

Summertime Taskforce Project

Recommendations report

3 December 2021



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Abbreviations, acronyms and glossary

CCIQ	Chamber of Commerce and Industry Queensland
COVID-19	Novel coronavirus SARS-CoV2
DESBT	Department of Employment, Small Business and Training
DSDILGP	Department of State Development, Infrastructure, Local Government and Planning
IRG	The Industry Reference Group established to provide input into the Summertime Taskforce project and recommendations
LGAQ	Local Government Association of Queensland
NRA	National Retailers Association
OLGR	Office of Liquor and Gaming Regulation
OPRTR	Office of Productivity and Red Tape Reduction
OQSBC	Office of the Queensland Small Business Commissioner
Outdoor trade activation	Means businesses expanding an existing outdoor trade footprint or creating a new outdoor trade footprint in their local area to take advantage of Queensland's great climate
Outdoor trade activation area	Means a locally defined area approved by the local government in consultation with local businesses and business groups within which businesses can benefit from the outdoor trade activation program
QHA	Queensland Hotels Association
QSBC	Queensland Small Business Commissioner
Summertime Taskforce project	Means the Summertime Taskforce chaired by the QSBC including the project team, industry reference group and associated work

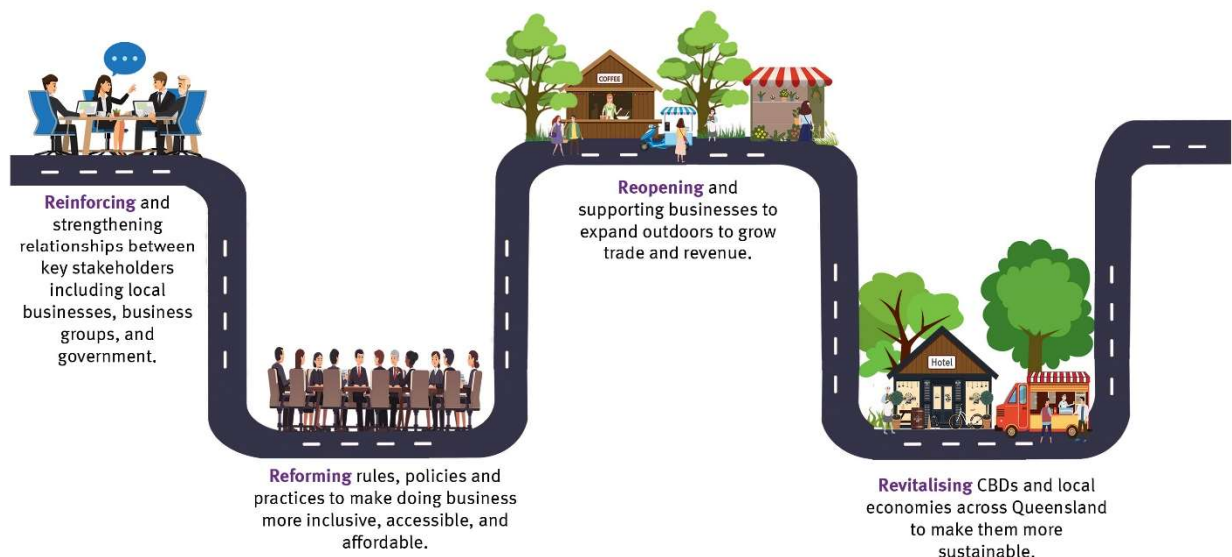
Executive summary

The Queensland Government established the Summertime Taskforce to identify ways for business to make the most of Queensland's great weather, facilitate use of outdoor areas, on-street dining, and revitalise CBDs. To achieve this, the Queensland Small Business Commissioner (QSBC) was tasked with leading the Summertime Taskforce to undertake research and provide a report, including recommendations and an action plan to the Queensland Government.


The Summertime Taskforce researched and evaluated similar outdoor trade activation programs in Victoria and New South Wales. These case studies found the issues businesses face are multi-faceted and that the regulatory requirements of government can create a cumulative burden. While some of these programs were initiated prior, and some were in response to the COVID-19 pandemic, there was strong support from both business and government for these programs to continue.

