

Attachment F

**Summary of and Responses to Matters
Raised in Submissions**

**(Submissions Relating to the Fair
Management of Entertainment
Sound Excluded)**

General comments on the reforms

		Issue raised	Response
1.	City needs more vibrancy and a 24-hour economy, to reactivate it as a global city, post-Covid	Support for the reactivation of Sydney as a global and vibrant city post-Covid. Submitters note the impact of the pandemic on the city's nightlife, and cultural and creative sector, many noting the early closures of venues and restaurants, and the difficulty of buying late afternoon coffee and finding dinner in the city after 9.30pm. The later opening shops and cultural activity reforms are supported as providing the potential opportunity to reinvent Sydney post-Covid.	Support noted
2.	Impacts of Covid on retail sector	The retail food sector has been severely impacted by the Covid pandemic and will take some time to recover. The proposals should provide a fair and reasonable approach to some complex and challenging issues, reduce red tape, provide greater certainty and make it easier for relevant businesses to do business.	Support noted
3.	Proposals will increase quality of life and support increasing amount of residential development	Support for the reforms to be applied to industrial sites and areas in Green Square, Rosebery and Waterloo. The submitters consider there is a growing large residential population which are not served with nightlife options and are seeking more cultural and entertainment close to where they live.	<p>The reforms for later opening shops and small-scale cultural activities apply to business and industrial zones in Green Square, Rosebery and Waterloo. They serve to activate and provide a more diverse nightlife in these areas where over 70,000 people will live by 2030.</p> <p>The proposals complement the City's late night trading DCP controls published in June 2019 which support a late night cultural and arts precinct in North Alexandria and other late night trading areas in Green Square town centre and Danks Street.</p>
4.	Reduces red tape and costs for business and creative sector	Support the City encouraging business and the arts by cutting some unnecessary bureaucracy and supporting the creative sector	Support noted

		Issue raised	Response
		in overcoming obstacles, particularly those who have suffered immensely during the pandemic.	
5.	Will assist creative sector struggling to find space and could be helped by increased funding from Council	<p>The reforms provide a good opportunity for artists to be able to use non formal venues for performances. They will assist the reuse of vacant space in such as in Darlinghurst and creatives who are struggling to find venues. Submitters consider that funding should made be available by the Council to support these activities and unestablished creatives to access creative spaces.</p> <p>Council should provide initiatives that allow up-and-coming creatives to display and/or sell their wares in a non-market/weekend setting to grow Sydney's creative community.</p>	<p>The City owns properties, including retail and office space, across the inner-city area. From time to time these properties are empty for short periods between commercial tenancies or when repairs or upgrades to the buildings are required.</p> <p>The City provides short term licences for periods of up to 12 months for creative projects. Opportunities are offered when spaces become available.</p> <p>The City provides the following grant programs to support cultural and creative organisations</p> <ul style="list-style-type: none"> • Cultural sector innovation grants • CBD activation grants • Commercial creative ad business events sponsorships • Cultural and creative grants • Artform festivals and events
6.	First Nations people participation	Provide more opportunity for First Nations peoples to participate.	The planning system creates opportunities for activities to take place but cannot prescribe who is able to take up those opportunities. The proposals encourage more small scale cultural activities in shops, offices, warehouses and community facilities, which may help all communities seeking to find alternative spaces for cultural events.
7.	Communities living in the city should not complain about noise	Planning rules should not change because people who do not enjoy activity and nightlife move to into the city.	Many of the city's neighbourhoods are lively and vibrant places created by the mix of businesses, activities and neighbours. Living in these places

		Issue raised	Response
			comes with the understanding that there will be a level of activity and sound from people carrying out their business, socialising and enjoying their neighbourhood. The City and other government agencies work to balance the effects of all the activities needed for a functional and attractive place to live and work. This is particularly the case when considering new activities in business zones such as B1, B2, B4 and B8 zones, where residential uses are also permitted.
8.	Encourage busking	Non-amplified busking in in Town Hall and Saint Andrew's Square could attract people to dance and avoid drinking.	<p>The Open and Creative planning reforms do not apply to trading or performance outdoors.</p> <p>The City's busking policy aims to support and promote busking culture in public places in Sydney. The policy defines low impact busking as including amplified music that can be adjusted and non-amplified instruments.</p>
9.	Do not block footpaths and make residential streets alcohol free zones	<p>Maintain the right of residents to walk on footpaths. Footpaths should be wide for at least two people to walk and should not be blocked by business furniture or patrons.</p> <p>Create alcohol free zones in residential streets in Newtown to protect local amenity.</p>	<p>The later opening shops and small scale cultural activities reforms do not apply to outdoor trading or performance.</p> <p>Larger cultural activities that take place in large spaces or involve outdoor performance will be subject to DAs and conditions of consent will minimise impact on the public domain.</p> <p>Alcohol free zones are beyond the scope of the Open and Creative Planning Reforms and not part of the planning system.</p>
10.	Incentivise late night uses	Provide more incentives for late night businesses throughout the city and an extra incentive for late night businesses that do not promote, encourage or facilitate gambling.	<p>The Open and Creative reforms do not include late night trading uses, which operate after 10pm.</p> <p>Late night uses operating after 10pm are subject to the Late</p>

