



Property Council of Australia  
ABN 13 00847 4422

Level 1, 11 Barrack Street  
Sydney NSW 2000

T. +61 2 9033 1900  
E. [nsw@propertycouncil.com.au](mailto:nsw@propertycouncil.com.au)

[propertycouncil.com.au](http://propertycouncil.com.au)  
 [@propertycouncil](https://twitter.com/propertycouncil)

Australia's property industry

## Creating for Generations

12 October 2020

Mr Jim Betts  
Secretary  
Department of Planning, Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Dear Mr Betts

### Amendment to Codes SEPP to temporarily allow outdoor dining at pubs and small bars as Exempt Development within the City of Sydney

The Property Council of Australia welcomes the opportunity to provide comments to the Department on the proposed amendment to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*.

As Australia's peak representative of the property and construction industry, the Property Council's members include investors, owners, managers and developers of property across all asset classes. Please take the following into consideration.

The Property Council fully supports the measures being taken by the Department that will allow certain businesses within the City of Sydney (**the City**) to continue to operate in a safe manner during these very challenging times. We endorse the initiative that has been proposed by the City to support the city's economic recovery by realising an alfresco city combining outdoor dining, culture and late-night trading.

It is our understanding that the City has approached the Minister for Planning and Public Spaces to amend the Codes SEPP to lift the current restriction on pubs and small bars from undertaking outdoor dining as exempt development (which is available for cafes and restaurants). The changes will also apply to cultural venues such as theatres, cinemas, libraries and art galleries subject to the meeting the design and other requirements of the City's Outdoor Dining Policy and Guidelines (**the Policy**).

The current single approval process, where applications are made to the City and considered under its Policy, will apply to pubs and small bars for the duration of the 12-month trial. These changes will remove the current need to obtain development consent through a planning application that currently can take as long as 6 weeks to progress and involves some expense to prepare and submit. The treatment of these proposals as exempt development for the trial period will provide considerable relief to the owners of these business.

We welcome the NSW Government and the City providing assistance to businesses during the COVID-19 induced recession, particularly steps that reduce red tape and costs associated with planning approvals and allow these premises to operate safely by facilitating social distancing to comply with public health regulations.

Should you have any questions regarding the content of this submission please contact Troy Loveday, NSW Policy Manager, on 0414 265 152 or [tloveday@propertycouncil.com.au](mailto:tloveday@propertycouncil.com.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Belinda Ngo', written in a cursive style.

**Belinda Ngo**  
**Acting NSW Executive Director**  
**Property Council of Australia**