

23 November 2023

NSW Department of Planning & Environment
12 Darcy Street
Parramatta
NSW 2150



By Email: codes.submissions@planning.nsw.gov.au

Dear Department of Planning and Environment,

RE: Proposed Changes to Support Outdoor Dining & Live Music

We thank you for the opportunity to provide a submission regarding the proposal to change the State Environmental Planning policy to support businesses access expanded opportunities for outdoor dining and live music.

About Us

The Restaurant and Catering Industry Association (R&CA) is a national industry body representing the interests of over 57,000 restaurants, cafes, and catering businesses in Australia. The café, restaurant & catering sector is vitally important to the national economy, generating over \$37 billion in retail turnover each year as well as employing 450,000 people. Over 92 per cent of businesses in the café, restaurant and catering sector are small businesses, employing 19 people or less.

R&CA delivers tangible outcomes to small businesses within the hospitality industry by influencing the policy decisions and regulations that impact the sector's operating environment. R&CA is committed to ensuring the industry is recognised as one of excellence, professionalism, profitability, and sustainability. This includes advocating the broader social and economic contribution of the sector to industry and government stakeholders, as well as highlighting the value of the hospitality experience to the public.

Scope of the Proposal

The Department of Planning is proposing to amend the State Environmental Planning Policy (Codes SEPP) to allow outdoor dining on private land and at registered clubs.

The Department is also proposing that the Principal Local Environmental Plan be amended to introduce floor space and height increases for new developments to encourage greater investment into venues that can accommodate live music.

Our Response to Amending Codes SEPP

The R&CA supports the amendment of the Codes SEPP to allow for outdoor dining on private land and at registered clubs to occur without the need for planning approval. This will permanently enact the NSW Government's temporary outdoor dining exemptions which were of immense benefit to our sector during the COVID-19 Pandemic.

According to a 2021 survey by OpenTable on the dining habits and preferences of Australian customers, 81% of respondents believed that expanded outdoor dining should become 'a mainstay.'¹

Additionally, an outdoor dining trial among hospitality businesses in The Rocks and Darling Harbour proved to be a successful and model initiative, with businesses reporting a 33% increase in business turnover and a 27% increase in patrons over the first eight weeks of the trial.²

In our 2022 Industry Benchmarking Report, which is conducted by the R&CA annually to record the challenges, opportunities, and overall positioning of the sector, found that 60% of hospitality operators believed red tape and compliance factors including the application process, council restrictions and other requirements were the most significant impediments in operating their outdoor dining precinct effectively. By removing such regulatory obstacles, hospitality businesses will be incentivised to expand their dining space to accommodate more customers and to contribute to the state's overall appeal and vibrancy.

Our Response to Incentives for Live Music Venues

The R&CA supports the proposal to amend the Principal Local Environmental to allow floor space and height density increases for new developments that accommodate live music. This will provide councils with the tools to undertake long-term commercial planning and strategise the introduction of special entertainment precincts within their LGA.

¹ Open Table (2021) The Future is Now Down Under: How Australia Can Tell Us What's Next for Restaurants

² NSW Government (2021) Media Release: Alfresco Dining a Taste of Things to Come

The R&CA applauds the State Government's efforts to foster an appealing and vibrant 24-hour economy to boost productivity and incentivise further growth and investment in New South Wales's Tourism and Hospitality sector.

Additionally, the R&CA believes these reforms are complimentary to the Liquor and Gaming's Vibrancy Amendments that are also in conjunction with NSW State Government's overall commitment to revitalize the state's night-time economy. We refer to our submission provided to the Department of Enterprise, Investment and Trade on September 29 (Annexure A). We draw your attention to our response outlined below for Reform 31, 35 and 36.

If you have any additional questions, please do not hesitate to contact the R&CA's Policy & Campaigns Advisor Amy Roberts at policy@rca.asn.au.

Sincerely,



Suresh Manickam
CEO, Restaurant & Catering Association

Restaurant
& Catering

Annexure A:

29th September 2023

Liquor & Gaming NSW | Hospitality & Racing
Department of Enterprise, Investment and Trade



By Email: alex.kennedy@liquorandgaming.nsw.gov.au

Dear Department of Enterprise, Investment and Trade,

**Re: Proposed vibrancy amendments 2023 – Liquor Act 2007, Liquor Regulation 2018,
Gaming and Liquor Administration Act 2007**

The Restaurant and Catering Industry Association ('R&CA') is a national industry body representing the interests of over 57,000 restaurants, cafes, and catering businesses in Australia. The café, restaurant & catering sector is vitally important to the national economy, generating over \$37 billion in retail turnover each year as well as employing 450,000 people. Over 92 per cent of businesses in the café, restaurant and catering sector are small businesses, employing 19 people or less.

