

Ms Kiersten Fishburn
Secretary
NSW Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

16 July 2026

Ref No: D06201970

Dear Ms Fishburn,

**RE: Explanation of Intended Effect: Vibrant Precincts State Environmental Planning Policy –
Randwick City Council Submission**

Council welcomes the opportunity to provide feedback on the Explanation of Intended Effect: Vibrant Precincts State Environmental Planning Policy (EIE Vibrant Precincts SEPP).

Council understands the proposed changes expressed within the EIE seek to enhance the Special Entertainment Precinct (SEP) framework by introducing streamlined planning pathways, primarily through expanded exempt and complying development provisions.

However, while Council supports the intent of the proposal to encourage cultural activity, live entertainment, and night-time economy outcomes within SEPs, the framework must be appropriately managed, clearly defined and easily understood by businesses operating within a SEP.

As Randwick City Council is currently in preliminary stages for implementing SEPs, the suitability of the proposed changes will depend heavily on the location, character, and sensitivity of each proposed precinct. For example, what may be appropriate for Kingsford may not be appropriate for Coogee, given the different land use mix, residential interface, coastal setting, existing night-time economy, and community expectations.

Council notes that the proposed approach seeks to increase activation and reduce administrative burden, however, it relies on precinct management plans (PMPs) and standardised development controls to manage amenity, safety, and operational impacts in lieu of detailed site-specific assessment through the development application process.

Council considers a standard approach of applying provisions across all SEPs relies on assumptions that may not apply consistently across all precincts, particularly given the variability in local market conditions, land use patterns and strategic objective for each SEP. As such, a uniform, state-wide approach may not deliver the intended outcomes in all locations and may limit the ability to respond appropriately to local context and the varied characteristics and sensitivities of individual precincts.

A more flexible, place-based framework is supported, enabling councils to tailor provisions and approval pathways to achieve outcomes aligned with the specific role, function, and desired character of each SEP.

Council also supports a proportionate, risk-based approach to approvals within SEPs. Low-impact activities that can demonstrate compliance with clearly defined performance criteria may be suitable for streamlined pathways, while larger or higher-impact proposals should remain subject to more detailed assessment. Such an approach has the potential to encourage activation, support the adaptive reuse of vacant premises and reduce unnecessary administrative burdens, while maintaining appropriate oversight and community confidence. This is particularly important in centres seeking to increase occupancy, attract investment and support a more diverse mix of cultural, entertainment and commercial activities.

Temporary uses in commercial buildings, private carparks and community facilities may be appropriate where they are low impact and time limited. However, these pathways should include clear caps on event frequency, duration, patron numbers, operating hours, amplified music, lighting, waste generation and sanitary facilities. “Temporary” uses must not become de facto permanent entertainment premises without proper assessment.

As the Precinct Management Plan (PMP) will be the primary control for managing entertainment sound and trading hours within a SEP, it should clearly address additional noise impacts from new uses, particularly where residential receivers are nearby. It should also address intrusive lighting from rooftop venues, practical speaker locations and settings, live music hours in outdoor areas, patron noise, and complaint management. Clarification is required as to the hierarchy between the PMP, liquor licence conditions, existing development consent conditions, and any proposed non-discretionary development standards.

Confirmation is also sought that any exempt or complying development pathway within a SEP requires the landowner, occupier, or operator to demonstrate compliance with the applicable PMP requirements before undertaking works or commencing the use. This could be addressed through a PMP compliance declaration or similar mechanism.

Furthermore, the framework must be clear for Council officers, businesses, residents, and enforcement agencies, and should avoid fragmented or conflicting regulatory responsibilities. The framework must be clear as to compliance matters and the role of Liquor & Gaming NSW in being responsible for regulating entertainment sound within a SEP, and where responsibilities default back to Council under its own PMP.

Council also notes that the EIE does not clearly address how exempt and complying provisions would operate where SEPs are introduced on a trial or time-limited basis. It is therefore prudent for DPHI to consider what occurs at the end of a SEP trial. In particular, DPHI must consider whether a “change of use” will be legitimised once a SEP is made permanent or alternatively remain a temporary use or activation pathway with a clear reversion mechanism. It is possible that not all SEPs will be supported following the completion of a trial period, depending on community and business feedback.

Detailed responses to proposed changes are provided below and in the enclosed response to consultant questions.

DELIVERY OPTIONS

The EIE proposes two primary delivery approaches for implementing the proposed changes within SEPs:

- application as standard features across all SEPs; or
- application tailored to individual SEPs, having regard to their respective development objectives and assets.

The EIE further seeks feedback on whether the proposed changes, under these delivery approaches, would result in impacts that can be effectively managed through a precinct management plan (PMP), or whether unintended consequences may arise for businesses, residents and other land uses within SEPs. It also invites comment on the potential benefits and limitations of the proposed framework over time, including as precincts evolve, community expectations change, or SEP trials are amended or discontinued.

Council raises concern that general direction of the EIE is for the proposed changes to be applied uniformly across all SEPs through standardised exempt and complying development pathways. However, this approach may limit the ability to respond to local context and may not adequately address the varied characteristics, sensitivities and strategic objectives of individual precincts.

Council does not support the automatic inclusion of all proposed measures across SEPs. An opt-in, locally responsive approach is preferred, enabling councils to apply provisions selectively based on local context, precinct objectives, available infrastructure and the capacity to manage associated impacts following consideration by Precinct Working Groups.

In addition, reliance on standardised exempt and complying development pathways introduces a risk that higher-impact entertainment uses may be enabled without appropriate merit-based assessment, particularly in more sensitive mixed-use environments. Clear development standards and thresholds are therefore required to distinguish low-impact activities suitable for streamlined pathways from those that warrant site-specific assessment. Where councils elect to apply particular measures, thresholds should be introduced that take into account venue size, patron numbers, operating hours and event scale to encourage lower-impact activities while reducing unnecessary approval barriers.

Recommendation:

A more flexible, place-based framework is supported, enabling councils to work with precinct working groups to tailor provisions and approval pathways to achieve outcomes aligned with the specific role, function and desired character of each SEP, while maintaining appropriate controls over intensity, amenity, public safety and operational impacts.

PROPOSED CHANGES - SPECIAL ENTERTAINMENT PRECINCTS

Allow change of use from a shop to a licensed entertainment facility as exempt development

Council does not support the introduction of this proposal as a standardised, state-wide exempt development pathway. As outlined above, an opt-in, locally tailored approach is preferred, allowing provisions to be aligned with the specific objectives, land use context and strategic role and function of individual SEPs.

Permitting a change of use from a shop to a licensed entertainment facility as exempt development would remove the requirement for assessment under section 4.15 of the EP&A Act. This would substantially, limit Council's ability to assess the suitability of the proposed use within its context and impose conditions of consent to manage amenity, public safety and operational impacts. This pathway would also remove opportunities for community participation and reduce transparency in decision making. While precinct management plans (PMPs) provide a framework

for managing matters such as sound and trading hours across a precinct, they are not designed to assess the merits of individual proposals or can fully consider broader social, cumulative and land use impacts that may arise from the incremental introduction of licensed entertainment venues within a precinct.

Council's Social Impact Assessment Guidelines identify new licensed premises, and the intensification of entertainment uses as development types requiring detailed assessment. A blanket exempt pathway risks by passing this framework and enabling higher impact uses without appropriate oversight.

Notwithstanding, Council supports consideration of streamlined approval pathways for lower-impact venues where impacts can be appropriately managed through clearly defined thresholds relating to matters such as patron capacity, trading hours and scale of operation. This could include limited trial periods or other proportionate approval pathways that reduce barriers to activation while retaining appropriate planning oversight.