To help understand how such programs could be implemented in Queensland, the Summertime Taskforce established an Industry Reference Group (IRG) comprised of leaders from business, local government, and the Queensland Government. Terms of reference were established in consultation with IRG members to guide their involvement. The IRG provided insight and subject matter expertise to assist the Summertime Taskforce to understand the case studies in the Queensland context, identify opportunities and to help form the QSBC's recommendations to the Queensland Government.

Queensland outdoor trade activation



The Summertime Taskforce project has concluded that there is an opportunity for Queensland to consider developing an outdoor trade activation program to reduce barriers to moving trade outdoors and increase the productivity of Queensland businesses. As such, the Queensland Small Business Commissioner makes the following recommendations for the government's consideration. The recommendations have been developed based on the lessons learnt by the Summertime Taskforce project with advice from the IRG.



Recommendation 1: *The Queensland Government should appoint a lead agency to evaluate the implementation options proposed in this report and design an outdoor trade activation program for Queensland to boost business productivity and revitalise local economies.*

Recommendation 2: *The Queensland Government lead agency should pilot an outdoor trade activation program in Queensland to test the program design and determine if supporting businesses to move trade outdoors can boost business productivity and help revitalise local economies.*

Recommendation 3: *The Queensland Government should consider the findings of the Summertime Taskforce in the context of prioritising actions to support the ongoing economic recovery of Queensland small businesses.*

The Summertime Taskforce project found that an effective outdoor trade activation program should be co-designed with stakeholders, strategically led and locally delivered with carefully targeted implementation. Designing a holistic program that considers a diverse range of local needs in the Queensland context will help engage government, businesses and communities in revitalising local economies. A voluntary pilot in the summer of 2022 will allow the program design to be verified and artefacts to be tested before broader implementation across Queensland.

This report will be provided to the Queensland Government for consideration.

Introduction

Small businesses are at the heart of the Queensland economy and our regional communities. They create jobs, grow local economies, and provide essential goods and services. But just as importantly, small businesses help create attractive, liveable communities. They foster civic pride and help attract people and investment.

Queensland businesses face a multitude of challenges and need to navigate a range of complexities. This extends from managing daily operations and complying with rules, through to keeping pace with change and innovating and planning for the future. This is compounded by natural disasters and economic disruptions, such as the COVID-19 pandemic, which threaten the ability of businesses to survive and thrive.

The Queensland Government's *Statement of Objectives for the Community 2020* includes the objective of 'backing small business' to 'help small business, the backbone of the state's economy, thrive in a changing environment'. The government's *Big Plans for Small Business 2020 Policy* established the Summertime Taskforce to identify ways businesses can make best use of Queensland's great weather, facilitate use of outdoor areas, on-street dining, and revitalise CBDs.

The *Big Plans for Small Business Strategy 2021–23* was released in June 2021 and aims to help small business thrive and grow through a commitment of \$140 million over two years. The Summertime Taskforce is an action under the *Big Plans for Small Business Strategy 2021–23* and aims to make it easier for small businesses to prosper.

On 11 May 2021, the Queensland Small Business Commissioner (QSBC) was tasked with leading and delivering the Summertime Taskforce project. It involved establishing an industry reference group (IRG), reviewing pilots and similar programs implemented elsewhere (particularly in Victoria and New South Wales), evaluating the findings and learnings, and considering the options for designing and implementing an outdoor trade activation program in Queensland.

The Summertime Taskforce project aimed to identify ways to make it easier for government and businesses to work together to take advantage of Queensland's great climate to drive demand, increase capacity, improve productivity, and have more confidence to grow local economies. The Summertime Taskforce project identified six key themes which have been used to categorise the lessons learnt and the possible options for implementing a program in Queensland including:



Program design and funding



Environment



Land and road use



Liquor



Building



Safety and accessibility



Context

The increasing frequency of business disruptions, such as bushfires, floods and the COVID-19 pandemic, and the constantly escalating complexity and cost of doing business are directly impacting the ease of doing business in Queensland. The Summertime Taskforce project aimed to explore the barriers to moving trade outdoors and how these can be reduced in Queensland.