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			<p>Night Trading DCP 2012, which incentivises the hosting of performance through the award of later trading hours and later opening shops after 10pm.</p> <p>The City is currently working with the NSW Government to fund live music, performance and art in venues, bars, restaurants and outdoors through a grants program to reactivate the city as part of its Covid recovery program.</p>
11.	Diversify the night time economy	<p>A diverse and strong night time economy fosters and supports a broad range of other industries and individuals who work at night such as health, education, finance, logistics, and tourism and office workers. These workers can enjoy artists, performances, and exhibitions.</p> <p>Support for the proposals which may facilitate the revitalisation of Devonshire Street, Surry Hills for the purposes of community, cultural, and creative activities.</p>	<p>Noted. The Open and Creative Planning reforms aim to establish a diverse social and cultural offering for residents and workers of all ages in Sydney, to ensure that a wide range of night-time activities are available to match Sydney's growing and changing population.</p>
12.	The proposals could go further, and trading could be later.	<p>Businesses should be able to trade 24 hours a day, without having to seek any sort of formal approval. Submitters consider that this should be the case for the hospitality industry, (bars, clubs and restaurants), where trading should be extended to midnight.</p> <p>Clubs should have unrestricted trading hours.</p>	<p>The Open and Creative planning reforms do not include late night trading uses. Late night trading uses operate after 10pm. These uses have the potential to have different impacts on amenity which are assessed through DAs.</p>
13.	Reforms should align with changes to the <i>NSW Exempt and Complying State Environmental Planning Policy (SEPP)</i>	<p>The changes to the <i>NSW Exempt and Complying SEPP</i> as a result of the <i>Liquor Amendment (24 hour Economy) Bill 2020</i> means that many of the land use planning, liquor licensing and local government policy items in the Open and Creative planning reforms have now been</p>	<p>The changes to the <i>NSW Exempt and Complying SEPP</i> address different scope of activities to the City's proposed exempt provision.</p> <p>Subdivision 15AB of the SEPP allows the low impact performance of music or arts in existing buildings which are not in</p>

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		<p>overhauled. These include additional instruments to create entertainment precincts and exempt development for the performance of low impact arts and music.</p> <p>These changes should be adopted within the Open and Creative Planning Reforms.</p>	<p>a residential zone. It is limited by the hours on the relevant development consent and other conditions relating to number of persons allowed, noise, traffic, loading allowed for that building. The provision does not allow for a change of use, so is relevant to activities which are ancillary to the primary use of the building and must occur while the primary use is operating.</p> <p>The City's proposed exempt provision allows a temporary live performance, as well as the production, or an event in association with an exhibition of art, craft, design, media, image or immersive technology, and the teaching or discussion related to performance or art, craft and design.</p> <p>It provides for the additional use of a shop, office, warehouse or community buildings. This is only allowed if it meets certain criteria relating to location, hours, frequency, patronage, duration and amplified music which ensure it has a minimal impact on local amenity. An important distinction is that the City's exempt provision extends the hours for small scale cultural activities use beyond that included on the development consent, until 10pm.</p> <p>For these reasons the City's proposed exempt provision can apply independently of the SEPP provision.</p>
14.	Providing dance halls to encourage live music	The City should encourage people to be active and listen to live music. This could be achieved by providing dance halls.	The Open and Creative planning reforms encourage live performance and the reuse of community facilities, like dance halls for events.

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15.	Street closures and performance	The City should consider closing streets like Darlinghurst Road in Kings Cross and opening them up to activity and performance.	<p>The Open and Creative planning reforms do not provide for outdoor performance or trading.</p> <p>The City is currently working with the NSW Government to fund outdoor live music and performance and art in venues, bars, restaurants and outdoors through a grants program to reactivate the city post-Covid.</p>

Small scale cultural activities

		Issue raised	Response
16.	Support for alternative spaces for creative businesses	<p>Providing clear definitions of what activities are small-scale and cultural, and outlining proposed 'exempt' criteria will assist businesses wishing to offer this type of activation.</p> <p>This proposal will encourage the growth of creative performing arts businesses by facilitating the provision of alternative creative performing spaces, including in areas where such space is scarce. It also will provide further options to assist businesses activate and diversify their activities using underused or vacant spaces.</p>	Support noted. The definitions of small scale cultural activity and the criteria that businesses must satisfy will be included in the published provision in the Sydney LEP and on the City's website.
17.	Increased noise impacts on residential amenity from performance/activity and patron entry/egress, service of alcohol, smoking, waste and construction activities.	<p>The reforms may result in an increase in late-night venues which encourage drinking and antisocial behaviour which will impact on local neighbourhoods.</p> <p>Conditions must moderate the effect of construction activities illegal busking, intoxicated people and noise impacts from local bars on families with young children and residents who want a quiet night sleep. Smoking from patrons outside events on the public domain and</p>	<p>Small scale activities which are exempt from development consent will only be permitted to serve alcohol with a liquor license or caterers authorisation and will be subject to regulations requiring the responsible service of alcohol.</p> <p>The exempt provision will require the orderly entry and egress of patrons and removal of waste from the public domain.</p>

