



Explanation of Intended Effect

Proposed State Environmental Planning Policy to amend the Sydney Local Environmental Plan 2012 to allow temporary outdoor events at Cathedral Square as exempt development

November 2020



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

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Subtitle: Proposed State Environmental Planning Policy to amend the Sydney Local Environmental Plan 2012 to allow temporary outdoor events at Cathedral Square as exempt development

First published: November 2020

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Executive Summary

The Minister for Planning and Public Spaces is seeking feedback on a proposal to amend the *Sydney Local Environmental Plan 2012* (Sydney LEP) to allow temporary outdoor events and associated construction and installation of structures at Cathedral Square (1 Cathedral Street, Sydney) (the site) as exempt development for three months between 1 January and 1 April 2021 (inclusive).

The City of Sydney Council (Council) proposes to allow the following activities as exempt development on the site during this period:

- outdoor events and performances, and
- construction and installation of an event stage, seating areas and other associated structures for these performances.

The Council has requested the Department of Planning, Industry and Environment's (Department) assistance to facilitate necessary changes to the planning framework to allow the outdoor events, as well as associated construction and installation of structures for these performances, as exempt development. The Department is working closely with the Council to develop a State Environmental Planning Policy (proposed SEPP) to amend the Sydney LEP which will allow these activities to occur as exempt development. Under the proposal, the Council will assess and manage events against their *Outdoor Venue Management Event Approval Process*.

The NSW planning system has an important role to play in the State's economic recovery. This amendment is part of broader plans to keep the economy moving, support our art and cultural sector and keep artists and performers in jobs, both now and in the months ahead. Where appropriate, the Government is responding by adapting the planning system to ensure continued productivity, investment and community well-being.

Outdoor events

The proposed SEPP will allow ticketed events to occur as exempt development on the site from 1 January to 1 April 2021. During this period, event organisers will put on various arts and cultural performances (e.g. music, dance, theatre) on the site at various times between 10am to 10pm Wednesday to Sunday. The site may be in operation for set up and routine activities 7 days a week within the hours of 6am to midnight.

The proposed SEPP will also allow construction of the event stage, seating areas and other associated structures (such as site-sheds, toilets etc) on the site to occur as exempt development to enable the delivery of the performances.

Proposed amendment to the Sydney LEP

The site is Crown land, and is subject to a lease in favour of the Council. The Council will allow participating event organisers to apply for the Council's approval with an Event Plan to use the site for performances and infrastructure constructions. The Council remains in operational control of the events at all times. An event organiser will provide the programming and ticketing platform.

Currently, schedule 2 to Sydney LEP allows temporary uses on Council-owned land for up to 52 days a year as exempt development. However, the Council proposes to run outdoor events on the site for three months, which would ordinarily require development consent under the current provisions of the Sydney LEP, and which would delay the commencement of the outdoor events planned to commence in early January 2021.

To address this issue, the proposed SEPP will amend the Sydney LEP to allow the use of the site for outdoor events and the construction of performance space as exempt development from 1

January until 1 April 2021. From 2 April 2021 onwards, the proposed exempt development provisions will no longer apply, which means the outdoor performances and events could no longer occur as exempt development on the site. The temporary infrastructure will be removed from the site before 2 April 2021. The proposed SEPP will not affect the existing clause in the Sydney LEP allowing temporary activities to be carried out as exempt development for 52 days on this site for the rest of the year.

Reason for the change

In September, the Lord Mayor of the City of Sydney wrote to the Treasurer to seek the Minister's assistance to support economic recovery by realising the 'Making Sydney a 24-Hour Alfresco City' program. The Council and the NSW Government will jointly fund the program which includes the outdoor events. At this time, the Council requested assistance to facilitate the use of the site through an exempt development pathway.

The Council will assess event organisers' application through its *Outdoor Venue Management Event Approval Process* (the Event Approval Process) to manage the events' environmental impacts on the site and surrounding area throughout the three-month period. Following assessment and any approval, Council will remain in operational control of the event. The adjoining areas of the site are largely green parks and major roads, except for the St Mary's Cathedral. The Council has consulted the Cathedral staff to minimise any impacts on the Cathedral's services and functions such as Holy Week, weddings and funerals.

Temporary use of the site

The SEPP will amend the Sydney LEP to include development standards for the exempt development as follows:

- the site must be used for ticketed community or commercial outdoor events.
- the site must only be used for a series of performances, the construction and use of related temporary structures including signage, fencing, mobile structures or equipment such as an event stage, tents, marquees, booths, seating areas, video screens, truss structures, audio & lighting equipment, communications equipment, generators, toilets, mobile food storage, site-sheds, containers, box offices, front of house, support structures (e.g. Front of House Towers, Lighting Truss, Delay Towers, etc).
- the site must only be used between 6am and midnight daily from 1 January 2021 to 1 April 2021, with these activities proposed throughout the day:
 - 06:00 – 07:00: Quiet Works
 - 07:00 – 10:00: Site Works
 - 10:00 – 22:00: Performances / Site Works
 - 22:00 – 00:00: Quiet Works
- performances on the site must only occur between Wednesday to Sunday.
- the site can contain temporary food and drink outlets from 10am to 10pm on the days that performances are held. The SEPP will not change or override any licence conditions or consent held by these premises.
- the infrastructure must be constructed after 1 January 2021, and must be removed from the site before 2 April 2021.

The Council must also ensure that event organisers adhere to the strict requirements of the Public Health (COVID-19 Restrictions on Gathering and Movement) Orders 2020 (and any relevant exemptions granted under those orders) throughout the period.

The Council's approval process

Once the proposed SEPP amends the Sydney LEP to allow these events to occur as exempt development, the Council will assess the proposed events against its Event Approval Process to address matters such as noise, access, security, safety, amenity and traffic. The Council will also require a noise management plan via the approval process. Council staff will be onsite during operating hours, including during performances and when other work is being carried out.

Although the amendment will allow temporary food and drink outlets as exempt development, the Council will assess those outlets as part of the Event Plan through the Event Approval Process. The amendment will not change or override the conditions in the existing licences required under any other Acts, such as the *Liquor Act 2007* and *Food Act 2003*.

How to get involved

This document is being exhibited in line with the Department's Community Participation Plan. To make a submission on the amendments proposed in this document please go to www.planningportal.nsw.gov.au/draftplans/on-exhibition and complete the submission form.

For more details on the events, please contact the City of Sydney Council.