The Chamber of Commerce and Industry Queensland (CCIQ, 2021) reports that, amid unprecedented uncertainty, Queensland businesses are generally lacking in confidence about realising their business goals. This is a result of the impediments that businesses need to deal with in the economy, from the COVID-19 pandemic and its related impacts through to the cumulative costs of compliance and red tape.

A survey of Queensland businesses conducted by CCIQ in 2021 found that, in relation to the problems of increasing direct and indirect costs to run a business:


- More than 50% of businesses recorded an increase in their operating costs (exacerbated by increasing supply chain and labour costs) with 70% reporting an increase in compliance costs.
- 77% of Queensland businesses indicated that complying with regulation had prevented them from making changes to grow their business and/or directly impacted on their profitability.
- 88% of businesses report that complying with regulation has a significant impact on their business with 28% stating it is their most significant cost for them (>6 hours per week).
- Most businesses have not passed these increasing costs on to consumers.

This is supported by information given to the Queensland Small Business Commissioner by businesses across Queensland who consistently say that the cumulative effect of red tape is a significant burden in relation managing their business and affects productivity. While it is difficult to pin-point a single issue that, if alleviated, would reduce this impact, business operators have informed the Commissioner about some key areas of concern including:

- Increasing direct costs to run the business – such as increased freight costs, staff wages, equipment, premises, utilities, insurance, security, vehicle registration/fuel etc.
- Increasing regulatory burden – including the time and cost to understand, apply for and comply with a plethora of local, state and Commonwealth legislation
- Increasing indirect costs – lost time navigating and complying with regulation (red tape) especially planning, safety, liability, human resources and taxation.

These issues with operating a business are compounded in a fluctuating economic climate, the burgeoning digital economy, frequent natural disasters and the significant impact of the COVID-19 pandemic. As a result of such disruption, businesses and local economies need support to re-open, recover and revitalise. To understand the possible options to support business to boost their productivity, research was undertaken in relation to similar programs in other jurisdictions.

The research undertaken by the Summertime Taskforce project was extensive and included research in relation to outdoor trade activation programs in Victoria and New South Wales including those in response to the COVID-19 pandemic. An external contractor was engaged to research and develop a Victorian case study including the lessons learnt. A summary of the Victorian case study is provided in Appendix A and the full findings are set out in the extensive *Case Study, Victorian Outdoor Eating and Entertainment Package and the Melbourne City Recovery Fund* report.



The Summertime Taskforce project team also undertook research into the New South Wales outdoor trade activation programs. A summary of the NSW case study and lessons learnt is provided in Appendix B and the full findings are set out in the *Case Study – NSW outdoor trading programs* report. Both case studies found that business and government were equally supportive of the programs and for their continuation.

It is acknowledged that there are contextual differences between jurisdictions.

While expanding trade outdoors can be relatively straight-forward for some, it can be time consuming and complex for others. The interstate experience in the case studies identified a range of regulatory barriers and operational impediments that the programs reduced and highlighted the support provided to help businesses be more productive. The case studies also found that outdoor trade activation programs need to be co-designed with stakeholders, strategically led, and locally delivered with carefully targeted implementation.



Stakeholder consultation

Stakeholders were consulted through an Industry Reference Group (IRG) which included representatives from business groups, local government and Queensland Government departments.

The IRG was established to:

- Provide intelligence on past, current or future outdoor trade activation programs
- Help refine any proposed research about programs in other states or territories
- Analyse the findings of research, including any aspects that may require further investigation
- Provide advice about regulatory arrangements relevant to expanding trade outdoors
- Identify and advise of any underlying and/or emerging issues relevant to the project
- Provide input in relation to this report and the QSBC's recommendations to the Minister.