		Issue raised	Response
		<p>waste will impact on neighbouring residents.</p>	<p>A post-exhibition change requires that waste collection only take place between 7am and 7pm daily.</p> <p>The exempt provision does not apply to activities which require building works (except for minor approved or exempt works), so no construction activities will occur.</p> <p>Signage with the operators contact name and number must be displayed before and during the event so neighbours can contact the operator if there are issues. Operators must also register with council prior to the event.</p> <p>If activities do not comply with any of the proposed exempt criteria they are in breach of the exempt provision and risk being asked to cease by City compliance staff.</p> <p>Other larger cultural activities will be subject to DAs and conditions of consent will minimise impact on neighbours and the public domain.</p>
18.	<p>Lack of City oversight and proposals to manage the impacts of the activities on amenity</p>	<p>There is a lack of oversight of the activities by the City and an absence of proposals to manage impacts on amenity.</p> <p>Additional night-time activity has the potential to create adverse noise, sanitary and waste impacts on residents in the city, including Chippendale and Pyrmont. There should be more proposals to manage these potential impacts, other than having to lodge a complaint to City Rangers or Police.</p>	<p>Exempt activities are considered to have no more than minimal environmental impact. They do not involve any involvement from the City, unless activities breach exempt criteria.</p> <p>The proposed exempt criteria relating to a range of issues including capacity, frequency and duration have been proposed at thresholds where it is considered impacts will only be minimal.</p>

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		<p>More City Ranger patrols should be introduced to address compliance with this provision.</p>	<p>A post-exhibition change will require that operators wishing to host an event or activity exempt from development consent, notify the City of the intention to hold an event, via an online web form prior to the commencement of the event. The notification will require the same details as required for signage notification of the event. This includes the event name, a description of the nature of the event, commencement, duration, and completion date and the name and telephone number for contacting the person responsible for the event at all hours during which the premises are operating.</p> <p>This information will be made available to the City compliance team and used by the city to monitor the take-up of the provision and impacts on amenity.</p>
19.	<p>Cumulative impacts of provision, (if there are several premises trading later close to residences)</p>	<p>The impacts of several retail premises in mixed use zones in close proximity of residential undertaking activities at the same time. A total of 10 businesses in a small area like Pyrmont (near the Casino) or Chippendale could host 26 events per year, resulting in activity 260 days per year.</p>	<p>If small-scale cultural activities exempt from development consent occur in mixed-use zones, concurrently or on separate days, they are required to meet criteria which ensures that any impacts will be minimal and only occur until 10pm.</p>
20.	<p>Need more soundproofing in heritage terraces</p>	<p>Residents should have the opportunity to double glaze and seal windows to help with noise reduction and temperature control in heritage terraces. This would reduce impact on residents and assist venues and local businesses and local shops wanting to extend their trading hours.</p>	<p>Residents can apply to double glaze heritage listed properties. Applications are considered on a case by case basis, and subject to site specific circumstances.</p>

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21.	Impacts on residents near bars	The provisions will exacerbate concerns of residents living near a small bar in Clarence Street and Chippendale about impacts on amenity.	The Open and Creative planning reforms are unlikely to exacerbate impacts associated with pubs and bars, because they do not address outdoor trading or performance and only allow events until 10pm. Many pubs and bars already trade later than 10pm and have capacities greater than 70 patrons.
22.	Need responsible service of alcohol, security, cleaning, fire safety and banning of gambling	The provisions need to ensure alcohol is served according to the appropriate NSW regulations, and that there is security and cleansing of areas before lockup. Fire safety must be maintained, and gambling must not be allowed at events.	<p>The definition of small scale activities which are exempt from development consent does not include gambling, so these activities will not be permitted.</p> <p>Alcohol can only be served at a small scale cultural event with a liquor license or caterers authorisation and will be subject to regulations requiring the responsible service of alcohol.</p> <p>The exempt criteria for small scale cultural activities have been developed in consultation with City building compliance officers and meet the thresholds identified in the Fire Safety Strategy commissioned by the City since 2017.</p> <p>Activities must occur on the ground floor, to have an up to date Annual Fire Safety Statement (AFSS) and not involve pyrotechnics, theatrical smoke, or dangerous goods.</p> <p>An up to date Annual Fire Safety Statement which enables current occupation of the space in the building for its current approved use, will ensure the fire safety risk from the additional use of the building can be managed</p>

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			<p>and will allow the activation of vacant spaces, such as shops. The limitation to ground floor ensure that upper floor and staircases which may not be suitable for increased capacity are not utilised.</p> <p>The exempt criteria require the removal of waste from the public domain. A post-exhibition change requires that waste collection only takes place between 7am and 7pm daily.</p>
23.	The proposals should be supported by more parking and safe transport options	The proposals will result in an increase in cars and traffic in the already over saturated streets or small laneways, where parking for residents is not sufficient, including Kings Cross, Pyrmont and Chippendale. Public transport should be increased to support the proposals.	<p>The exempt criteria requires operators to not contravene conditions of consent of the building which relate to traffic generation, vehicular movement, loading and parking. This is to minimise the impacts on residents and enable them access to their properties.</p> <p>Public transport serving Kings Cross, Chippendale and Pyrmont is sufficient to support temporary small-scale events which finish at 10pm. The Sydney Metro proposals will introduce a new high frequency service with more stations in the city which will increase accessibility to these areas later at night.</p>
24.	Events should be restricted until 8pm or 9pm Sunday to Thursday	To restrict impacts on amenity, performance and shops should not trade later than 8-9pm Sunday to Thursday, with later hours only permitted in the weekend.	The City's 2017 Open and Creative Discussion Paper proposed a 9pm closing time during weekdays, however over half of submissions from the cultural sector indicated that this timeframe was overly restrictive, and a longer duration was required to make events viable. This timeframe was extended to