Recommendation:

Council is of the view that flexibility and certainty are more appropriately achieved through merit-based processes, including development applications, supported by an opt-in approach that allows councils to manage land use outcomes and maintain an appropriate balance between entertainment, retail and service uses within SEP locations.

Allow a change of use from office premises to an entertainment facility

Council provides in-principle support for the adaptive reuse of underutilised commercial floorspace to support cultural and entertainment uses. However, Council does not support the application of this proposal as a standardised, state-wide exempt development pathway and considers that its implementation should be tailored to the specific objectives, land use structure and strategic role of individual SEPs.

In Randwick LGA, identified SEP locations are primarily hospitality, tourism and visitor-focused, rather than commercial office-based precincts, with limited genuinely underutilised office floorspace. Existing commercial premises, particularly in smaller local centres identified for SEPs (e.g. Coogee), play an important role in supporting essential local services and employment. The introduction of such an exempt pathway may erode the day-to-day services needed by the community over time and diminish the functional diversity of centres. This is particularly relevant in strategic centres such as Randwick Junction within the Randwick Health and Innovation Precinct (RHIP), where commercial floorspace plays a key role in supporting the hospital and university related employment, a growing residential population, and essential services. Conversion of office premises, particularly at lower levels, may conflict with strategic objectives to retain employment-generating uses and maintain a balanced land use mix.

Council is concerned that a blanket exempt development pathway could result in the incremental loss of commercial floorspace, particularly within mixed-use developments, undermine the long-term employment and service function of centres, and create land use conflicts - which may impact the viability of remaining commercial tenants. This is especially relevant where local planning controls have been introduced to require a minimum FSR for non-residential (commercial) floorspace across centres. The EIE does not address how these outcomes would be safeguarded, or how cumulative impacts on such employment floorspace supply would be managed.

Recommendation:

Council considers that a more appropriate approach for office premises would be to:

- ***adopt an opt-in framework, allowing councils to determine where such provisions apply; and***

- *retain the ability to undertake site-specific assessment where required to manage land use outcomes and cumulative impacts.*

This approach ensures that opportunities for activation are balanced against strategic planning objectives that seek to strengthen the role and function of individual centres.

Allow temporary arts, cultural and entertainment uses in commercial building as exempt development

Council provides in-principle support for the temporary activation of vacant or underutilised commercial spaces for arts, cultural and entertainment purposes, recognising the potential to support vibrancy, interim use activation and community engagement within centres.

However, Council considers that a blanket application of this provision as exempt development across all SEPs requires further discussion refinement to ensure that impacts are appropriately managed and outcomes align with the strategic role and function of individual precincts.

The proposed change appears to assume that planning pathways are a primary factor limiting the ability of arts, cultural and entertainment uses to occupy underutilised commercial spaces within SEPs. In Council's experience the extent to which these uses are taken up is influenced by a range of other factors, including leasing arrangements, rental expectations and broader commercial viability considerations. In this context, planning pathways alone may not be the primary constraint on uptake, and the effectiveness of the proposed exempt development provision may vary depending on local market conditions.

Council considers that the effectiveness of this provision is dependent on the inclusion of clear and robust development standards. At a minimum, these should address:

- the definition and scope of "arts, cultural and entertainment uses", including alignment with Standard Instrument LEP land use definitions
- the scale and intensity of use, including occupancy, capacity, and compliance with building classification, fire safety and accessibility requirements
- the duration, frequency and cumulative operation of temporary uses, to ensure that interim activation does not result in de facto permanent land use outcomes
- management of amenity impacts, including noise, hours of operation and interaction with surrounding land uses, including alignment with any PMP
- minimum suitability requirements for buildings, including access, servicing and compliance with relevant building and safety standards

Council also notes that the EIE refers broadly to "commercial buildings" without clearly distinguishing between wholly commercial buildings and mixed-use developments. In Randwick City, many SEP locations comprise mixed-use shop-top housing, where commercial premises are co-located with residential uses. In such contexts, temporary activation may give rise to additional considerations, including internal acoustic impacts, access and circulation, and compatibility within shared building environments. These matters are often highly site-specific and may not be adequately addressed through standardised exempt provisions or precinct management plans.

Accordingly, while Council supports increased flexibility to enable temporary activation, a case-by-case approach is critical in determining the suitability and constraints of individual sites. Such an approach necessitates collaboration between council's planning, economic development and cultural activation functions to facilitate appropriate outcomes.

Council also acknowledges that SEP code-specific pathways may assist in facilitating temporary arts, cultural and entertainment uses where uptake has been limited, provided they retain an appropriate role for council assessment and governance oversight, including through the Precinct Working Group (PWG), and work collaboratively with landowners to support activation outcomes.

Recommendation:

A uniform state-wide application is not supported. Any pathway should be precinct based and retain sufficient flexibility to ensure temporary uses can operate for a reasonable period to evaluate commercial viability and market demand, while remaining genuinely temporary in nature. Clear thresholds should be established to identify which activities are suitable for exempt pathways and which warrant further assessment.

Streamline rooftop dining approvals associated with existing food and drink premises or artisan food and drink industry

Council acknowledges that rooftop dining can play a role in enhancing vibrancy and activation within identified SEP locations, particularly in high amenity tourist and visitor precincts such as Randwick Junction, Coogee, and Kingsford, which enjoy elevated positions that offer attractive coastal or district views.

While the introduction of non-discretionary development standards may assist in enabling rooftop dining in circumstances where impacts can be clearly anticipated and appropriately managed, such controls are inherently limited in their ability to respond to more complex site conditions. Non-discretionary standards, by their nature, require strict compliance and do not allow for merit-based consideration of site-specific factors.

It is considered that rooftop dining and rooftop entertainment should not be facilitated through non-discretionary standards. These uses are highly site-specific and can create elevated levels of noise, lighting, privacy, safety, access and building services impacts. A precautionary approach should be taken for rooftop proposals based on merit assessment. Any proposal to introduce non-discretionary standards must include strict criteria including demonstrated structural adequacy, BCA/fire safety compliance, acoustic assessment, lighting controls and appropriate separation from residential receivers.

It should be noted that a number of existing rooftop areas are likely to be unsuitable for outdoor dining or entertainment due to the presence of building infrastructure including commercial plant and building services as well as structural and safety considerations, access and egress limitations, and proximity to residential receivers. This is particularly relevant for older buildings. The EIE acknowledges that rooftop activation requires careful consideration of a range of factors including building safety, amenity, noise, lighting, privacy, and existing rooftop infrastructure, and that these matters should remain subject to site-specific assessment. Further, Council would strongly discourage rooftop outdoor dining areas located next to a rooftop cooling tower due to the potential risk of legionella disease.

Recommendation:

While non-discretionary standards may provide an appropriate pathway for low-impact or well-contained rooftop dining scenarios, Council considers that a pathway allowing for merit-based assessment for rooftop dining and entertainment should be retained given the complexity and variability of such proposals, particularly within mixed-use buildings or where there is close proximity to residential or visitor accommodation.

Allow town halls and other community facilities to be used for arts and cultural events

Council provides in-principle support for the activation of public assets, including town halls and other community facilities, for arts, cultural and creative events. Such uses can contribute to cultural vibrancy, strengthen community connection and maximise the use of existing public infrastructure.

Council has an event program that utilises community assets, including Randwick Town Hall and other Council-managed facilities, already used for a range of arts and cultural activities through established programming, events and community-based activities. In Council's experience, successful activation of community assets is often influenced by factors such as asset condition and capacity, operational and management considerations, programming opportunities, venue suitability, available resources and community demand.