The IRG was comprised of representatives from business and government including:

- Chamber of Commerce and Industry Queensland (CCIQ)
- National Retail Association
- Queensland Hotels Association (QHA)
- Restaurant and Catering Australia
- Local Government Association of Queensland (LGAQ)
- Fraser Coast Regional Council
- Ipswich City Council
- Tablelands Regional Council
- Department of Employment, Small Business and Training
- Department of Justice and Attorney-General
- Department of State Development, Infrastructure, Local Government and Planning
- Department of Transport and Main Roads.
- Office of Liquor and Gaming Regulation
- Office of Productivity and Red Tape Reduction
- Queensland Treasury
- Queensland Small Business Commissioner (QSBC)

The IRG members gave access to their industry networks and subject matter expertise. This assisted the Summertime Taskforce project to identify ways to support local businesses to expand trade outdoors within their local area, grow trade and revenue, and revitalise local economies.

In addition to the IRG, the Summertime Taskforce also consulted with a range of the other business and government stakeholders in Queensland including: Australasian Performing Right Association (APRA) and Australasian Mechanical Copyright Owners Society (AMCOS); Brisbane Economic Development Agency; Chrysalis Project; Department of Tourism, Innovations and Sport; People Parkers; Property Council of Australia; QMusic; and Rockhampton Regional Council.

The stakeholders consulted in relation to the case study are set out in the *Case Study, Victorian Outdoor Eating and Entertainment Package and the Melbourne City Recovery Fund* report. The stakeholders consulted in relation to the case study are set out in the *Case Study – NSW outdoor trading programs* report.

Recommendations

The Summertime Taskforce project recommendations were developed by the Queensland Small Business Commissioner in consultation with the IRG. The recommendations are focussed on improving the affordability and ease of businesses activating outdoor trade to enhance productivity for Queensland businesses and revitalise local economies. The Queensland Small Business Commissioner makes the following recommendations:



Recommendation 1: *The Queensland Government should appoint a lead agency to evaluate the implementation options proposed in this report and design an outdoor trade activation program for Queensland to boost business productivity and revitalise local economies.*

In designing an outdoor trade activation program, the lead agency should investigate the lived experience of Queensland businesses, engage with stakeholders (including business and government), evaluate the implementation options identified in this report to explore those that could provide a net benefit, and design an outdoor trade activation program to boost business productivity and revitalize local economies in Queensland. This report provides a range of potential implementation options for consideration by the lead agency.



Recommendation 2: *The Queensland Government lead agency should pilot an outdoor trade activation program in Queensland to test the program design and determine if supporting businesses to move trade outdoors can boost business productivity and help revitalise local economies.*

Following the design of a program suitable for the Queensland context, the lead agency should pilot an outdoor trade activation program in Queensland. This will serve to test the program design and artefacts, establish the net benefits to businesses and government, and showcase how such a program could work across Queensland. Participation in any proposed pilot program would be voluntary.



Recommendation 3: *The Queensland Government should consider the findings of the Summertime Taskforce in the context of prioritising actions to support the ongoing economic recovery of Queensland small businesses.*

Considering the findings of the Summertime Taskforce project in the context of broader actions to recover the Queensland economy may help boost productivity and revitalise local economies faster. A timely decision will potentially enable the Queensland Government to design and pilot a program in summer 2022 and, if successful, could allow for state-wide roll out of an outdoor trade activation program in 2023. This would be subject to normal government processes.

Action plan

To implement the Summertime Taskforce project recommendations, a Queensland Government department should be appointed as the lead agency to design and pilot an outdoor trade activation program for Queensland.

The design and pilot of an outdoor trade activation program must be strategically led and locally delivered with carefully targeted implementation. Designing a holistic program that considers a diverse range of local needs in the Queensland context will help engage government, businesses and communities in revitalising local economies. Participation in the design and any proposed pilot program would be voluntary.

The Summertime Taskforce project identified a range of implementation options through the research into the Victorian and New South Wales case studies and from the input of the IRG and their subject matter experts. In designing a program, the implementation options should be evaluated for their applicability in the Queensland context. A pilot program will then allow the design to be verified and artefacts to be tested to ensure the program provides a net benefit to Queensland.

