

Relevant Information for Council

FILE: X009155 **DATE:** 26 March 2021

TO: Lord Mayor and Councillors

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

SUBJECT: Information Relevant To Item 9.3 – Post Exhibition – Planning Proposal – Open and Creative Planning Reforms and Draft Sydney Development Control Plan – Open and Creative Planning Reforms

For Noting

This memo is for the information of the Lord Mayor and Councillors.

Background

This memo provides additional information to Council following the meeting of the Transport, Heritage and Planning Committee on 22 March 2021. The Committee requested further information on:

- the effect of the proposed reforms relating to small scale cultural activities and later opening shops on Chippendale, and
- the application of the proposed reforms and the possible exclusion of parts of Chippendale from the exempt provisions for small scale cultural activities and later opening shops.

Effect of the Open and Creative reforms on Chippendale

The Open and Creative reforms propose changes to the Sydney Local Environmental Plan (LEP) to include new exempt provisions for later opening shops and small scale cultural activities. These provisions apply to businesses zones in the whole of the Local Government Area (LGA), which means they apply to Chippendale's B4 mixed use zoned land.

This proposal means that existing approved shops and businesses located in this area, which are not food and drink or licensed premises, can extend their trading hours until 10pm without the need for an additional approval. Shops and businesses eligible to extend indoor trading hours for premises will contribute to the liveability, vibrancy and safety of an area, and not create noise or encourage anti-social behaviour.

Shops, offices and industrial or community buildings located in this zone with an up to date annual fire safety statement can hold a small scale cultural event with up to 70 patrons (including staff) indoors, on the ground floor, if they satisfy criteria which will ensure that the activity has minimal impact. Events must be no longer than 4 hours in duration, occur between 7am to 10pm, but no more than 26 days a year, 4 days a week or 8 days a month.

Operators will be required to notify Council of their intention to hold an event and provide a description of the event and contact details. They will be required to place signage about the event five days prior and during the event with the same information, so that neighbours can contact the operator if there are issues. Operators will be required to manage the impact of patron egress and egress on local amenity which includes queueing of patrons and ensuring that there is adequate public access to other pedestrians on footpaths. There will be no pack down of activities allowed after 10pm and waste must be collected between 7am and 7pm. The event must not result in offensive noise, and amplified music is not permitted.

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.

Application of the Open and Creative reforms

The new LEP exempt provisions for later opening shops and small scale cultural activities apply to business zones across the entire LGA. They are proposed to apply to B4 Mixed Use zones (and other business zones) across the city, including Surry Hills, Ultimo, Darlinghurst, Pyrmont, Chippendale, Rosebery, Camperdown, Beaconsfield, Paddington, Redfern and Zetland.

The City's Late Night Trading DCP addresses uses that occur after 10pm, and have different impacts on amenity which are assessed through development applications. The Late Night Trading DCP maps the specific areas where provisions apply. In May 2019, in response to objections from the Chippendale community, Council agreed to an alternative boundary for the Local Centre late night trading area south of O'Connor Street which focused late night trading on the Central Park site and Regent Street.

In contrast, the Open and Creative reforms facilitate shops and cultural activities which are of a small scale, will have only a minimal impact and are not late night activities, as they do not occur after 10pm. As the reforms are LEP exempt provisions they are connected to specific land use zones in the LEP, rather than areas mapped in the DCP. As a result, it is not possible to exclude part of Chippendale's mixed use zone from the application of the clause, as was done with the Late Night Trading DCP.

The reforms are suitable for the business and industrial zone proposed. To exclude any part of Chippendale would require the exclusion of the entire B4 Mixed Use zone across the LGA, which would not be consistent with zone objectives and desired planning outcomes for the city and would undermine the strategic purpose of the provisions.

It is noted that the provisions have been amended to require activities to be registered with the City and that there will be a review of the operation of the provisions after two years.

Prepared by: Julie Prentice, Specialist Planner

Approved

A handwritten signature in black ink, appearing to read 'GJahn', positioned to the right of the 'Approved' text.

GRAHAM JAHN AM

Director City Planning, Development and
Transport