Council also supports the use of town halls and community facilities for arts, cultural and creative purposes without the need for additional planning approvals, provided building safety requirements are met and activities remain consistent with the intended function, operational capacity, and existing programming of the facility.

Accordingly, Council considers that any new exempt development pathway should recognise that planning controls are not necessarily the principal constraint on the activation of community facilities and should avoid creating unintended operational or management challenges for public asset owners and facility managers.

A further consideration is that many community facilities are located outside identified SEP boundary areas. As such, the extent to which this proposal would facilitate additional activation within SEPs may be limited, depending on the spatial distribution of these assets.

Importantly, a number of Randwick City's community facilities, including town halls, are identified as heritage items or are located within heritage conservation areas. The heritage significance and appropriate management of assets is a key consideration for arts and cultural activation, particularly where physical alterations, increased patronage or extended hours of operation are proposed.

Council also notes that its existing Local Environmental Plan already provides a framework for the temporary use of buildings for public functions and entertainment as exempt development.

An extract of this provision is provided below:

Temporary use of buildings for a public meeting, function or entertainment

- (1) *Must be a public activity, event or function.*
- (2) *Must take place in an assembly building (being a class 9b building under the Building Code of Australia) on the grounds of a school, place of public worship or other public land or land that is in a recreation zone or a special purpose zone.*
- (3) *Maximum events or activities each calendar year—10.*
- (4) *Event or activity must end by 11 pm or such earlier time specified in an existing consent applying to the building.*

Note.

Legislation relating to matters such as fire safety, other safety standards and noise generated by the event must be complied with.

This provision enables temporary arts and cultural activation in appropriate locations, subject to clear limitations relating to building type, land use zoning, event frequency and hours of operation. It operates alongside, and complements, existing temporary use provisions under the Codes SEPP, which also facilitate short-term activation activities across NSW. The proposed change has the potential to further complement this framework by expanding opportunities for activation within community facilities, provided it is applied in a manner that aligns with local planning controls and the characteristics of individual sites.

This existing legislative framework demonstrates that temporary activation of community facilities can be facilitated through structured provisions that manage intensity, frequency and amenity impacts, tailored to appropriate land use contexts. In particular, the provision primarily applies to

buildings located on public land, including plazas, or within recreation and special purpose zones, where the use of community facilities for public functions and events is generally consistent with the objectives of the applicable zones. Such facilities are also typically subject to established governance, management and accountability arrangements associated with public ownership or management, which assists in overseeing activities and responding to potential impacts.

In contrast, the proposed change may extend similar permissibility to community facilities located within commercial zones (such as E1 and E2), which are typically the focus of SEP implementation. While arts, cultural and entertainment activities are generally consistent with the intended character of these precincts, community facilities are often located within mixed-use developments and in close proximity to residential or visitor accommodation. In these circumstances, the suitability and intensity of activities will depend on site-specific factors such as building configuration, operational management, and the interface with surrounding land uses. Accordingly, a uniform exempt development pathway may not be appropriate in all cases.

Recommendation:

While the proposed change is generally consistent with the intended activation outcomes of E zones and SEPs, the application of exempt or streamlined pathways must consider specific characteristics of individual facilities, rather than assuming uniform suitability across all contexts.

This approach would ensure that activation of community assets is supported where appropriate, while maintaining consistency with local planning controls, heritage considerations and the operational management of Council facilities.

Allow private car parks to be used for temporary, arts, cultural, or live entertainment events as exempt development

Council provides in-principle support for the use of underutilised private car parks for temporary arts, cultural or entertainment activities, recognising the potential to support activation and interim uses within SEPs.

However, Council notes that the proposal is limited to at-grade private car parks. Carparking within SEP locations across the Randwick LGA, are typically incorporated within basements of buildings including mixed-use developments. As a result, the practical application and overall impact of this provision within Randwick LGA is likely to be limited.

The proposal also appears to assume that such spaces can be readily adapted for temporary use. In practice, the suitability of private car parks will depend on site-specific factors, including access, safety, servicing, and proximity to surrounding land uses, as well as the effectiveness of mitigation measures managed through applicable precinct management plans (PMPs).

However, accountability and oversight are also a relevant consideration. The activation of publicly owned land and community facilities typically occurs within established governance, operational and risk management frameworks, which assist in the coordination of events, management of impacts and resolution of issues as they arise. By comparison, similar activities undertaken on private land through an exempt development pathway may rely more heavily on operator-led management and self-assessment processes. Whilst this does not necessarily preclude successful outcomes, it may result in greater variability in how operational, amenity, compliance and community impacts are managed across different sites in both public and private car parks.

Review restrictions on the size of stages and platforms constructed or installed for private events under complying development

Council supports, in principle, the review of existing restrictions on the size of stages and platforms for private events, noting that such structures may play an important role in facilitating arts, cultural and entertainment activities.

However, the scale of staging is directly related to the intensity, capacity and potential impacts of an event. As stage size increases, there are corresponding considerations relating to structural capacity, crowd management, access, and safety, including compliance with the Building Code of Australia and relevant design standards.

While the use of complying development pathways may provide an opportunity to facilitate larger structures, it is not clear from the EIE why existing limitations were originally imposed, or how increased stage sizes would be appropriately managed across different contexts. Further clarity on the underlying rationale and the intended scope of change would assist in determining appropriate thresholds and controls.

Recommendation:

While Council supports investigation of this proposal, any changes should ensure that staging thresholds remain proportionate to risk and impact, and that larger or more complex structures continue to be subject to appropriate assessment. Consideration should also be given to how such controls interact with site-specific factors, including surrounding land uses and applicable precinct management plans.

Allow equipment associated with temporary events on private land as exempt or complying development, such as audio-visual systems, portable toilets, lighting towers, barriers, catering units, large screens and camping equipment

Council provides in-principle support for facilitating temporary events on private land, including through the provision of associated equipment such as audio-visual systems, portable toilets, lighting, and temporary infrastructure.

In practice, the type, scale, and configuration of event-related infrastructure are intrinsically linked to the intensity, capacity, and operation of the event itself, and are often assessed as part of a development consent.

Council considers that where such equipment is associated with an approved use or event, any changes that alter the scale, capacity or operation of that activity should not be enabled through exempt or complying development pathways as this would effectively result in a modification to the original assessment. This is particularly relevant where additional infrastructure, such as sanitary facilities, may indicate an increase in patron capacity or duration of events.

The proposal also raises practical challenges in establishing consistent development standards, given the variability in event type, scale, duration and location across SEP areas. In addition, PMPs may vary between locations, including in relation to noise and operational controls, further limiting the suitability of a standardised, state-wide approach.

Recommendation:

While Council supports the intent of reducing administrative burden and facilitating activation, it considers that changes to event infrastructure that may alter the intensity or operation of an approved use are more appropriately addressed through a formal modification or assessment process.

Council also considers that there is an opportunity for the State to better support councils and applicants through improved guidance, coordination, and application support to

streamline assessment processes for temporary events, rather than relying solely on expanded exempt or complying development pathways.

Allow outdoor dining at surf lifesaving clubs as exempt development (across NSW)

Council provides in-principle support for the proposed amendment to allow outdoor dining at surf lifesaving clubs as exempt development across NSW.

Given Randwick City's coastal location, surf lifesaving clubs are established at key beaches including Maroubra, Coogee and Clovelly. The proposed change would therefore have direct and immediate application within the Randwick Local Government Area. Council recognises that these facilities play an important community role and that the provision of outdoor dining, in association with ancillary food and beverage services such as kiosks, can contribute positively to activation, amenity and passive surveillance of beachfront public spaces.

