

Legislative Updates Team
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

07 February 2025
Ref No: F2004/08242

Dear Sir/Madam,

Re: draft Cultural State Environmental Planning Policy Explanation of Intended Effects

Randwick City Council welcomes the opportunity to comment on *the draft Cultural State Environmental Planning Policy Explanation of Intended Effects* (EIE), which proposes a raft of policy and regulatory changes to the NSW planning system to support and enhance the 24-hour economy. These proposed changes are part of the Government's broader Vibrancy Reforms, which are aimed at reducing red tape and supporting more creative, hospitality and cultural uses across the State.

As an overarching comment, Council recognises the benefits of supporting the 24-hour economy at the local level, from job creation and business growth to facilitating social inclusion, resilience and connectivity. In recognition of this, Council has undertaken considerable work to enhance and grow our local night time economy from undertaking a comprehensive Night Time Economy Study in 2019 and subsequent Randwick Economic Development Strategy which has resulted in amendments to our *Local Environmental Plan, Development Control Plan* and policy documents in relation to cultural activities, hours of operation, food trucks as well as notations in planning certificates to manage noise expectations in local centres.

Notwithstanding the benefits of supporting and enhancing the 24-hour economy, any changes to the planning system must be contingent on achieving sound environmental planning outcomes particularly for residential neighbourhoods that lie in proximity to business zones. It is noted that a number of proposed changes would permit activities that extend beyond what may be considered as low impact development. Some of these activities would be better placed under the Development Application pathway where the potential for land use conflicts and amenity issues can be appropriately managed via conditions of consent. To this end, comments on the EIE are provided as follows:

Large Scale Events- Centennial Parklands

The EIE proposes to streamline the planning pathway for major event sites across Sydney (e.g. Walsh Bay, Centennial Parkland and White Bay Power Station), with options for potential consideration including increasing the number of days events may be held, extending set up/clean up times, permitting larger stages and temporary structures and allowing some events to run later when managed through a plan of management for the site. In relation to Centennial Parkland, the Government is considering changes to the Centennial Park and Moore Park Trust Act 1983 and the Centennial Park and Moore Park Trust Regulation 2024 (CPMPT Act and Regulation) to remove the restriction of a maximum 8 large scale events held per year (i.e. events with more than 20,000 patrons). The intent behind these proposed changes is to introduce

consistency with the way events are regulated at other major sites, and to attract more events and festivals to the State's economy through tourism.

Concerns are raised about applying a blanket planning approach across various sites given the variances in site contexts and local circumstances, such as site size and proximity to the nearest affected residents. An alternative approach that recognises local characteristics would be to incorporate controls for large scale events within individual Plans of Management focusing on considerations such as ingress and egress of patrons, available means of transport options and security required for an event.

Concerns are particularly raised regarding the proposed removal of the existing cap on the number of large-scale events at Centennial Park, given the site's location in a sensitive residential context. Permitting an unlimited number of large-scale events would have the potential to create adverse amenity impacts on surrounding residences, ranging from entertainment noise to traffic generation, parking conflicts on the local street network, pedestrian safety, and noise associated with the set-up of events which generally require large truck movements in and around the park. Rather than removing the cap per se, an alternative would be to consider increasing the maximum number of events to be held per year e.g. increasing the cap by 50% from 8 to 12 events. This would provide a balanced approach by supporting the Government's agenda of attracting more events and enhancing the tourist industry and managing the community's expectations regarding amenity and liveability.

Outdoor Dining and Entertainment as Exempt Development

The EIE outlines proposals for businesses to maximise their space by permitting live music and entertainment in outdoor spaces (e.g beer gardens) as Exempt Development. Furthermore, Exempt Development standards are being explored to allow increased patron capacity by allocating a set number of patrons per square metre of floor area in outdoor dining areas.

Concerns are raised that the proposed broad-brush approach to increasing patrons as Exempt Development may raise compliance issues with respect to the Building Code of Australia in terms of fire safety, egress and sanitary facilities. Additionally, increasing the number of patrons may have adverse parking and traffic implications, and put a strain on on-street parking in the absence of compliant parking on site. Given these issues, it is recommended that standards be prescribed requiring that overall patron numbers in a premises (both inside and in outdoor areas) align with the relevant development consent conditions relating to patron capacity, or that the maximum number of patrons be permitted under the deemed to satisfy provisions of the BCA [based on the floor area of the 'building'], whichever the most stringent.

In relation to noise associated with outdoor music and entertainment, there needs to be greater consideration of the site and locational context such as proximity of a venue to residential uses. Randwick City's business zones are case in point where all E1 Local Centre and E2 Commercial Centre zones contain mixed use development (with residential above and commercial on the ground floor) and are also located adjacent to residential zones. It is therefore critical that the provisions incorporate time limits for entertainment/music in outdoor areas to minimise amenity impacts on surrounding residents. This issue is particularly critical given several venues in Randwick City operate under older development consents which do not stipulate any hours of operation.

Late Night Hours Guide

As part of the suite of reforms, the Government has developed a draft 'Guideline for Late Night Hours of Operation for Food and Drink Premises' to guide consent authorities when assessing an application to extend trading hours beyond 7pm for certain food and drink premises. The draft Guideline outlines matters for consideration, such as amenity impacts and social and economic benefits. It does not mandate when an application should be refused or approved.

As a broad comment, the proposed draft Guideline is generally supported, noting that it is consistent with the matters of consideration in Council's DCP in relation to the assessment of late-night trading premises. Notwithstanding this, it is noted that the draft Guideline applies to premises on land situated

500m or more away from the nearest residential dwelling. As highlighted above, the E1 Local Centre and E2 Commercial Centre zones in Randwick City are mixed use in nature, comprising commercial on the ground floor and residential above. These zones are also located adjacent to residential zones. The draft Guidelines' applicability is therefore questioned for many urban contexts in Sydney. An alternative approach would be to apply the draft Guidelines to business zones and omit the locational requirements in relation to residential dwellings.

Food Trucks and Shipping Containers

The EIE proposes to strengthen Exempt Development provisions in relation to food trucks on private land to address residential amenity, by limiting trading days to 30 days per calendar year. Trading hours of 7am-7pm are proposed to be retained.

The proposed 30 day cap on trading is strongly supported, noting that this would allow food trucks to operate intermittently during the year, for instance in relation to a festival or event, but not set up permanently on residential or conservation zoned land. It is recommended that these provisions be further strengthened by requiring that the food truck be registered with Council, be located a certain distance away from neighbouring properties and other food trucks, and that Council and neighbours be notified prior to trading commencement.

Thank you once again for the opportunity to comment on the Cultural SEPP EIE. If you would like to discuss the matters outlined in this submission further, please do not hesitate to contact Stella Agagiotis on telephone 9093 6954 or email Stella.Agagiotis@randwick.nsw.gov.au.

Yours Sincerely,



Meryl Bishop
Director, City Planning
Meryl.bishop@randwick.nsw.gov.au