to be the most efficient way of allowing performance uses to occur and support cultural activity.

The ability of other town halls and Council-owned community centres to host entertainment uses is currently under separate review. The City's community centres are located in a range of zones including B4 Mixed use, RE1 Public Recreation, SP2 Infrastructure or R1 Residential. The review involves a comprehensive and detailed analysis to establish the land use zoning and permitted uses required to support the desired future uses of each of these venues within their different contexts.

The outcomes of this work will be integrated into the update of the LEP later this year.

Prepared by: Julie Prentice, Specialist Planner

Attachments

Attachment A. Amended Planning Proposal Sydney Local Environmental Plan 2012:
Open and Creative Planning Reforms

Approved



GRAHAM JAHN AM

Director City Planning, Heritage and
Transport