Notwithstanding this support, Council considers that the introduction of exempt development provisions for outdoor dining must be accompanied by clear and robust development standards to ensure that impacts are appropriately managed. While Subdivision 20B of the Codes SEPP already provides a framework for outdoor dining as exempt development, the extension of these provisions to community facilities should have regard to the unique coastal and public domain context of surf lifesaving clubs.

In particular, development standards should address matters including, but not limited to:

- the scale and capacity of outdoor dining areas to ensure the primary community facility use of the site is maintained
- the extent and location of the activation area, ensuring that public access to foreshore areas, pedestrian movement and emergency/service access are not compromised
- the management, placement and secure storage of furniture and infrastructure, including during arrangements during non-operational periods and adverse weather events
- hours of operation, ensuring that outdoor dining activities are limited to appropriate times having regard to surrounding land uses and potential impacts on residential amenity
- potential amenity impacts, including noise, lighting, and hours of operation, particularly in proximity to residential areas
- the need to ensure the outdoor dining function remains ancillary and subordinate to the primary surf lifesaving use of the site.

Council further notes that foreshore locations are highly sensitive environments that must accommodate a range of public, recreational, environmental and operational functions. These areas are often characterised by competing demands on limited public space and require careful management to maintain accessibility, safety, and public enjoyment.

Recommendation:

A consistent but flexible framework is required to ensure that the introduction of exempt outdoor dining does not result in incremental intensification commercial activity that could adversely affect public access, public safety, environmental values or the character and function of foreshore areas.

Overall, Council supports the intent of the proposal to facilitate appropriate activation of surf lifesaving clubs, however, it emphasises that effective implementation will depend on the application of well-defined development standards and the ability to respond to local context.

In conclusion, Council generally supports initiatives that encourage vibrant, safe and economically resilient centres and precincts. However, the proposed reforms must strike a balance between facilitating activation and maintaining local character, residential amenity, public safety and transparent planning processes. Council recommends that the State Government adopt a locally tailored, flexible and evidence-based approach to the proposed reforms, supported by clear planning guidance, sufficient council discretion to respond to local circumstances and appropriate safeguards, to ensure that activation outcomes are both successful and sustainable in the long term.

Please contact Paul Manning, Senior Strategic Planner, on 9093 6678 or via email at paul.manning@randwick.nsw.gov.au should you require any clarification regarding this submission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Meryl Bishop', written in a cursive style.

Meryl Bishop
Director City Planning

Encl. Response to Consultant Questions

English If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 1300 722 542.	Greek Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Εξυπηρέτησης Πελατών της Δημαρχίας (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service — TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 1300 722 542.	Italian Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 1300 722 542.
Croatian Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dođite u Općinski služni centar za klijente (Council's Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 1300 722 542.	Spanish A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Intérpretes [“TIS”], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 1300 722 542.	Vietnamese Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 1300 722 542.
Polish Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service — TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 1300 722 542.	Indonesian Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 1300 722 542.	Turkish Bu mektubu anlamak için yardima ihtiyaciniz varsa, lütfen Belediye'nin Müşteri Hizmetleri Merkezi'ne gelip kendi dilinizde yardım isteyiniz veya 131 450'den Telefonla Tercüme Servisi'ni (TIS) arayarak onlardan 1300 722 542 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.
Hungarian Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tolmacs Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapesolják a Tanácsházat a 1300 722 542 telefonszámon.	Czech Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. číslo 1300 722 542.	Arabic إذا أردت مُساعدة لفهم هذه الرسالة، نرجوك الحضور إلى مركز خدمة عملاء المجلس واطلب المساعدة في لغتك، أو يمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم 131 450 واطلب منهم الاتصال بالمجلس على رقم 1300 722 542.
Chinese 如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務（TIS）聯繫，號碼是131 450。請他們幫助你打電話給市政會，號碼是1300 722 542。	Russian Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 1300 722 542.	Serbian Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 1300 722 542.

Consultation questions – Randwick City Council

NB: These questions are things that the department of Planning, Housing and Infrastructure (DPHI) are considering in the policy design. Council provides the below response in support of its submission.

DELIVERY OPTIONS

General Questions

1. Do you support all the new proposals below being automatically included in a SEP, or should councils be able to opt in to each proposal?

Council does not support the automatic inclusion of all proposed measures across SEPs. An opt-in approach is preferred, enabling councils to apply provisions selectively based on local context, precinct objectives, available infrastructure, and the capacity to manage associated impacts.

A blanket application of all proposed changes across every SEP would not appropriately respond to local context. The suitability of each proposal will depend on the precinct's land use character, proximity to residential receivers, existing entertainment activity, built form, heritage constraints, transport capacity, and community expectations. Where councils elect to apply particular measures, consideration should be given to the use of clear thresholds relating to factors such as venue size, patron numbers, operating hours, and event scale to facilitate lower-impact activities while reducing unnecessary approval barriers. A uniform approach risks unintended impacts and may not deliver appropriate outcomes across diverse precincts. Furthermore, a uniform state-wide approach may undermine the intended role of Precinct Working Groups (PWGs), whose purpose is to assist councils in shaping development standards, approval pathways and management approaches that respond to the unique characteristics of individual SEPs.

2. *Should the proposals' development standards be the same across all SEPs or be tailored by each council (where possible)?*

The proposed changes for SEPs outlined in the EIE should be approached cautiously. Final provisions should clearly identify the types of liquor licences and entertainment uses that may rely on the exempt pathway. The intent should be to facilitate genuine low-impact arts, cultural and entertainment premises, rather than enabling a de facto conversion of shops into higher-impact licensed premises uses without appropriate merit assessment.

Any exempt pathway should include clear development standards for patron capacity, operating hours, entertainment type, sound management, acoustic treatment, waste, loading, ventilation, fire safety, and proximity to residential accommodation. Without such controls, there is a risk that simplified pathways may enable higher-impact entertainment uses that would otherwise require merit-based assessment, particularly in mixed-use environments. Tailored standards will assist in ensuring that activation outcomes are appropriate to each precinct and consistent with local planning objectives.

Where these standards cannot be met, a development application should be required.

PROPOSED CHANGES – SPECIAL ENTERTAINMENT PRECINCTS

Allow change of use from a shop to a licensed entertainment facility as exempt development

3. *Are the existing Codes SEPP Category 5 change of use measures for small arts venues known about, would guidance help potential users or are more changes needed?*

Council is aware of the existing Codes SEPP Category 5 provisions; however, their practical application is often limited by the complexity of the instrument and the self-assessment nature of exempt development. The Codes SEPP is a technically detailed statutory document, and its interpretation can be challenging for applicants without planning expertise.

As exempt development is self-assessed by landowners (or their consultants), Council's role in administering these provisions is limited, with involvement generally confined to compliance and enforcement. Accordingly, the responsibility for ensuring awareness, understanding and consistent application of these provisions rests primarily with the DPHI and the Office of the 24-Hour Economy Commissioner.

Council considers that additional guidance, education, and support resources are necessary to improve accessibility and uptake. This should include:

- clear explanatory material and user-friendly guidance tools
- case studies demonstrating acceptable outcomes
- access to interpretive support or advisory services.

Without this, there is a risk that the provisions remain underutilised or are inconsistently applied, particularly by smaller operators.

5. *Do you support permitting shops to change to licensed entertainment premises without a DA in Special Entertainment Precincts?*

Council does not support the proposed amendment in its current form and raises concerns regarding its potential impacts.

As outlined previously, permitting a change of use from a shop to a licensed entertainment facility as exempt development would remove the need for development consent and associated assessment under section 4.15 of the EP&A Act. This would significantly limit Council's ability to assess site-specific impacts, require appropriate mitigation measures, and would erode community participation in the decision-making process.