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			<p>10pm on the basis that an additional hour would not create more than minimal impact, and that many of the City's noise complaints are not related to activity within this timeframe.</p> <p>The exhibited proposals allow small scale cultural events to occur from 7am to 10pm to minimise the impact of events and allow for seminars and training events that may occur during the day.</p>
25.	Trading hours and performance extended to midnight	Trading hours for entertainment on high streets should be extended to midnight.	Trading hours for small scale activities without development consent are required to finish at 10pm so that impacts on local amenity are minimal. Cultural activities that need to operate longer will be subject to assessment through a DA.
26.	The proposed duration of 4 hours is too short	A run time of 4 hours for events is too short, especially when there are multi-sessions required by Covid-restrictions. The freedom to run for 6-8 hours would unlock more options.	<p>The duration of event is proposed to balance the needs of the cultural activity with potential impact on neighbouring properties. The proposed duration has been confirmed as viable by the City's Nightlife and Creative Sector Panel. A run-time of 6-8 hours for an activity that is not subject to a DA would result in unacceptable impacts on residents.</p> <p>The planning controls will be in place after Covid restrictions are removed, so it is not appropriate to extend durations to accommodate multi-session requirements.</p>
27.	Noise impacts will continue until 11pm. Set up and pack-	If 70 people leave a building at 10pm noise would continue until at least 11pm as people will hold	The small scale nature of these cultural activities

		Issue raised	Response
	down should be included in 7am-10pm time period	<p>conversations after an event in the street with set up and pack down.</p> <p>Set up and pack-down should be included in 7am-10pm time period.</p>	<p>means that set up and pack down time will be limited.</p> <p>Operators will be required to manage the impact of patron entry and egress on local amenity.</p> <p>The 4 hour duration which can occur between 7am-10pm, cannot be reduced to include set up and pack down, as this is the minimum time that is viable for small scale cultural activities which can include seminars, talks and exhibitions as well as performance.</p> <p>To minimise impacts on amenity, a post exhibition change is proposed which will not permit pack down activities after 10pm. Activities to pack down an event can take place the following day between 7am to 10pm.</p>
28.	Sundays should be excluded, or events restricted on Sundays until 6pm	<p>Amplified sound (indoors or outdoors) should not be allowed after 10pm on any night or after 6pm on Sundays. Given the potential cumulative impact of several businesses hosting cultural activities until 10 every day, any activity on Sunday should be restricted until 6pm.</p>	<p>The Open and Creative planning reforms do not permit amplified sound outdoors, or the activities to continue after 10pm. Amplified music is only allowed in non-residential business and industrial zones. A restriction on Sunday will prevent small theatre performances with minimal impacts on Sunday nights.</p>
29.	Exclude Pyrmont from Central Sydney	<p>The reforms include Pyrmont in Central Sydney where amplified music is allowed. This is not appropriate as unlike the CBD, Pyrmont has been redeveloped and planned with commercial development integrated into residential precincts, and amplified music, until 10pm, can adversely</p>	<p>The Open and Creative planning reforms attempt to balance the need for the cultural and creative sector to find alternative space in the city with the amenity of residents in mixed use business zones.</p>

		Issue raised	Response
		affect residential amenity, especially if it occurs on a regular basis.	Overall the Open and Creative planning reforms are considered to permit business activities in a way that will have minimal impact on our residential communities. The impacts expected are considered to be commensurate with those impacts experienced in any global city and they are consistent with the B3 Commercial Core which seeks to provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
30.	Amplified music may be allowed in Newtown or other exempt areas in the future	Concerns that amplified music may be allowed in Newtown in the future.	Amplified music at small scale cultural activities without development may have the potential to cause impacts on neighbours. They will only be allowed as exempt development when the activities are taking place in areas with less residential development, such as in Central Sydney or industrial and business only zones.
31.	Star Casino and Doltone House	The Star Casino and Doltone House are included in an area where small scale culture activities do not need approval from Council for indoor/outdoor amplified music. This will have a significant impact on neighbouring properties.	The Open and Creative reforms may apply to retail and commercial tenancies located in the Star Casino, which are in the B3 Commercial Core zone and will be allowed amplified music until 10pm. The proposals do not permit outdoor performance or outdoor trading without development consent. These proposals do not however apply to function centres such as Doltone House, which are not

		Issue raised	Response
			classified as commercial uses.
32.	Proposals should be deferred until after rezoning from Pymont Peninsula Strategy	The reforms should be considered in the context of the implementation of the Pymont Peninsula Place Strategy and the sub-precinct Master Plans, which may rezone land in Pymont.	<p>The Pymont Peninsula Place Strategy is an NSW Department of Planning, Industry and Environment led project. The Department are in the process of preparing sub-precinct master plans for Pymont and Ultimo that may inform LEP amendments in the future. Any amendments will require public consultation and consideration of zoning and associated impacts, including how any rezoning aligns with the City's Open and Creative planning reforms.</p> <p>It is not considered appropriate to pre-empt rezoning that may occur under the Department's project for Pymont and Ultimo. These issues will be addressed at that time with the City always seeking to ensure the appropriate and reasonable protection of residential amenity.</p>
33.	Proposals should be trialled and monitored	The reforms will require a high level of monitoring (including noise monitoring). The City should consider a one-year trial of the reforms and open community consultation, including a register of complaints before a more permanent planning change is granted.	<p>The Open and Creative reforms have been developed and subject to community consultation since 2017. The proposed exempt criteria relating to a range of issues including capacity, frequency and duration have been proposed at thresholds where it is considered impacts will only be minimal.</p> <p>The City will undertake a review of the take up and impacts associated with the exempt provision within two years of the publication of the LEP provision.</p>