R&CA delivers tangible outcomes to small businesses within the hospitality industry by influencing the policy decisions and regulations that impact the sector's operating environment.

R&CA is committed to ensuring the industry is recognised as one of excellence, professionalism, profitability, and sustainability.

This includes advocating the broader social and economic contribution of the sector to industry and government stakeholders, as well as highlighting the value of the hospitality experience to the public.

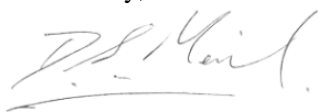
The R&CA welcomes the proposal to modernise the application of liquor & gaming regulation to support cultural vibrancy and enterprise in New South Wales. The R&CA makes the following comments and recommendations upon the basis of relevancy to our sector. For ease we have chosen to only include the reform categories and responses in our recommendations outlined below.

Reform	R&CA Position
1. Remove the pre-application 30-day consultation period for liquor applications	The R&CA supports the substitution of a CIS with a Statement of Risk of Harm and Other Potential Impacts. We believe this will provide applicants with the same level of consideration to the wider community as a CIS, but without the need to conduct community consultation before lodging and application.
4. Standard Trading Period	The R&CA supports the amend to standard trading to be aligned on all days of the week.
5. Small bar liquor trading Period	The R&CA supports the trading period for small bars to commence at 10am.
6. Remove on premises consumption restriction on Christmas Day and Good Friday	The R&CA supports the introduction of standard trading for Christmas Day and Good Friday.
8. Remove licensing requirements for alcohol-free and ultra-light beer and spirits	The R&CA supports the removal of licensing requirements for alcohol-free and ultra-light beer and spirits, in line with other jurisdictions.
9. Allow the continuation of take-away alcohol for restaurants, and bars under certain conditions	The R&CA strongly supports the extension of same-day delivery to on-premises and small bar license holders. The R&CA believes these laws should be aligned with the same-day takeaway alcohol requirements in Victoria and recommends that the limitations are in conjunction with the quantity of food purchased rather than a per transaction basis.
15. Enabling managers/licensees to re-enter the industry within 3 years with licensee training rather than a full RSA	The R&CA does not support the following reform. In order for the RSA to be fit for purpose, managers and licenses must complete full RSA when reentering the industry to maintain consistency and high standards for RSA holders.
18. Remove ID scanner requirements	The R&CA supports the removal of ID Scanner requirements.
20. Remove risk loading for Kings Cross and Sydney CBD venues	The R&CA supports the removal of risk loading for Kings Cross and CBD venues.
23. Improvement notices	The R&CA supports the use of improvement notices.
24. Incident register- within 24 hour window for reporting	The R&CA believes that is the duty of the license holder, that when an incident takes place, they must report within the appropriate timeframe (within 24-hours).
25. RSA suspension time period	The RCA does not support the suspension time period to be influenced by the date of expiry rather the severity of the contravention.
26. RSA disqualification	The R&CA supports the Authority to declare orders disqualifying individuals from holding

Reform	R&CA Position
	a recognised competency card, when this is within the interest of community safety.
27. RSA revocation – broadening of grounds	The R&CA supports the broadening of grounds for RSA revocation.
28. RSA suspension once show cause is issued	The R&CA supports RSA suspension once show cause is issued.
31. Increase trading extensions from the current 60 minute to 2 hours for venues classified as live music and live performance venues	The R&CA supports trading extensions to incentivises businesses to host live music and performances.
32. Expand one hour of extended trading every day of the week for incentivized event venues	See above.
35. Continue fee reductions for live music and performance venues	The R&CA supports continued incentives for venues who host live performances and special events.
36. Make outdoor dining provisions permanent	The R&CA believes that introducing permanency for outdoor dining is an essential element in supporting
37. On-premise licenses does not need to specify business activity	The R&CA supports this reform.
38. Caterer's license is only to be exercised for private hire	The R&CA supports this reform.
40. Limitations for offences to be 12 months	The R&CA supports this reform.
41. L&GNSW to undertake noise regulation	The R&CA supports this reform.
42. Disturbance compliant requirements reform	The R&CA supports this reform.
43. Order of Occupancy reform	The R&CA supports this reform.
44. Mediation with venue	The R&CA supports this reform.
45. Secretary guidelines for disturbance complaints	The R&CA supports this reform.
46. Number of complaints to be 5	The R&CA supports this reform.
47. Switching off POEO Act for Licensed Premises	The R&CA supports this reform.
48. Police Direction power to move from POEO to the Liquor Act	The R&CA supports this reform.

Please don't hesitate contacting Amy Teakle at policy@rca.asn.au should you have any further queries.

Sincerely,



Suresh Manickam
Chief Executive Officer
Restaurant and Catering Australia



Restaurant
& Catering