Council considers that the introduction and intensification of licensed premises warrant a merit-based assessment framework, given the range of potential social, amenity and cumulative impacts. A blanket exempt pathway is not supported. However, Council supports consideration of streamlined approval pathways for lower-impact venues where impacts can be appropriately managed through clearly defined thresholds relating to matters such as patron capacity, trading hours and scale of operation. This could include mechanisms such as trial periods or other proportionate approval pathways that reduce barriers to activation while retaining appropriate planning oversight.

6. *Allowing this change would make it easier for licensed premises to establish in SEPs. What strategies will councils use to maintain local services and retail options in SEPs while encouraging flexible change of use? For example, for SEPs located on high streets and centres.*

Council's approach to identifying potential SEP locations is informed by the existing concentration of hospitality and entertainment venues, supported by strong public domain environments, transport

accessibility, and proximity to visitor accommodation. Within these areas, retail and service uses perform an important role in supporting the day-to-day function and diversity of local centres.

As an example, the Randwick Junction town centre is located within the 24-Hour Randwick Health and Innovation Precinct, and Council's strategic objective is to facilitate through planning controls a balanced mix of land uses to support a 24-hour workforce associated with hospital and university functions, as well as residential needs. In this context, retail and service uses are essential to maintaining the economic and functional role of the centre, alongside entertainment-based uses.

Council considers that a uniform exempt development pathway risks undermining this balance by creating unrestrained conversion of retail premises to licensed entertainment uses.

A preferred strategy would be to:

- adopt an opt-in approach, allowing councils to determine where such provisions apply
- tailor provisions to reflect local context, precinct objectives, and existing land use mix
- retain the ability to manage land use outcomes through site-specific assessment mechanisms where required.

This approach ensures that flexibility is achieved without compromising the strategic function and role of centres.

7. Could this outcome be better implemented individually by councils through the planning proposal process they use to establish the SEP?

Yes. Council considers that this outcome would be more appropriately implemented through council-led planning processes, such as planning proposals associated with SEP establishment or amendments to local planning frameworks.

This approach would enable councils to:

- define clear, place-based outcomes aligned with the intended role and function of each SEP
- consider local constraints, sensitivities, and infrastructure capacity
- consult with the community and relevant stakeholders as part of the statutory planning process.

Council supports further investigation of mechanisms that allow for localised provisions, including:

- amendments to local environmental plans; and/or
- targeted use of planning controls that complement the SEP framework.

This is preferred to a standardised exempt development pathway under the Codes SEPP, which does not provide sufficient flexibility, transparency, or oversight.

8. If controls are in the planning system, liquor licence and PMP will businesses, councils, agencies, and residents easily be able to understand what is permitted? What can we do to improve this?

Council notes that the proposed framework relies on multiple regulatory mechanisms, including the Codes SEPP, liquor licensing provisions, and precinct management plans (PMPs). While each plays a different role, the interaction between these frameworks may reduce clarity for businesses, councils, agencies, and the community.

In particular, the self-assessment nature of exempt development under the Codes SEPP presents challenges in ensuring consistent interpretation and understanding of what is permitted.

Council considers that improved clarity will require:

- comprehensive guidance material outlining how the various frameworks interact
- targeted education and communication initiatives to support users of the system
- access to centralised advisory services to assist with interpretation and application.

Council's ability to provide guidance is generally limited to its local planning framework (LEP, DCP and PMP). Where the regulatory framework is established at the State level, the DPHI and the Office of the 24-Hour Economy Commissioner must take a lead role in delivering clear, accessible, and consistent guidance to the community.

Allow a change of use from office premises to an entertainment facility

10. Is vacant commercial space located in areas where more vibrancy is desired, attractive, and affordable to artists, performers, and audiences? Are these spaces suitable, or is purpose-built space needed?

Council notes that the availability, suitability, and affordability of vacant commercial space is highly variable across precincts and is influenced by local market conditions, redevelopment cycles, and land use patterns.

As such, Council considers that assumptions regarding the suitability of vacant office space for entertainment uses should not be applied uniformly, and that a locally responsive, case-by-case approach is required.

11. Is a planning solution likely to have a significant impact on uptake, or are other matters more influential, such as leasing costs or tax offsets for property owners?

Council considers that while planning pathways can influence uptake, including through approval timeframes, cost and certainty, the relative influence of these factors, compared to market demand and operational considerations, is likely to vary between locations and over time.

Other factors are likely to be more influential, including:

- leasing costs
- commercial tenancy demands
- viability of fit-out and operational requirements
- acoustic and building compliance constraints
- licensing requirements
- market demand and operator capacity

Accordingly, a streamlined exempt development pathway alone, particularly across Randwick City, is unlikely to result in a significant increase in uptake as the above underlying factors are key constraints.

A balance is required whereby planning processes enable flexibility, while still allowing for appropriate assessment of impacts and site suitability.

12. Will a streamlined pathway enabling more entertainment uses make sure adequate commercial floorspace is retained, or will allowing a change of use in part of a building potentially impact the viability of other office / commercial tenants?

Council is concerned that the proposed streamlined pathway may have unintended consequences for the retention of commercial floorspace. The extent to which these changes may affect commercial floorspace is likely to vary depending on local demand, land use structure, and the strategic role of individual centres.

Allowing conversion of office premises to entertainment uses, particularly within the lower storeys of buildings, may:

- reduce the availability of commercial space and potentially drive up rents
- create an imbalance in land use mix within centres impacting supply of commercial office space that would otherwise support local services and employment

- impact the viability and operational compatibility of remaining office and commercial tenants through increased noise, patron activity, and demand on shared facilities, as well as conflicts relating to building access, security, servicing, and management arrangements.

In mixed-use developments, this may lead to:

- reduced attractiveness for professional and service-based tenants; and
- increased potential for land use conflict within buildings.

While Council supports the framework of SEPs and their implementation across Randwick City, it also considers that maintaining a balanced mix of land uses is critical to the long-term functioning of centres, particularly in strategic locations such as the Randwick Health and Innovation Precinct.

A more controlled, locally responsive approach is required to ensure that activation does not occur at the expense of employment uses and essential services.

Allow temporary arts, cultural and entertainment uses in commercial building as exempt development

13. Do you support an exempt development pathway for temporary arts, cultural, and entertainment uses in commercial buildings?

Council provides in-principle support for facilitating temporary arts, cultural and entertainment uses within commercial buildings, recognising the potential benefits in activating underutilised spaces and supporting cultural and community outcomes.

However, Council considers that the proposal relies on an assumption that a streamlined planning pathway is the primary factor influencing the uptake of such uses. In practice, uptake is likely to vary depending on local market conditions, building characteristics and operational considerations.

While temporary uses are generally lower in scale and duration, their suitability and potential impacts can differ significantly between locations. As such, Council does not support the application of this provision as a blanket exempt development pathway across all SEPs

A more balanced approach would be to apply such provisions selectively, supported by clear development standards and, where necessary, the ability to undertake site-specific assessment. Council supports a case-by-case approach that allows consideration of local context, building suitability and potential impacts, while also enabling collaboration between planning, economic development, and cultural activation functions to facilitate appropriate outcomes consistent with Council's Arts & Culture and Economic Development strategies.

14. Would it be preferable to allow councils to continue to enable temporary uses as part of local planning efforts, rather than a new pathway within SEPs?

Council considers that enabling temporary uses through local planning frameworks provides greater flexibility to respond to the specific characteristics, constraints, and strategic objectives of individual precincts.

The proposal appears to assume that a consistent, state-wide pathway will facilitate activation across all SEPs. However, the effectiveness of such an approach is likely to vary depending on local land use patterns, the availability of suitable space, and the role of each centre.

