

22nd November 2021

Minister for Planning, Public Spaces, Transport and Roads
Department of Planning, Industry and Environment
Locked Bag 5022,
Parramatta NSW 2124

Dear Minister Stokes

AMP Capital Submission: 'Fun SEPP' Explanation of Intended Effect

AMP Capital wishes to thank the Minister for Planning, Public Spaces, Transport and Roads, and the Department of Planning, Industry and Environment (DPIE) for the opportunity to comment on the proposed changes to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* (Codes SEPP), as presented in the currently exhibited "Fun SEPP" Explanation of Intended Effect (EIE). This submission has been prepared by Urbis on behalf of AMP Capital.

About AMP Capital Real Estate

AMP Capital is a leading institutional investment house and is part of the ASX listed AMP. AMP Capital is a long-term asset manager and developer of circa \$23.7 billion of directly held retail, commercial and industrial property assets throughout the Asia Pacific. AMP Capital have over 60 years' experience in managing and investing in direct real estate and are synonymous with some of the most recognised landmarks in Australia and New Zealand.

AMP Capital seeks to create inspiring retail experiences and to deliver places where people can connect. AMP manage some of Australia and New Zealand's most successful and high performing retail centres, which include 26 retail centres comprising 1.1 million sqm of retail floorspace, with some 145 million customer visits annually across the portfolio.

AMP Capital takes a place-based approach in creating unique and authentic destinations, such as the Marrickville Metro Shopping Centre, which is a sub-regional shopping centre situated within the Inner West of Sydney. The centre has recently undergone a significant expansion and opened to the public in ### despite the ongoing impacts of COVID-19. The centre serves an eclectic inner urban population and accommodates a new 'eat street' casual dining precinct. However, the centre and its retail and hospitality tenants have been significantly impacted by the COVID-19 pandemic. Hosting small events at around the centre will help bring people back into the centre and bring activity to the new 'eat-street'.

AMP Capital obtained development consent from Inner West Council on 4 June 2021 to host activation activities associated with the Marrickville Metro Expansion site Grand Opening. These activities constituted live music and entertainment at three locations across the site across three weekends in June 2021. The activation events involved the following outdoor activities and entertainment:

- Busking
- Stomp Group
- Live Music (Student Acts)
- Professional Solo Musician
- Professional Duo Musician

The proposed entertainment provided ambient music only. The entertainment did not attract large crowds of people or have any adverse environmental impacts. It did, however, create a level of activity on the 'eat-street' and within the centre during the day and into the evenings. It also provided a platform for local creatives to perform.

The activities primarily took place on land controlled by the Shopping Centre. However, a small portion of land owned by Council was required to be used to enable the proposed music and entertainment. The activities did not require the closure of any roads. The DA was required to be lodged concurrently with a Section 68 Activity Application and would normally take several months to be approved. It was only through the close working partnership with the Inner West Council team that the approval process was accelerated and completed in a shorter period.

AMP Capital are seeking new ways in which Marrickville Metro can be enlivened and activated to serve the local community and attract new customers. Various options are being considered such as eco-markets, live music, art exhibitions and craft beer festivals at the centre, though each of these require a potentially lengthy and costly development application (DA) process and concurrent section 68 application to Council in order to host such events.

AMP Capital has also recently obtained approval for the first stage of the revitalisation of Macquarie Centre. This project will deliver a new front door and landmark for one of Australia's largest shopping centres and evolving business districts. The redevelopment will result in world class leisure and entertainment precinct through the delivery of a new civic plaza, improved transport access, a new Olympic sized ice rink, ultimately providing a destination both the day and night time economy of Macquarie Park. Once built, AMP Capital will be looking at ways to activate the new civic plaza through markets, community events and live music. All of these activities will require a potentially lengthy and costly development application (DA) process.

Fun SEPP Explanation of Intended Effects

The Fun SEPP EIE recognises that cultural celebrations, exhibitions, fetes, markets, music and sporting events help make our neighbourhoods vibrant places to live, work and visit. It is also noted in the EIE that there is currently some confusion in interpreting controls for temporary events, and that there are different planning pathways for events that are proposed to occur on public and private land.