		Issue raised	Response
34.	Maps and amplified music affecting residential in the B3 Commercial Core zone	Maps are vague and poorly detailed. The proposals group residential with the Casino and Doltone House as an area where small scale culture activities do not need approval from Council for indoor/outdoor amplified music.	<p>Mapping in the planning proposal is for indicative purposes only, because the proposals apply to specific zones. The proposals allow amplified music only in non-residential business zones so that residential properties are not affected.</p> <p>Overall the Open and Creative planning reforms are considered to permit business activities in a way that will have minimal impact on our residential communities. The impacts expected are considered to be commensurate with those impacts experienced in any global city and they are consistent with the B3 Commercial Core which seeks to provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.</p>
35.	Include Tramsheds Harold Park	Small scale cultural activities should be permitted within retail, industrial, office or community facilities in Tramsheds at Harold Park.	<p>The exhibited planning proposal amends the Harold Park LEP 2011 to apply the proposed small scale cultural activity exempt provision. The Harold Park Tramsheds include retail floorspace and on land zoned B4 mixed use and can access the exempt small scale cultural activity provision.</p> <p>An error on the indicative map in the planning proposal showing the zones where small scale cultural activities may occur without development consent, does not show the zones of the Harold Park LEP. These maps are indicative, are included to provide more</p>

		Issue raised	Response
			<p>understanding of the proposals, however are not part of the statutory amendments to the LEP planning controls.</p> <p>In addition, low impact arts and music performance within existing operating hours of the Tramsheds could be facilitated under Subdivision 15AB of the <i>NSW Exempt and Complying SEPP</i>. The City understands that restaurants in the Tramsheds currently operate until 10pm and therefore could achieve the same trading hours as allowed in the City's exempt provision.</p>
36.	Lack of research to justify the inclusion of Chippendale	The City's Proposal fails to provide detailed research or independent data, that would usually be required to justify the proposals applying to Chippendale.	<p>The Open and Creative reforms have been developed and subject to community consultation since 2017. The City's research into the Cultural Strategy, Live Music Action Plan and Making Space for Culture Study outline the need for cultural space and the barriers to using existing space, including those in the planning system.</p> <p>The City's proposals are based on the objectives and composition of the business and industrial zones to which the proposals are considered appropriate and are applied. The proposals apply to other mixed-use business zones with conservation areas, such as Surry Hills and Pyrmont.</p> <p>Overall the Open and Creative planning reforms are considered to permit business activities in a way that will have minimal impact on our residential</p>

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			communities. The impacts expected are considered to be commensurate with those impacts experienced in any global city and they are consistent with the B4 Commercial Core which seeks to provide a mixture of compatible land uses.
37.	Noise impacts on Chippendale and unique historic terrace/cubic form/narrow streets	<p>Small scale cultural events that allow up to 70 people on the premises will impact residents in adjacent properties, who are likely not to have acoustic protection, e.g Meagher Street, Bartley, Dick, Queen, and Little Queen, where most properties are residential.</p> <p>The reforms would have an adverse impact on low rise residential streets, where noise reverberation is significant where there is varying cubic form and no open space for noise to effectively dissipate, and after hours when the background noise is limited, and residential properties generally have no acoustic glazing.</p> <p>A microphone, background music and two speakers on any floor with doors opening for entry/exit and windows potentially open noise will always bounce around narrow streets and reverberate from concrete surfaces.</p>	<p>The proposed exempt criteria relating to a range of issues including capacity, frequency and duration have been proposed at thresholds where impacts will only be minimal.</p> <p>Noise impacts experienced in Chippendale will be minimal and until 10pm. The built form in Chippendale is similar to other conservation areas in mixed-use zones such as Pyrmont and Surry Hills where the exempt provision also applies.</p> <p>Overall the Open and Creative planning reforms are considered to permit business activities in a way that will have minimal impact on our residential communities. The impacts expected are considered to be commensurate with those impacts experienced in any global city and they are consistent with the B4 Commercial Core which seeks to provide a mixture of compatible land uses.</p>
38.	Alfresco dining and performance before and after event preparation already cause issues in Chippendale	Activities at Kensington Street, Chippendale have raised considerable concerns, as have smaller cultural activities in local streets; e.g. more recently, a series of cultural events were held in a local gallery in the east precinct. The events demonstrated the impact on	<p>Many of these activities are likely to be part of the City and NSW Government joint project to reactivate the city post-Covid.</p> <p>While the impacts on terraces and by set-up and</p>

