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Open and Creative Planning Reforms

Sydney Business Chamber is dedicated to creating, advocating, and promoting Sydney as a City of Opportunity - a global city to invest, work, live and visit. A division of Business NSW, formerly NSW Business Chamber, Sydney Business Chamber represents over 145 leading corporations and through our work we drive the economic growth, prosperity, and sustainability of our great City.

The Chamber values the opportunity to review the draft Open and Creative Planning Reforms and congratulates the Council on the comprehensive and considered planning process they have undertaken in developing these policy reforms. The Chamber has taken a keen interest in our City's nighttime economy and have become concerned at the loss of vibrancy and activity in Sydney after dark in recent years.

We are also concerned that our regulatory and policy mechanisms have stifled the cultural and creative output of our citizens and tied the creative industries, among others, in red tape. We have been strongly advocating for a much more vibrant and diverse nighttime economy supported by a much lighter regulatory touch. We have been advocating and facilitating for State and local Governments to encourage more industries to operate later and longer and to remove arbitrary and outdated regulations that prevent them from doing so.

The changes outlined in the draft Planning Proposal and DCP amendment are a valuable step in the right direction. With the support of business, these changes create the opportunity for economic recovery and growth and enhancing our City's vitality and vibrancy. Fully implemented they will support the repair of our City's reputation as a truly globally engaged and leading 24-hour metropolis.

Further, the proposed changes provide a valuable template that we encourage other Council's to follow and we continue to advocate for the State to consider using them as the basis of a future Nighttime Economy SEPP.

With the significant economic challenge before us due to the pandemic now is the time to seize the moment - we must take the opportunity to not only step forward but step up. In that light while we are supportive of the proposed changes there are some areas where these need to be strengthened or extended and make the following recommendations:

1. Taking inside out

Allowing businesses and shops to trade until 10pm without requiring a Development Application is sensible and supported. However, this flexibility only relates to economic activities which occur "indoors". Many cafes, kiosks, and shops currently operate economic activities outside, be it in private courtyards, or through footway licenses. Activities like alfresco dining provides much needed vibrancy and activation to a precinct and this should not be subject to the full requirements of a Development Application. These outdoor activities should be encouraged by including them as exempt development and we recommend that Council mend the proposal to remove any reference to "indoor" activities.

2. Supporting small

We support the suggested amendment to Schedule 2 to make lawful, small scale cultural activity as Exempt Development. The hurdles organisations like the Sydney Fringe Festival experience every year putting on temporary 'pop-up' productions demonstrate why these reforms are needed. However, the Chamber is concerned that some of the conditions suggested in the eligibility criteria are still too onerous and the Council has provided little justification for their inclusion. In particular, the density requirements of 1 square metre per person and no more than 70 people (including Staff) should be removed.

3. Creative zones

The proposal allows 'light industrial' uses in the B2 zone will provide much needed maker space for the creative industries that are struggling to secure appropriate and affordable accommodation in existing industrial zones. We support this change as well greater activation of the Erskineville Town Hall and allowing cultural uses and live performance is to be encouraged.

4. Consistency to ensure clarity

The Council should ensure that the draft Planning Proposal and the ancillary DCP amendments are consistent with each other before the proposal is adopted. For example, the density restrictions in the planning proposal are limited to "no more than 70 people in total," however the DCP suggests they apply to premises which "Accommodates less than 120 patrons".

5. Completing the night

Finally, we would encourage the City to take wider view of what constitutes Sydney's nighttime economy and who works at night. The planning proposal states the nighttime economy comprises "food, drink, cultural and entertainment industries". While hospitality and entertainment are a critical component of activities that must be facilitated after dark this is not the complete night time economy. A diverse and strong night time economy fosters and supports a broad range of industries and individuals who do or can work at night such as health, education, finance, logistics, and tourism and office workers. As we shift to a covid safe economy the opportunity to work from noon to 8pm should be equally as attractive as working 9am – 5pm. This means these workers should have equal opportunity to have healthy food options, safe transport and can enjoy our talented artists, performances, and exhibitions. We recommend that the City take the complete view of the night and implement strategies to support and encourage flexible work arrangements for all.

In summary, the Planning Reforms pave the way for more vibrant and productive City and will advance the economic and social wellbeing our citizens and the business community. We have more work to do and we look forward to supporting Sydney City Council delivering on the Plan to ensure it is a success.

Should you have any questions about this submission or would like to discuss in more detail, please feel free to contact me at katherine.oregan@thechamber.com.au

Yours sincerely



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