A locally led approach enables councils to:

- tailor provisions to local context and community expectations
- respond to site-specific constraints, including built form and surrounding uses
- align with existing temporary activation measures, including placemaking and events programs implemented by Council, which are designed to respond to local conditions and strategic objectives
- ensure alignment with broader strategic planning outcomes.

Accordingly, Council supports a model where any State-based provisions are optional or adaptable, enabling councils to determine their application rather than applying them uniformly. While local planning frameworks provide the greatest flexibility to respond to local circumstances, Council acknowledges that SEP code-specific pathway may assist in facilitating temporary arts, cultural and entertainment uses where uptake has been limited. Any such pathway should retain a role for council assessment and oversight and be designed to collaborate with landowners to support appropriate activation outcomes consistent with local strategic objectives.

15. Does this proposal appeal to commercial building owners / tenants? Are there any matters that we should consider, such as public access to otherwise restricted spaces?

Council acknowledges that temporary activation may be attractive to some commercial building owners and tenants, particularly where spaces are vacant or undergoing transition.

However, the proposal appears to assume that planning pathways are a primary barrier to participation. In practice, the extent of uptake is likely to be influenced by a range of factors, including leasing arrangements, commercial viability, insurance requirements and building suitability.

In addition, the use of commercial buildings for public-facing temporary activities introduces considerations that extend beyond planning controls, including:

- building safety and emergency egress
- accessibility requirements
- management of shared spaces and circulation within buildings
- security, liability, and operational management.

These considerations are particularly relevant in mixed-use developments, where commercial premises are co-located with residential uses. Such matters are often highly site-specific and may not be adequately addressed through a self-assessed exempt development framework.

16. What temporary activities should be allowed? E.g. galleries, art studios, performance spaces.

Council supports a range of low-impact, small-scale temporary uses that are compatible with the host building and surrounding land uses, including:

- galleries and exhibition spaces
- artist studios and creative workspaces
- small-scale performance and rehearsal spaces
- community and cultural events.

While the EIE anticipates that development standards will manage the impacts of such temporary uses, the proposal appears to assume that these activities can be broadly accommodated within commercial buildings without detailed consideration of site-specific constraints. In practice, the suitability of such activities will vary depending on building configuration, surrounding land uses and the intensity of the activity.

Accordingly, activities should be clearly defined and limited to those that can be accommodated without generating significant amenity, safety, or operational impacts. Higher intensity uses, such as amplified performance, late-night events or licensed activities, may require additional controls or site-specific assessment depending on context.

17. What would sensible development standards look like?

Council considers that the effectiveness of an exempt development pathway is dependent on the inclusion of clear, measurable, and enforceable development standards.

The proposal assumes that standardised controls can adequately manage impacts associated with temporary uses. However, the suitability and performance of such controls is likely to vary depending on building characteristics and surrounding land uses.

At a minimum, development standards should address:

- scale and intensity of use, including occupancy limits and capacity
- duration, frequency, and cumulative operation of temporary uses
- hours of operation, having regard to surrounding land uses, noting that such controls should operate consistently with any applicable PMP
- amenity impacts, including noise and activity levels
- building suitability, including access, servicing, and circulation
- building classification, fire safety, and accessibility requirements, noting that these matters may not be adequately addressed through a self-assessed exempt development pathway
- consistency and integration with any applicable PMP, particularly in relation to noise, hours of operation and operational requirements, to ensure that development standards and precinct-level controls operate cohesively.

Council emphasises that, in many cases, compliance with these matters may require site-specific verification, particularly in mixed-use or constrained environments.

18. What period would be suitable for a ‘temporary’ pop-up use? E.g. a maximum number of consecutive days and/or number of days per year?

Council notes that the Codes SEPP already establishes a structured framework for the regulation of temporary uses and events, including those occurring on public (Council) land. These provisions define temporary uses through a combination of maximum duration, frequency of operation and operational controls such as hours, noise, and capacity. This existing approach provides a useful and consistent basis for defining what constitutes a ‘temporary’ use, ensuring that such activities remain short-term in nature and do not result in ongoing or permanent land use outcomes without appropriate assessment.

However, the proposal appears to assume that a single, state-wide timeframe can be applied across all contexts, including within SEPs. In practice, the appropriateness of duration and frequency limits is intricately linked to the nature and intensity of the activity, the characteristics of the building or site, and the surrounding land use context. Accordingly, while alignment with the existing Codes SEPP framework is supported in principle, Council considers that flexibility should be retained to enable locally responsive application, including the ability to adapt timeframes or require site-specific assessment where necessary. Council also considers that temporary uses should be capable of operating for a sufficient period to establish commercial viability and test market demand. Depending on the nature of the use, location and potential impacts, longer activation periods (up to 12 months) may be appropriate before further planning approvals are required.

Streamline rooftop dining approvals associated with existing food and drink premises or artisan food and drink industry

19. Are there engineering and safety factors that should always require rooftop activation to be assessed through a development application? Could non-discretionary development standards cover some assessment matters to improve consistency and facilitate activation?

Council considers that engineering, building and safety matters, such as structural capacity, fire safety, access and compliance with the Building Code of Australia, are inherent requirements for rooftop activation and must be addressed regardless of the approval pathway. These matters do not typically present barriers but are routinely resolved through development application processes.

However, rooftop activation is highly site-specific and can be constrained by factors such as structural capacity, access, and egress limitations, building services and existing rooftop services and plant (such as stair/lift overruns and HVAC). In some cases, these constraints may limit a building's suitability for rooftop dining altogether, particularly in older buildings, or modern buildings where rooftops are required to fulfil conditional requirements such as communal open space.

While non-discretionary standards may assist in clarifying baseline requirements, they are unlikely to address the full range of site-specific engineering and safety considerations. Accordingly, proposals involving structural modification, integration with building services, or complex safety and access requirements should remain subject to development application assessment. Non-discretionary standards may assist in low-impact scenarios but are not a substitute for detailed technical assessment.

20. Could public safety risks and amenity be properly managed through carefully designed development standards, or are the considerations unique to each building and location?

Council considers that while development standards may assist in managing certain aspects of public safety and amenity, many relevant considerations are highly dependent on individual building and site characteristics.

Rooftop dining can give rise to elevated adverse amenity impacts, including noise and light spill, overlooking and privacy impacts, particularly where sites are in proximity to residential receivers or within mixed-use buildings. Safety considerations, including access, egress, and crowd management, also vary depending on building configuration and capacity. Roof top amenity controls are typically contained in DCPs and are applied in development assessment.

In addition, the presence of rooftop plant and services may limit the suitability of certain sites for activation and introduce additional health and safety considerations (e.g. separation from cooling towers and associated risks).

Accordingly, while standards may assist in establishing baseline controls for low-impact scenarios, they are unlikely to fully address the range of potential impacts. Furthermore, applying a non-discretionary standard around building height, for example, is not a one-size fits all model as permissible building heights vary across SEP locations and therefore heights relating to surrounding sensitive land uses will vary. A degree of site-specific assessment is therefore necessary to ensure outcomes are appropriate to each context.

21. If non-discretionary development standards were to be introduced, what items must be considered? Alternatively, could improvements be made to the development assessment process, such as guidance for applicants and councils to facilitate the fair merit assessment of rooftop uses?

Council considers that improvements to the development assessment process may provide a more effective approach in facilitating appropriate rooftop activation.

This could include:

- the preparation of clear and standardised DCP guidance for applicants outlining key considerations and expected performance outcomes
- clearer articulation of technical requirements, including structural capacity, fire safety, acoustic performance, and access
- alignment with precinct-specific planning frameworks, including precinct management plans (PMPs) and site-specific DCP controls.