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		not only the immediate adjacent properties but also the wider residential community as well as the impact in terms of pre and post-event preparation.	<p>pack-down are noted, the Open and Creative planning reforms do not propose trading or performance outdoors.</p> <p>To minimise impacts on amenity, a post exhibition change is proposed which will not permit pack down activities after 10pm. Activities to pack down an event can take place the following day between 7am to 10pm.</p>
39.	Chippendale residents understood that later trading would always be subject to a DA	The reforms are not consistent with the City's previous position regarding late-night trading controls. The city previously indicated that any changes to consent conditions such as the operating hours or change in use would require development consent and that late night trading would be limited to main streets such Abercrombie Street, Regent Street, and Broadway.	<p>The Open and Creative planning reforms were referenced in the report to Committee on Late night Trading DCP in May 2019.They are temporary cultural and creative activities that occur until 10pm.</p> <p>Submitters refer to consultation that the City undertook with Chippendale residents in respect of the Late Night Trading DCP changes proposed in 2019, which limited activities after 10pm to Abercrombie Street, Regent Street, and Broadway.</p> <p>All proposals for late night trading, including shops, pubs, bars and clubs that operate after 10pm are subject to a DA. The Open and Creative planning reforms occur before 10pm.</p>
40.	Darlington should be excluded	An area of Darlington south of Cleveland includes residential units located opposite a strip of commercial businesses on Abercrombie Street. If the businesses host small scale cultural	These proposals only allow activity in this mixed-use zone until 10pm and no amplified music is permitted. This area of Darlington has been included as it includes creative spaces and is also a

		Issue raised	Response
		activities, there may be noise and traffic impacts on residents.	late night trading area. The exempt provision requires operators not to contravene existing consent conditions relating to traffic generation, loading, and parking.
41.	NSW Government changes to liquor laws will exacerbate situation, proposals should be re-exhibited to consider cumulative impact	The NSW government has published changes to the state's liquor licensing laws, which when considered collectively with the proposed reforms have the capacity to exaggerate the impact. The public should have the opportunity to consider the City's proposal in context of the changes to the Liquor Licensing laws, given that the likely cumulative impact and the proposals should be re-exhibited.	<p>Although the SEPP provision addresses a subset of similar activities, it addresses ancillary activities within the existing operating hours, rather than the additional use of a shop, office, warehouse or community facility until 10pm. Consultation with the Department of Planning, Industry and Environment about the SEPP provision has confirmed that City can proceed with the exhibited small scale cultural activity exempt provision independent of the SEPP provision.</p> <p>The City cannot assess the cumulative impacts of the SEPP provision which was published on 1 December 2020 by the NSW Government. This provision published on 1 December 2020 will have limited take up to date and is beyond the control of the City of Sydney.</p> <p>The City will undertake a review of the take up and impacts associated with the exempt provision within two years of the publication of the LEP provision.</p>
42.	In Chippendale, Rose and Myrtle streets do not have commercial premises but are included in exempt area	Currently Rose Street and Shepherd Lane appear to be included in the area where small scale activities can take place however there are currently no commercial premises on these streets other than a convenience store and laundromat on the corner of Rose and Myrtle	The area referenced is in a B4 mixed use zone, where a range of residential and commercial uses are permissible. Uses may change over time, and if more commercial or retail uses locate in this area

		Issue raised	Response
		<p>streets. The proposals should exclude all areas of this part of Chippendale, except for the existing venues located directly facing City Road, including the Lansdowne Hotel.</p>	<p>temporary small scale activities may be able to occur until 10pm. This is also an area where amplified music is not permitted in association with these events. Other criteria are included to ensure minor impact.</p> <p>Other late night uses activities in Chippendale are focused on Broadway, Central Park and Regent Street, however these activities occur before 10pm and are not considered late night activities.</p>
43.	Density and capacity provisions	<p>Some of the conditions of the exempt criteria are too onerous and the Council has provided little justification for their inclusion. In particular, the density requirements of 1 square metre per person and no more than 70 people (including Staff) should be removed.</p> <p>The density restrictions in the planning proposal are limited to “no more than 70 people in total,” however the DCP suggests they apply to premises which “Accommodates less than 120 patrons”.</p> <p>To be Covid safe it should be 1 per 4sqm.</p>	<p>The criteria for smaller temporary activities are to ensure the activities have minimal impact as no approval is required. Activities with more people can occur with a DA approval.</p> <p>The activities are subject to a density provision of 1 person per sqm to ensure that the reuse of retail, commercial, industrial and community buildings is safe. The requirement is based on the recommendations of a Fire Safety Strategy commissioned by the City in July 2017.</p> <p>The limit of 70 patrons is the upper level considered to ensure that impacts of the activity occurring without development consent be only minimal. The City’s 2017 Discussion Paper proposed a limit of 50 patrons for exempt small scale cultural activities, based on the City’s understanding of the scale of cultural events at the time. This was benchmarked from</p>

		Issue raised	Response
			<p>the change of use of premises provisions in the Exempt and Complying Codes SEPP which limits food and drink premises to 50 seats. Advice from the City's Nightlife Panel and submissions received from the cultural sector to the Discussion Paper provided a strong indication that this threshold would make this activity unviable, particularly if it were to include performers and staff.</p> <p>The increase from 50 to 70 patrons remained within the fire safety occupancy threshold for activities within existing retail and business buildings. The impact of an additional 20 patrons is minimal, particularly given that these events would occur in business or industrial zones and finish by 10pm.</p> <p>The draft DCP includes a criteria relating to 120 people which applies only to cultural activities which exceed exempt criteria requirements and need a development consent.</p> <p>The planning controls will be in place after the NSW social distancing restrictions as a result of the pandemic are removed. If the 1 person per 4 sqm density was required in the future as a result of another health crisis, it would prevail over the planning controls.</p>
44.	Need to ensure diversity of performance/cultural performance	Need to ensure that the opportunity to provide performance is not dominated by commercial promoters who may produce a mono-cultural rather than diverse cultural offering.	As these activities are exempt from development consent and will occur on private property, the City is unable to curate or provide a

