



Reference: TA20/5755

Senior Project Manager
Strategic Engagement and Community Relations
City of Sydney
Town Hall House,
Level 7, 456 Kent Street
SYDNEY NSW 2000
Email: sydneyyoursay@cityofsydney.nsw.gov.au

Submission to the City of Sydney - Open and Creative Planning Reforms

Dear Ms Maria Pavlides

Thank you for the opportunity to provide feedback on the Open and Creative Planning Reforms. The NSW Small Business Commission (Commission) is focussed on ensuring the needs of small business are front-of-mind for Government decisions, planning and policy development and that support and assistance is tailored to ensure maximum benefit(s).

The ability of small businesses to adapt to difficult and challenging operating conditions and diversify offerings has, in some instances, been impeded on account of petty objections and complaints, planning controls and associated restrictions. At a time when all levels of government are focussing efforts on supporting economic recovery and small business development there is a need to amend regulations that penalise small businesses from creating jobs and in transforming Sydney into a vibrant 24-hour destination.

Despite the efforts of governments, regulations that allow unreasonable objections to be lodged that in turn frustrate or delay business operations or the investment intentions of small business must be addressed. The Commission has received a number of representations on the challenges and limitations faced by small businesses in the restaurant and café sector within the Walsh Bay precinct. These representations detail concerns in regard to the impact of petty complaints and obstructive actions in respect to Development Consent's that threaten the viability of these businesses. The Commission wrote to the City of Sydney on behalf of small businesses who claim to have been the subject of vexatious complaints and subjected to unreasonable delays in respect to Development Consent's.

The retail food sector has been severely impacted by the COVID-19 pandemic and it will take some time for the retail food sector to recover. The Commission welcomes the opportunity to work with the City of Sydney to assist small businesses, particularly in the restaurant and cafe sector, as their future success will assist job creation and enhance the vibrancy, culinary and cultural offering of Sydney.

The Commission has been a strong advocate for better planning conditions to enable small businesses in NSW to diversify, operate and grow. The Commission supports the proposed improvements to planning controls outlined in the City of Sydney's Open and Creative Planning Reforms paper, as they should benefit small businesses involved in creative and cultural activities, live entertainment and the night-time economy. The proposals should provide a fair and reasonable approach to some complex and challenging issues, reduce red tape, provide greater certainty and make it easier for relevant businesses to do business.

We have the following additional comments:



- 1. Proposal to provide extended trading hours to allow existing shops and businesses to trade in central Sydney and local centres from 7am to 10pm, 7 days a week without additional development consent**
 - This proposal is supported. This will provide a positive approach to encourage diversity of retail options to co-habit with the traditional night-time economy.
 - Introducing extended trading hours for existing retailers and allowing operators the flexibility to choose their operating hours from 7am to 10pm, seven days a week, will empower businesses to adapt and diversify, and to trial extended trading. It will enable businesses take advantage of opportunities provided by events, festivals and seasons where increased foot traffic may occur, whilst ensuring staffing and other costs remain within their control.
 - In addition, it needs to be ensured that small businesses are not facing unnecessary delays and/or impediments, and are not subjected to ongoing, unreasonable complaints when operating within an authorised use. It is important to continue consulting and educating existing businesses and residents about the expected changes Exempt Development will have on the amenity of the local area, and how the regulation and compliance of the changes will be upheld by Council.

- 2. Proposal to allow temporary small-scale cultural activities to take place in existing office, industrial, retail and community facility buildings under exempt development approvals**
 - This proposal is supported. Providing clear definitions of what activities are considered to be small-scale and cultural, and outlining proposed 'exempt' criteria will assist businesses wishing to offer this type of activation. This will help streamline a complex application and approval process.

 - This proposal will encourage the growth of creative performing arts businesses by facilitating the provision of alternative creative performing spaces, including in areas where such space is scarce. It also will provide further options to assist businesses activate and diversify their activities through the use of underused or vacant spaces.

- 3. Proposal to make it easier for creative and maker tenants to locate in local centres**
 - The proposal to include 'light industry' in Zone B2 Local Centres is supported, as it provides additional opportunities for creatives and makers to use premises closer to their potential customer base and other retailers. Many small businesses categorised as 'light industrial' have shop fronts, and also undertake activities that do not negatively impact the local amenity for existing businesses or residents.
 - Allowing creative and maker small businesses to occupy spaces across city centres will provide diverse small business offerings in local main streets. It will also provide employment opportunities and improve location options for small businesses, with local centres providing good operating opportunities for business and customers due to factors such as higher foot traffic, public transport access, parking facilities and vibrant retail sectors.

- 4. Proposal to allow for performance and entertainment uses at Erskineville Town Hall**
 - This proposal is supported. A leading festival organiser presented to a Night-Time Economy Taskforce meeting advising Sydney's available theatre spaces on an annual basis are fully booked. This is a challenge to those performers or small businesses wishing to stage their own shows with no available performance venues for hire. The proposed planning changes are supported as this will offer performers or small businesses access to an additional venue for these activities.



5. Proposal to enable the fair management of entertainment sound to protect live music and performance venues and the community from potential adverse impacts

- This proposal is supported. The reforms will help to provide certainty and consistent advice on approval and operational requirements for live music and performance venues to qualify for exempt development activities under the planning controls. This will reduce red tape for these businesses, which are often subjected to onerous development consent requirements and regular complaints from stakeholders. The guidance will also help businesses navigate complex noise compliance legislation and guidelines, assisting them to provide increased entertainment to patrons compliantly, whilst limiting the impact on neighbouring premises. The Commission echoes the need for continued consultation and education to avoid ongoing or unreasonable complaints by neighbouring businesses and residents.

If you wish to speak further to us regarding our comments please contact Mr Tyler Wakefield, Senior Advisor on 0426 523 493 or email tyler.wakefield@smallbusiness.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink that reads 'Chris Lamont'.

Chris Lamont
Commissioner
NSW Small Business Commission
16 November 2020