These measures would support more consistent and transparent merit-based assessment, while retaining the flexibility to respond to site-specific constraints associated with rooftop proposals.

22. Could other mechanisms help to make sure fair merit assessment of rooftop proposals occurs? What would these include?

Council considers that a range of supplementary mechanisms could assist in supporting fair and consistent merit-based assessment of rooftop dining proposals.

These may include:

- state-level best practice guidance addressing design, amenity, safety, and operational considerations
- clearer integration with precinct-based planning tools, including PMPs
- standardised assessment criteria or checklists
- enhanced guidance on technical matters, including structural adequacy, acoustic performance, lighting, and safety.

Given the variability in building types and site conditions, Council supports a hybrid approach, whereby low-impact proposals may be facilitated through clearly defined standards, while more complex or higher-intensity rooftop uses remain subject to development application assessment

This approach recognises the highly site-specific nature of rooftop activation and ensures that proposals are appropriately assessed where potential impacts and constraints are more significant.

Allow town halls and other community facilities to be used for arts and cultural events

23. Is there still a need for planning changes following the recent changes made to the Codes SEPP to activate town halls?

Council recognises that the proposed change is intended to build on recent amendments to the Codes SEPP, which have established a framework to support the temporary activation of community facilities, including for events and public functions.

Council supports this approach in principle, noting that the proposed change has the potential to further complement this existing framework by expanding opportunities for activation within community facilities. Council also supports the use of town halls and community facilities for arts, cultural and creative purposes without the need for additional planning approvals, provided building safety requirements are met and activities align with the intended role, operation, and existing programming of the facility. However, Council considers that any further expansion of exempt or streamlined pathways should be implemented in a manner that is consistent with, and responsive to, existing local planning frameworks.

In particular, Council supports an opt-in, locally responsive approach that enables councils to determine the suitability and extent of such uses having regard to local conditions, existing programming, and the role and constraints of individual facilities. Further refinement to the Codes SEPP should focus on providing clearer guidance and enabling alignment with local planning controls, supported by a flexible state-wide framework that enables councils to opt-in and respond to local context.

24. Are council-owned town halls or community facilities limited by building or heritage constraints that would preclude them from using the exempt pathway? If so, please note the town halls or community facilities affected, and the specific BCA non-compliances or heritage issues limiting their use as entertainment facilities.

Council notes that a number of its community facilities, including town halls, are subject to heritage constraints or are located within heritage conservation areas, which may limit the extent of physical alterations or intensification of use.

In addition, certain buildings may be constrained by building configuration, accessibility, fire safety, and capacity, particularly where older facilities are involved. These constraints do not necessarily

preclude use for arts and cultural events; however, they may limit the ability to rely on an exempt development pathway where upgrades, alterations or operational changes are required. For example, Randwick town hall is a heritage listed item dating from 1882 which necessitated substantial funding for upgrades including safety and compliance with building standards, performance infrastructure (lighting and acoustics), commercial kitchen, quality foyer space, air conditioning upgrade for ongoing public use particularly for large performances and gatherings. Council has actively repositioned the Town Hall as a cultural venue through initiatives such as the Town Hall Takeover program, which encourages exhibitions, performances, workshops, music events, artist residencies, and creative experimentation.

As such, the suitability of the exempt pathway will vary depending on the characteristics of individual buildings and may require site-specific assessment in some cases.

25. Is funding or another issue the main barrier to activating these facilities? For example, staffing venues, acoustic controls, toilet facilities, or venue accessibility upgrades?

Council considers that planning pathways are not the primary barrier to the activation of community facilities.

In practice, activation is more commonly influenced by operational and management factors, including:

- Modifications to building accessibility including potential installation of lifts
- availability of staff and resources to manage events and venues
- funding for upgrades to meet contemporary building, safety, and accessibility standards
- acoustic performance and the ability to manage noise impacts
- the need to balance competing uses of community facilities.

These factors, rather than planning controls alone, are often the key determinants of whether and how such facilities are activated. The SEP framework should incorporate funding to support councils to undertake appropriate upgrades and fit out for cultural and creative events and performances

Allow private carparks to be used for temporary, arts, cultural, or live entertainment events as exempt development

26. Are there any privately owned open-air carparks in your proposed SEPs that could host arts, cultural or live entertainment? Are these carparks linked to approved uses that have conditions of consent that require parking to be provided?

There are limited privately owned at-grade (open-air) car parks with sufficient capacity for entertainment uses within identified SEP locations across Randwick City, with most private car parking accommodated at the rear of private lots, or within mixed-use developments.

Where open-air car parks do exist, they are generally associated with approved land uses, including residential, and may be subject to conditions of consent requiring the provision of on-site parking. As such, opportunities to repurpose these sites for temporary activation may be constrained and would need to consider compliance with any existing consent requirements.

27. What development standards would be needed to allow these carparks to be used? Should there be limits on the size of space used, or frequency and timing of events, etc.?

Standards should be guided by those established within Part 2, Division 3, Subdivision 10 of the Codes SEPP. As a minimum, Council considers that development standards would be required to manage the scale and intensity of use, including:

- Setting a minimum area that can be used or activation where the car park adjoins a residential area

- frequency and duration of events
- hours of operation, having regard to surrounding land uses and applicable PMP
- capacity and patron numbers
- access arrangements and BCA compliance requirements
- requirements for noise management and amenity protection.

Such controls would assist in ensuring that temporary uses remain low-impact and compatible with surrounding uses.

28. How could carparking and traffic impacts be managed, to make sure transport and parking services are available in a precinct when temporary uses are occurring at parking facilities?

Carparking and traffic impacts could be managed through controls that:

- limit the timing of activations to periods of lower parking demand
- retain a proportion of parking supply where required
- ensure consistency with any existing conditions of consent relating to parking provision
- require consideration of access, circulation, and emergency vehicle movements.

These measures would assist in maintaining the functioning of the precinct while supporting temporary uses.

29. Would activations in private open-air carparks in SEPs be able to manage sound impacts in line with the sound controls in place for the SEP?

The ability to manage sound impacts will depend on site-specific factors, including the size and configuration of the site, proximity to sensitive receivers, and the nature of the activity.

While SEP PMPs may assist in establishing overarching controls, the effectiveness of these measures may vary between sites and may not align with modelling that anticipated noise emanating from different facades of buildings or different locations across private lots where car parks exist. Accordingly, consideration of acoustic impacts may require additional site-specific assessment in some instances.

30. How could other matters, such as the provisions of adequate sanitary facilities to support the activations, be addressed by development standards?

Provision of adequate sanitary facilities could be addressed through development standards requiring:

- capping capacity numbers to those under existing consents and providing access to existing on-site facilities; or
- provision of temporary amenities appropriate to the scale and duration of the event.

These requirements could be supported by conditions relating to servicing, waste management, and site management to ensure that facilities operate safely and effectively.

Review restrictions on the size of stages and platforms constructed or installed for private events under complying development

31. Are the Code SEPP's stage size and approval process a key barrier to events in NSW?

Potentially yes - the current 50m² limit is relatively inflexible as event planners can often deliver small to medium-scale events that require stages larger than 50m² but have relatively low planning risk. Whilst often the case, size alone is not always a 100% indicator of event impact or scale of audience.

The requirement to obtain additional planning approvals when exceeding the 50m² threshold will increase costs, extend lead times, and create more barriers for external private event organisers. This is particularly challenging for temporary events where installation periods are short, and impacts are already managed through Council-managed event approvals, event management plans, and risk requirements.