		Issue raised	Response
		A quota for ethnically diverse cultures to be represented in events across the city should be implemented.	quota for the types of activities to be carried out. The purpose of the planning controls is to make space more easily available for cultural activities.
45.	Need a Creative and Arts Entertainment licensing Authority	A licensing authority which issues and reviews “creative” licenses for street-vendors and market stalls, performers and entertainers, the brokering of short-term uses or tenancy agreements between prospective “creative” tenants and landlords of vacant premises, should be established. Council might encourage such activities by taking on public insurance liability and assist in ensuring compliance with public health and safety and fire regulations. The environmental impacts including noise associated with such activities would need to be assessed and monitored, particularly as the temporary nature of such activities may be regularised.	<p>The City is looking to reduce regulation and make it easier for small scale cultural activities to occur. Licensing the activities would creative more process and red tape.</p> <p>The City owns properties, including retail and office space, across the inner-city area. From time to time these properties are empty for short periods between commercial tenancies or when repairs or upgrades to the buildings are required.</p> <p>The City provides short term licences for periods of up to 12 months for creative projects. Opportunities are offered when spaces become available.</p>
46.	Public safety in warehouses	There are safety concerns with public around heavy vehicles, plant and construction and manufacturing.	The reforms encourage the additional use of business spaces such as warehouses for small scale cultural events. While the safety concerns are noted, the proposals can occur after the primary use of a business space has ceased. Exempt criteria requires that there be no use of pyrotechnics, theatrical smoke or dangerous goods. It will be the responsibility of the operator to ensure the safety of patrons.

Later opening shops

		Issue raised	Response
47.	Support for businesses to diversify	<p>The proposals will provide a positive approach to encourage diversity of retail options to integrate with the traditional night-time economy.</p> <p>Introducing extended trading hours for existing retailers and allowing operators the flexibility to choose their operating hours from 7am to 10pm, seven days a week, will enable businesses to adapt and diversify, and to trial extended trading. It will enable businesses take advantage of opportunities provided by events, festivals and seasons where increased foot traffic may occur, whilst ensuring staffing and other costs remain within their control.</p> <p>In addition, it needs to be ensured that small businesses are not facing unnecessary delays and/or impediments, and are not subjected to ongoing, unreasonable complaints when operating within an authorised use. It is important to continue consulting and educating existing businesses and residents about the expected changes exempt development will have on the amenity of the local area, and how the regulation and compliance of the changes will be upheld by Council.</p>	Support noted
48.	Extend later trading to restaurants	Restaurants should have extended trading to engage more people in the night time economy.	<p>The proposals for later opening shops exempt from development consent do not include food and drink premises, or licensed premises which sell, supply or allow the consumption of liquor on or off the premises. This is because later trading hours for these uses may have different impacts that have the potential to impact on amenity and require assessment through a development application. Most restaurants operate under DAs with trading hours until or later than 10pm.</p>

		Issue raised	Response
49.	Limit later trading to Central Sydney	Extending trading hours for should be limited to few business/entertainment areas such as Sydney CBD, Haymarket, Newtown, Kings Cross to protect residents' right to live and sleep in peace and enjoy their homes.	<p>Later opening shops are proposed in areas with an established retail character, such as the city centre or village high streets. These streets are daily destinations for community, retail and commercial activity where later opening times after 6pm can be accommodated without creating significant impacts on neighbours. It is where the principle and impacts of standard business hours for shop or businesses have been already assessed in individual development approvals.</p> <p>Later opening shops will include for example those selling clothing, books, stationery and homewares, or businesses such as drycleaners, banks and hairdressers, which do not create noise or encourage anti-social behaviour.</p>
50.	Later trading in Glebe and Central Sydney	Extend existing shops and businesses to trade in Central Sydney and Glebe from 7am to 1:00am Thursday, Friday, Saturday and Sunday nights.	Trading after 10pm would be considered late night trading and would require assessment through a DA. The City's late night DCP controls allow unlicensed shops and business to apply to trade to 24 hours in Central Sydney and until 2am on parts of Glebe Point Road.
51.	Extend later trading to outdoor dining	Many cafes, kiosks, and shops currently operate outdoors, be it in private courtyards, or through footway licenses. Activities like alfresco dining provides much needed vibrancy and activation to a precinct and this should not be subject to the full requirements of a DA. These outdoor activities should be encouraged by including them as exempt development and we recommend any	The proposals for later opening shops do not apply to food and drink premises because these can become licensed and generate different impacts that have the potential to impact on amenity and require assessment through a development application

		Issue raised	Response
		reference to “indoor” activities be removed.	The impacts of outdoor dining or trading on residents may differ due to individual site circumstances and should be assessed on a case by case basis and may need conditions to manage the situation.
52.	Cumulative impacts of provision, (if there are several premises trading later close to residences)	The impacts of several retail premises in close proximity of residential trading until 10pm at the same time.	<p>Later opening shops are proposed in areas with an established retail character, where there are several unlicensed shops, in the city centre or village high streets. These areas are daily destinations for community, retail and commercial activity where later opening times after 6pm can be accommodated without creating significant impacts on neighbours and where the principle and impacts of standard business hours for shop or businesses have already been assessed in individual development approvals.</p> <p>As these are unlicensed and non-food and drink premises the cumulative impacts on local amenity from patron entry and egress will be minor.</p>
53.	Protection of workers working 15-hour days	Workers may be forced to work longer hours to support the reforms. Trading 15 hours a day every day may risk health and safety. Minimum wages will need to be enforced.	Businesses will take decisions about staff safety and whether their operational costs make trading a viable option. Later trading may evolve over time as consumer habits change and tourist and visitor numbers increase.
54.	Council Licensing Authority	Licenses should be issued by Council and approvals should be efficiently administered and based on compliance with clearly specified objectives and conditions. Objectives should not override each other, so	The City is looking to reduce regulation and make it easier for shops to open later. Licensing the activities would create more approval processes that are not

