

15 November 2021

[REDACTED]

Submitted online

Dear [REDACTED]

**Re: Fun SEPP**

Council welcomes the opportunity to provide feedback on the proposed Fun SEPP.

The reforms have been reviewed by staff of the City of Canada Bay. In-principle support is provided for the proposed changes.

We wish to draw the attention to a number of specific concerns, where we believe that the proposed measures require further consideration or may result in additional impacts to our local community.

**Create a complying development pathway to allow a change of use of retail premises to small live music or arts venues, including developments standards and variations to the Building Code of Australia.**

- In principle support is provided to supporting arts and cultural activity, however further safeguards are needed to manage impacts arising from potentially noisy activity.
- As this is a complying development pathway, there is limited capacity for Council to influence the location of these venues and manage interface issues. Compliance and regulatory enforcement issues are likely to be significant.

Many buildings and shops would not be abated to manage impacts arising from small arts and music venues. Acoustic measures or requirements need to be addressed, through caps on both dB and hz bass frequency.

There are significant issues with land use compatibility as many shops form part of “shop top housing” development. Premises that are within “shop top

housing” should be precluded from a change of use under the proposed Complying Development pathway.

- Clarification is also required in relation to whether:
  - a) patrons must be seated for performances, or dancefloors are permitted.
  - b) food, beverage/small bar operations are permitted as part of the change of use.

### **Create a complying development pathway to allow a change of use of premises to artisan food and drink industry in certain circumstances, including development standards**

- It is important that the activation of industrial precincts does not come at the expense of activating high streets, which are struggling economically and are the designated location for retail activity in many local government areas.
- Many industrial zones outside of inner-city locations are characterised by a lack of street lighting, public transport and passive surveillance. The Department should be cognisant that increasing night time activity in isolated industrial areas may create safety issues. It is suggested that consideration be given to allowing councils to opt in, so the SEPP only applies to certain LGAs or parts of LGAs.
- A number of councils are beginning to encourage a presence of light industries in local and neighbourhood centres to encourage jobs and visitation. There is a need for an acoustic assessment of operations where the proposed use is in proximity to sensitive receivers.

### **Make some of the COVID-19 emergency measures for food trucks and dark kitchens permanent**

#### *Food trucks*

- The hours of operation for a food truck should be limited to 10:00pm to minimise acoustic impacts (where operating on private land) and where undertaken without development consent. The same 10:00pm limit should apply to where a food truck is operating adjacent to a residential zone.

#### *Dark kitchens*

- The hours of operation of a dark kitchen should be the same as the applicable Development Consent.

- Dark kitchens by their very nature de-activate street frontages, particularly where located on commercial high streets. This activity should be required to appropriately dress/treat any publicly active frontage to minimise visual impact to the streetscape.

### **Clarify the exempt development standards for temporary private and community events**

#### *Events on private land*

- Approbative protections need to be in place to ensure that the impact of temporary events Where an event requires significant infrastructure and creates waste and acoustic impacts – or where the event is to be held close to a sensitive receiver.
- Clarifications required that a waste management plan and structures plan should accompany the “notification” to council.
- Suggest notification timeframe to council and neighbours should be 14 days.
- What protections/limitations are in place to ensure that this approval pathway does not allow “markets” to proceed without a Development Application and without the ability for Council to consider local impacts.

### **Replacing ‘community event’ with ‘temporary event’ definition**

- In principle supported provided for this proposal.

Should you have any enquires in relation to this letter, please me [REDACTED]

Yours sincerely

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[REDACTED]

[REDACTED]