The appointment of a Queensland Government department as the lead agency would need to be subject to government consideration, including any budgetary implications.

Indicative action plan to design and pilot an outdoor trade activation program for Queensland

Proposed action	Proposed timeline
1. Queensland Government responds to the Summertime Taskforce recommendations and consider appointing a lead agency to design and pilot an outdoor trade activation program for Queensland	Early 2022
2. Lead agency to establish a project team to coordinate and engage with the QSBC to obtain background information from the Summertime Taskforce project including research, lessons learnt and IRG input.	29 April 2022
3. Lead agency to coordinate further investigation to understand the lived experience of Queensland businesses, engage with stakeholders, explore which implementation options could provide a net benefit, and design a pilot program.	28 May 2022
4. Lead agency to present the voluntary pilot program design to government and seek approval to proceed with a pilot.	30 September 2022
5. Lead agency to commence a voluntary pilot in collaboration with relevant stakeholders and to undertake a review of the pilot in due course.	Late 2022



Implementation options

The Summertime Taskforce project case study research and consultation identified that there are numerous issues that business and government need to consider and navigate when looking to expanding trade outdoors and boost business productivity. These include:

- Suitability of locations and the availability of space for outdoor trade
- Identifying, navigating and obtaining numerous approvals (e.g., development approval, footpath dining permits, liquor licensing permits, and road use permits)
- Safety considerations and accessibility requirements
- Costs such as fees, insurance, fit-out, infrastructure, equipment, furniture, staff and security.

The case studies found that the Victorian and New South Wales programs aimed to address these issues by:

- Identifying efficient and effective regulatory solutions to reduce barriers to outdoor trade
- Fast-tracking approval of applications for any required approvals, permits and licenses
- Streamlining application, licensing and permit processes and practices (reduce red tape)
- Supporting businesses in their recovery from the COVID-19 pandemic by enabling businesses to quickly expand outdoors to increase floor space, customer capacity and revenue
- Reactivating and revitalising local outdoor spaces such as CBDs
- Supporting local governments by providing grants to reduce costs associated with outdoor trade activation programs
- Supporting businesses by providing grants to contribute to costs for furniture, fixtures, fittings and equipment for outdoor trade (Victorian programs only).

Based on the lessons learnt from the Victoria and New South Wales case studies, in addition to the input from the IRG and their subject matter experts, the Summertime Taskforce project has identified a range of options that could be considered when designing and/or piloting an outdoor trade activation program in Queensland.


While some implementation options are relatively straight forward, depending on the level of action being proposed, others (marked with an asterisk*) may involve amending regulations and require assessment under the Queensland Government Guide to Better Regulation. Further regulatory impact analysis and consultation could be required for these options to ensure they are the best response to the policy problem and deliver a net benefit for Queensland.

The following implementation options are listed according to theme and include a brief description of the potential problem and benefits related to the option. Further exploration of the net benefit of these options, in collaboration with relevant stakeholders, will be required when designing an outdoor trade activation program for Queensland.



Program design and funding

1. To support the economic recovery of Queensland small businesses, a Queensland Government department could be appointed as the lead agency to lead outdoor trade activation activities in Queensland.



A lead agency is critical to the success of the implementation program and is responsible for all aspects of program delivery. As the implementation program will take time to design and implement across Queensland, consideration should be given to the resources required by the lead agency to increase the likelihood of success and improve the quality of delivery.

2. *To ensure the implementation program is effective, the lead agency could establish working groups to consult and collaborate with business groups and across government (including the Local Government Association of Queensland). This could include working groups in relation to program design, regulatory streamlining, and program delivery.


Engaging in effective and timely consultation is critical to any implementation program. The Victorian and NSW case studies found that the establishment of whole-of-government and council-led working groups and consultation with local stakeholders improved engagement with the programs and enhanced the outcomes for businesses. These working groups will help guide strategies to streamline program delivery and improve productivity. This option supports a collaborative and outcomes-focussed approach to program delivery.