		Issue raised	Response
		that the objective to activate commercial street frontages does not impact adversely on residential use of rear lanes and the amenity of residential streets.	necessary given the small scale of the activity and limited impacts. Eligible businesses will be in areas with retail character and already have development consent for normal business hours.

Erskineville Town Hall

		Issue raised	Response
55.	Support use and increased activation of Erskineville Town Hall for cultural activity/events	The increased activation of the Erskineville Town Hall and cultural uses and live performance is supported. Theatre spaces on an annual basis are fully booked. This is a challenge to those performers or small businesses wishing to stage their own shows with no available performance venues for hire. The proposed planning changes are supported as this will offer performers or small businesses access to an additional venue for these activities.	Support noted
56.	More cultural events will help contrast with pub/nightclub culture of the area	The use of Erskineville Town Hall for cultural events is a positive step and may create a community atmosphere than the existing pub/nightclub zone that has developed in recent years. Small-scale (non-amplified) musical events will enrich the local community. It is important, however, that such use is limited and does not create a large-scale 'entertainment industry' in a residential area.	Support noted
57.	Support using the town hall for rehearsal space for emerging musicians	There are many emerging musicians and aspiring performers who need inexpensive places to rehearse. With the destruction of older buildings, the number of spaces for aspiring performers to use is limited. Erskineville Town Hall and Alexandria Town Hall could be potential places for emerging musicians, to use at very modest cost.	Support noted. The proposal for Erskineville Town Hall will enable performances with DA approval. These proposals do not currently extend to the Alexandria Town Hall.

		Issue raised	Response
58.	Concerns about noise impacts on residents, exacerbating those already experienced from local pubs	There may be potential negative impact of noise on residents living in nearby properties who already have issues with noise from nearby hotels. Council has an obligation to undertake acoustic testing and install noise abatement measures as required.	<p>As a result of the significant impact of Covid on the cultural sector and creative spaces, the use of City owned spaces for cultural and performance activities has increased as a priority.</p> <p>If the proposals are approved, a development application on behalf of the City will be submitted for the extended use of the facility which will include a Plan of Management to address operational issues. Potential impacts including noise, on neighbours will be assessed and conditions to mitigate the impacts imposed on the development consent.</p>

Creative and maker spaces in B2 zone

		Issue raised	Response
59.	Support diversity on high streets	The inclusion of “maker and creative spaces” in B2 zones Local Centres which are located in village high streets is supported, noting that this also includes “light industry”.	<p>Support noted. The LEP classifies creative and maker spaces as light industrial uses, which are not permitted in B2 Local centre zones. The potential impact of light industrial uses will be assessed on a case by case basis through applications for consent. The definition of Light Industry in the LEP provides a list of considerations to reduce potential amenity impacts on the neighbourhood such as noise, vibration, smell, fumes, smoke, vapour, steam or dust, which will support intended outcomes.</p> <p>Light industrial uses are currently permitted with</p>

		Issue raised	Response
			consent in the B4 mixed use zones such as Pymont, Surry Hills and Chippendale.
60.	Provides much needed maker space for creative industries that are struggling to secure appropriate and affordable accommodation in existing industrial zones	The proposal allows 'light industrial' uses in the B2 zone will provide much needed maker space for the creative industries that are struggling to secure appropriate and affordable accommodation in existing industrial zones.	Support noted
61.	Concerns about noise impact on residents from industrial machinery and processes	There are residences located in streets and lanes behind high street premises. With creative and maker tenants, the manufacturing section of the business would typically be at the rear of the building. Any machinery that generates significant noise must have tighter restrictions on operating times than the retail section of the business which would be on the high street.	The LEP classifies creative and maker spaces as light industrial uses, which are not permitted in B2 Local centre zones. The potential impact of light industrial uses will be assessed on a case by case basis through applications for consent, and conditions imposed to mitigate impacts on amenity. The definition of Light Industry in the LEP provides a list of considerations to reduce potential amenity impacts on the neighbourhood such as noise, vibration, smell, fumes, smoke, vapour, steam or dust, which will support intended outcomes.
62.	Support for additional opportunities for creatives and makers to use premises closer to their potential customer base	The proposal to include 'light industry' in Zone B2 Local Centres is supported, as it provides additional opportunities for creatives and makers to use premises closer to their potential customer base and other retailers. Many small businesses categorised as 'light industrial' have shop fronts and undertake activities that do not negatively impact the local amenity for existing businesses or residents. Allowing creative and maker small businesses to occupy spaces across	Support noted.

		Issue raised	Response
		city centres will provide diverse small business offerings in local main streets. It will also provide employment opportunities and improve location options for small businesses, with local centres providing good operating opportunities for business and customers due to factors such as higher foot traffic, public transport access, parking facilities and vibrant retail sectors.	