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Draft Codes SEPP Amendments – Explanation of Intended Effect Canterbury Bankstown Council Submission

Thank you for the opportunity to comment on the Draft Codes SEPP Amendments in relation to outdoor dining, artisan food and drink premises, temporary events, and small live music or arts venues.

This submission is prepared by Council officers and does not reflect the views of the Councillors. This submission raises the following issues in relation to the Draft Codes SEPP Amendments:

Issue 1: Do not permit a change of use from light industrial to artisan food and drink premises as complying development.

The Draft Codes SEPP Amendments propose to permit a change of use from light industrial to artisan food and drink premises as complying development.

Council does not support this proposal for the following reasons:

- Allowing a complying development pathway for this change of use may erode the industrial function of industrial precincts. Planning expertise is required in the development assessment process to ensure that:
 - An artisan food and drink premises will operate as a genuine light industry rather than as a food and drink premises.
 - Light industrial areas continue to function for industrial purposes rather than operate as commercial precincts.
- It is inconsistent with Section 3.8 of the Environmental Planning and Assessment Act 1979, which requires Council to give effect to the Greater Sydney Region Plan and South District Plan as made by the Greater Sydney Commission. The Greater Sydney Region Plan (Objective 23) and South District Plan (Planning Priority S10) contain actions to retain and manage industrial and urban services land. Council has given effect to these actions through its Local Strategic Planning Statement, Employment Land Strategy and Consolidated LEP.



- It pre-empted the Greater Sydney Commission's review of the 'retain and manage' policy for industrial land, and the Department of Planning, Industry and Environment's review of the employment zone framework.

To address the above issues, a change of use from light industrial to artisan food and drink premises must continue to require a development application.

Issue 2: Amend other provisions to achieve a simple process while managing amenity and environmental impacts.

The Draft Codes SEPP Amendments propose to permit small and low-impact events as exempt or complying development. It is requested that the proposed criteria incorporate the following amendments to achieve a simple and straightforward process:

Explanation of Intended Effect	Requested Amendment	Reason
<u>Small live music or arts venues</u> Allow a maximum floor area of 300m ² .	Define 'floor area'.	To avoid confusion by clarifying: <ul style="list-style-type: none">• Whether the floor area is to include the room, floor level or the entire building premises where the event is to be held.• Whether the floor area is to include shared facilities of the building (such as toilets).
<u>Temporary events</u> Permit small and minimal-impact temporary events on private land as exempt development. A temporary event could be a fair, fete, market, sporting or cultural event or the like that is open to the public or section of the public that is held for a limited amount of days per year.	Require event organisers to submit a management plan to Council and relevant emergency authorities at least 1 month before the event, particularly in relation to parking and access, waste management, food/toilet hygiene, hours of operation and noise management.	To manage amenity and environmental impacts, public safety, food safety and responsible service of alcohol.
	Clarify if the 300 patron limit is the total for the event duration or the limit at any one time.	To align with the requirements for temporary events on Council-owned and managed land.
	Require event organisers to notify Council, relevant emergency authorities and adjacent residents at least 1 month before the event.	To give appropriate time to consider potential impacts, and confirm if a development application may be required.



<u>Temporary events</u> There are no proposed changes to the current planning controls for structures (tents, marquees, stages and platforms) that form part of temporary events.	Permit amusement ride devices that form part of temporary events as exempt development. The criteria may include: (1) Must have the written consent of the owner of the land on which the devices will be located. (2) Maximum rotation speed of rotating devices—14rpm. (3) Must be small, power-operated and intended for children 12 years or under. (4) Must only operate between 7.00 am and 10.00 pm. (5) Maximum duration to align with the temporary event.	To establish an exempt development pathway for small scale amusement ride devices, which may form part of fairs, fetes, markets or cultural events. Council currently permits amusement ride devices as exempt development subject to certain criteria.
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If you have any enquiries, please contact Council officer Mauricio Tapia on 9707 9923.

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