The EIE identifies that events on Council owned land will continue to be controlled through approvals under Section 68 of the *Local Government Act 1993*, whilst the controls for events on private land currently differ between Local Government Areas.

As such, the provisions within the EIE propose an exempt pathway for the use of land for small and minimum impact events which includes:

- *Limiting events to land other than a rural, residential or environmental protection zone.*

- *Limiting events on private land to 2 days in a 12-month period whether consecutive or not consecutive.*
- *Limiting hours of operation to between 7 am and 10 pm.*
- *Requiring organisers to notify the council at least 7 days before the event.*
- *Requiring organisers to notify the adjacent residents at least 7 days before the event.*
- *Limiting the number of patrons to 300.*

AMP Capital welcomes the introduction of this new exempt pathway for events on private land, however, we consider that the limitation on events to 2 days is overly restrictive and would not achieve the aim of the Fun SEPP to provide a simple, cheap and agile way to support events held by local organisations and businesses. The draft Fun SEPP is not bold enough and needs to provide much greater flexibility if the NSW Government is serious about helping business, the arts community and retail and hospitality industries (which have been the hardest hit by the pandemic) get back on their feet.

AMP Capital recommends that this is extended to 52 days per calendar year, which would permit events most weekends and would align with the intent of Clause 2.8 of the *Standard Instrument—Principal Local Environmental Plan* for temporary events, but would instead facilitate these types of minimum impact events through a streamlined exempt development pathway.

Recommendation 1

AMP Capital recommends that the new exempt development pathway for events on private land (including shopping centres) is extended to permit events for 52 days per calendar year. This would serve to achieve the aims of the Fun SEPP to facilitate cultural celebrations, exhibitions, fetes, markets, music and sporting events help make our neighbourhoods vibrant places to live, work and visit.

Events on Public and Private Land

Through AMP Capital's experience in hosting events at Marrickville Metro and other shopping centres in NSW that we own or manage, it is common that events can often span both private land controlled by AMP Capital and public land such as the adjacent pavement areas and public domain controlled by Councils. Currently where these types of events are proposed, there is usually a requirement to lodge a DA and a Section 68 Application, with similar and overlapping documentation required to be prepared.

This process is time-consuming, costly and unnecessary, since Council are usually the consent authority for the DA and have the ability to require the lodgement of a plan of management to be endorsed, along with attaching relevant planning conditions that can stipulate requirements such as the notification of neighbours, control of waste and restrictions on noise emissions.

Given this, AMP Capital suggest that the process is streamlined in these circumstances to remove the requirement to lodge a Section 68 Application where an event is proposed across both public and private land and a DA is lodged with the relevant Council.

Recommendation 2

AMP Capital recommends that the *Local Government Act 1993* is amended to remove the requirement to lodge a Section 68 Application in circumstances where an event is proposed across both public and private land and a DA is lodged with the relevant Council. This will allow for a streamlined process and avoids the duplication of effort for both the Council and the Applicant.

Support for Other draft changes

AMP Capital also wishes to express its support for the following draft changes which will benefit many businesses, including AMP Capital and its tenants:

- making permanent the trial that allows pubs and small bars to have outdoor dining on the footpath as exempt development
- creating a complying development pathway to allow a change of use of retail premises to small live music or arts venues, including development standards and variations to the Building Code of Australia

Summary

AMP Capital supports the intent of the Fun SEPP to help businesses get back on their feet and to support hospitality, events and arts industries. However, it is considered that the provisions could be extended to allow more events on private land within a 12-month period.

In tandem with these provisions, it is also requested that State Government review the provisions of the *Local Government Act 1993*, to avoid the costly duplication of process where events are proposed both on Council and private land.

We trust that these matters will be appropriately considered and look forward to discussing directly with DPIE where feasible. In the interim, please do not hesitate to contact me should you require any additional information regarding this submission.

Yours sincerely,



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