3. *To ensure the implementation program is effective, the lead agency could consult with relevant stakeholders (including local government and businesses) to develop flexible criteria for outdoor trade activation areas in Queensland. For example:
 - a) Must not be in an environmental zone
 - b) Must not be in a place of Aboriginal heritage significance identified in a local environmental plan
 - c) Must not be in a location that is likely to cause an environmental nuisance under the Environmental Protection Act 1994
 - d) Must not restrict vehicular or pedestrian access to or from, or entry to a building on, the land on which the outdoor trading activation area is located
 - e) Must not impede pedestrian traffic along the footpath
 - f) Must not be in clear zones for the road where relevant
 - g) For development associated with lawful food and drink premises, must not contravene an existing condition of the most recent development consent, other than a complying development certificate, that applies to the existing food and drink premises relating to hours of operation, maximum capacity of patrons, waste management, food safety and pollution control, and
 - h) Must, at the end of the use, be restored to the condition in which it was before the commencement of the use so far as reasonably practicable.

Defining the scope of the outdoor trade activation program is critical to the delivery of any program. A clear definition of 'outdoor trade activation area' is essential to defining what is and is not allowed in the context of the program. This option will allow a program to integrate with existing Queensland arrangements.

4. To ensure outdoor trade activation areas meet local needs, councils that choose to participate in an outdoor trade activation program could identify and actively engage with:
 - a) local businesses to identify opportunities for outdoor trade in their area
 - b) local place-making groups (for example, local chambers of commerce) to identify suitable outdoor trade activation areas and any local requirements.

Local business and community engagement and feedback was critical to the success of the Victorian and NSW programs where councils worked closely with businesses and the community to identify and define potential outdoor trade activation areas and gain support.



This option would ensure that the community and local businesses are involved in local implementation and increase the likelihood of success of any program. This could be supported by subject matter experts from the participating council and any other relevant agencies (for example, Department of Transport and Main Roads, Queensland Police).

5. *To ensure the implementation program is responsive to community needs, the lead agency could collaborate with participating councils to design processes to seek, receive and take action in relation to feedback about the outdoor trade activation program and associated activities. This may include feedback on issues relating to program design, public health and safety, liquor service, smoking, environmental nuisance, waste management, food safety, and vehicular or pedestrian accessibility. The lead agency could be periodically informed about issues raised and actions taken.

Being responsive to issues improves the efficiency and effectiveness of program delivery. Local needs and concerns need to be raised directly with the participating council to enable direct action and the incorporation of feedback into the broader program. This option is about demonstrating transparency and enhancing trust to improve engagement with the program and increase local business and community support.


6. *To reduce the time and cost of compliance for small business, regulators (at all levels of government) with an interest in approved outdoor trade activation areas could review policies, procedures and practices to streamline, digitise and minimise the time and cost for businesses to comply with regulatory requirements. This could be done by regulators in consultation with the lead agency and the lead agency could promote these benefits.

Enhancing the operating environment for business is key element to improving affordability and improving the ease of doing business which in turn improves productivity. Businesses have consistently told government that, while they support rules, compliance is often complex, time consuming and costly. The case studies reinforce that business want regulators to take action to streamline and modernise regulatory arrangements. Regulators could align these efforts to existing reporting requirements in relation to red tape reduction and regulator performance.

7. To ensure continuity, the lead agency could engage with the Office of the Queensland Small Business Commissioner on commencement of the implementation program to handover Summertime Taskforce research/findings and explore opportunities to support the implementation program through the QSBC's Small Business Friendly program.

The Summertime Taskforce project team has undertaken research and developed a broad range of local and interstate contacts and stakeholders. The work already undertaken will assist the lead agency to design and implement the outdoor trade activation program. The QSBC may also be able to support the lead agency with local connections and guidance through the Small Business Friendly program. This option will drive efficiencies across government by ensuring the lead agency benefits from the work already done and from the ongoing support for the QSBC.