32. What size stages are event organisers seeking to use?

Event organisers commonly seek stages larger than 50m², particularly for events involving live music, cultural performances, presentations, graduations, sporting activations, and community festivals. Typical requirements are often in the range of 60m² to 100m², with larger events requiring stages between 100m² and 150m².

The appropriate stage size is generally driven by operational requirements such as performer numbers, production equipment, accessibility requirements and audience size rather than the nature of the event itself. As a result, the current threshold may unnecessarily restrict otherwise low-risk events.

33. Should the limit be increased or removed? If increased, is there an upper size threshold (in square metres) that would be appropriate? Can safety risks be managed without an upper limit on stage and platform sizes – for example, via the Australian Standard for load or installation?

Council supports increasing the threshold and establishing a complying development pathway for larger temporary stages at private events.

A threshold of at least 150m² would align with the existing complying development provisions available for community events and improve consistency within the planning framework.

Larger stages may have broader implications relating to crowd management, emergency access, temporary structures, and site suitability that warrant additional assessment.

Accordingly, Council supports increasing the threshold rather than removing it entirely, with safety managed through engineer certification and event management requirements.

34. Stage size can sometimes be a proxy for other impacts, such as crowd size or noise. Would other development standards be required to address such impacts, or can they be adequately managed through the PMP? Should there be a threshold?

Potential impacts are more appropriately managed through event-specific planning requirements, including the Preparation and implementation of a Place Management Plan (PMP), Event Management Plan, Traffic Management Plan, Noise Management Plan, and emergency management procedures where required.

If thresholds are considered necessary, they should be linked to measurable impact criteria such as anticipated attendance, sound levels, operating hours, or site constraints rather than stage size alone. This would provide a more risk-based and proportionate regulatory approach.

35. Would a complying pathway for private events sufficiently meet the needs of event organisers while mitigating public safety risks?

Yes. A complying development pathway for private event stages exceeding 50m² would provide a practical balance between facilitating events and maintaining appropriate public safety controls.

Provided development standards are met, and appropriate engineering certification, structural compliance and event management requirements are in place, a complying pathway would reduce administrative burden while still ensuring impacts are appropriately managed. Aligning the treatment of private events with the existing pathway available for community events would create a more consistent and equitable approvals framework.

Council considers that a complying pathway for private event stages up to at least 150m², supported by robust safety and operational requirements, would appropriately facilitate event activity while adequately managing public safety risks.

Allow equipment associated with temporary events on private land as exempt or complying development, such as audio-visual systems, portable toilets, lighting towers, barriers, catering units, large screens, and camping equipment

36. *If new provisions are needed for event infrastructure, what would suitable development standards look like, e.g. size, weight, number of items and placement restrictions? Should they be site-specific, and should there be a maximum threshold?*

Council supports the introduction of additional exempt and complying development provisions for temporary event infrastructure, provided a clear risk-based framework and appropriate development standards are established.

Development standards should focus on managing potential impacts rather than prescribing specific event formats. Relevant standards could include:

- Maximum heights and dimensions for temporary structures such as lighting towers, screens, and signage
- Structural certification requirements for larger or wind-sensitive infrastructure.
- Site-signoff certification
- Setbacks from property boundaries, public roads, buildings, and overhead service
- Requirements to maintain emergency access and egress pathways
- Noise, lighting, and operating hour controls where applicable
- Waste management requirements for portable toilets and catering facilities
- Limits on the duration of installation and operation
- Requirements for removal and site restoration following the event.

Council considers that a single set of statewide standards is unlikely to be suitable for all sites and event types. Some flexibility should be retained to allow consideration of site-specific constraints, including proximity to residential uses, site access, environmental sensitivities, and local infrastructure capacity.

Maximum thresholds should apply to higher-risk infrastructure such as large screens, lighting towers, and temporary buildings to ensure impacts remain proportionate and manageable through exempt or complying pathways.

37. *Should councils include exempt or complying criteria for private event structures as an LEP amendment for specific SEPs, given that this could be applied to events of different sizes and scales? How would the PMP interact with local approvals?*

Council does not support requiring individual councils to prepare LEP amendments to facilitate temporary event infrastructure associated with State Environmental Planning Policies. Providing a consistent statewide framework within the Codes SEPP would deliver greater certainty and consistency for event organisers, councils and consent authorities while avoiding duplication and inconsistencies across local government areas.

However, Council considers that development standards should establish baseline planning controls only. Where event infrastructure would alter the scale, capacity or operation of an approved use or event, additional assessment mechanisms should remain available to ensure site-specific impacts are appropriately considered.

The Precinct Management Plan (PMP) should complement, rather than replace, local approval processes. The PMP is well placed to address operational matters including:

- Crowd management
- Emergency management
- Traffic and transport arrangements
- Security
- Noise management
- Waste management
- Stakeholder consultation.

However, certain matters may still require separate approvals under other legislation, including the Local Government Act 1993 and Roads Act 1993. It is important that any exempt or complying development pathway clearly identifies those approvals that remain necessary.

Council supports a framework whereby development standards establish the baseline planning controls and the PMP manages event-specific operational risks.

38. If an approved event wants to grow and change over a period of years, what is the best process to manage the larger structures and different impacts?

Council considers that a scalable and risk-based approach is most appropriate. Minor changes to event infrastructure, operational arrangements or attendance numbers that remain within approved thresholds may be accommodated through a PMP that establishes appropriate operational parameters, together with updates to associated event management documentation, without necessarily requiring a modification to the development consent.

Minor operational changes that remain within the parameters of the original approval and any applicable PMP may be accommodated through updates to event management documentation without necessarily requiring a modification to the development consent.

However, where an event proposes significant increases in scale, attendance, duration, or infrastructure that may result in additional impacts, a formal review process should be triggered. Examples may include:

- Significant increases in patron numbers
- Substantially larger stages or temporary structures
- Extended operating hours
- Additional days of operation
- Increased traffic, parking, or transport impacts
- Increased noise impacts
- Expansion into previously unused parts of a site.

In these circumstances, a modification application or equivalent approval process should be required to ensure impacts are appropriately assessed and community expectations are considered.

This approach would allow events to evolve over time while maintaining appropriate oversight for changes that may materially increase impacts.

39. The current exempt standards do not allow overnight camping, as this should be accurately assessed and managed for public amenity and safety, for example, if the site needed to be evacuated and to manage traffic and parking from attendees. Could this be managed through a SEP's PMP for different event types and locations?

Council does not support overnight camping being permitted as exempt development solely through a PMP.

Council notes that overnight camping introduces a different level of operational complexity and that appropriate planning pathways already exist to facilitate tourist and visitor accommodation in a manner consistent with applicable zoning, intended land uses and operational requirements.

Overnight camping introduces a range of public safety, environmental and amenity considerations that extend beyond the operational matters typically managed through a PMP, including:

- Emergency evacuation procedures
- Fire safety
- Sanitation and wastewater management
- Drinking water provision
- Site suitability and carrying capacity
- Traffic and parking impacts
- Residential amenity impacts
- Environmental protection considerations.

While a PMP should form an important component of managing camping-related risks, Council considers that overnight camping should continue to be subject to an appropriate assessment process where site suitability and potential impacts can be rigorously evaluated.

A complying development framework may be suitable for limited categories of temporary camping where clear development standards and site suitability criteria can be established. However, a blanket exempt development pathway would not provide sufficient oversight to ensure public safety and amenity outcomes are achieved across a diverse range of event types and locations.

Accordingly, Council supports retaining an approval pathway for overnight camping, where permissible within the applicable land use zone, with the PMP operating as a supporting management tool rather than the sole assessment mechanism.