8. *To ensure compliance with the Queensland Government Guide to Better Regulation, the lead agency (or relevant responsible agency) should consult the Office of Productivity and Red Tape Reduction (OPRTR) during the design phase of the implementation program to assess any proposed regulatory changes.



Any changes to regulatory arrangements should enhance the operating environment for business and should ensure that they do not have unintended adverse impacts. The Queensland Government Guide to Better Regulation aims to ensure that effective analysis and consultation is undertaken where appropriate. This will assist in prioritising potential changes and identifying where analysis may be required before any action can be taken. Regulatory impact analysis ensures robust information in government decision making.

9. To ensure the implementation program provides economic benefits, the lead agency could undertake economic modelling in the design phase, in consultation with relevant stakeholders including local government, to determine the most appropriate state-wide framework, policies and processes for the implementation program or a pilot (including any grants or consideration of fee reductions offered under a program).

A Queensland outdoor trade activation program will be different to Victoria and NSW programs as it intends to be more enduring and to provide opportunities to a broader range of industries and businesses. As such, it is critical that economic modelling be undertaken to design and implement the best long-term solution for Queensland. Business groups and Queensland small businesses consistently tell government that it is the cumulative cost of regulation that significantly impacts affordability and productivity. The Victoria and NSW Case Study found that the Victoria and NSW Government and participating councils waived all fees related to outdoors trade for businesses in an approved outdoor trade activation area, which helped revitalise local economies. This option ensures due diligence is carried out in relation to the economic benefits and costs of the program.


10. Subject to economic modelling, a range of non-competitive and scalable grants could be considered including:
 - a) Grants for participating councils to deliver, support and promote the program.
 - b) Grants for participating businesses to reduce barriers to moving trade outdoors.

Interstate experience indicated funding is useful to enabling all local governments to deliver, support and promote the program. Victorian and NSW councils were generally satisfied with the non-competitive funding provided. Funding could help local governments to better implement programs and to subsidise fee reductions or waivers. Funding can also assist businesses, especially small businesses, to expand trade outdoors. The Victorian Case Study found that one-off \$10, 000 grant for businesses within the Melbourne City precinct and the \$5,000 grant for businesses outside of the Melbourne City precinct, to help them to acquire furniture, fixtures, fittings and equipment required to expand outdoors.

11. To ensure the implementation program is effectively delivered and progressively reviewed, the program could be delivered in phases (e.g., by type of outdoor trade) and/or in stages (by local government area or region).

Iterative program delivery allows for continuous improvement and requires less resources. The NSW Case Study found a phased approach was used successfully during the Streets as Shared Spaces program. A staged delivery will allow for continuous improvement and adequate resourcing by both the lead agency and participating councils. The New South Wales case study found a staged approach was used successfully during several programs.

12. To ensure the implementation program supports small business productivity, the lead agency could consider using existing platforms and services to establish a state-wide online hub and a centralised concierge/liaison service for the program.



A state-wide online hub and a concierge/liaison service could enhance the operating environment and improve the ease of doing business. This should leverage and/or expand existing platforms and/or services already provided to ensure cost effectiveness. Businesses have consistently told government that a central location for regulatory enquiries and services would improve the ease of doing business and improve productivity. The Victorian and New South Wales case studies reinforce that businesses want regulatory streamlining and modernisation. This option is about ensuring that a state-wide online hub is established to improve business productivity.

13. To ensure the implementation program provides economic benefits, the lead agency could develop a state-wide Outdoor Trade Activation Program framework during the design stage in consultation with working groups and aligned to economic modelling. The framework could include policies, procedures, practices and supporting information (for example, online content, assessment criteria, decision-making processes, user guides, on-boarding packs, minimum standards for approved outdoor trade activation areas, promotional materials and how the framework is delivered locally).

An effective framework supports the effective and efficient delivery of the program. This will improve stakeholder awareness, encourage buy-in, improve decision making and enhance delivery. A co-designed framework will set and communicate the goals, objectives and requirements for participating agencies and businesses. This ensures that the appropriate documents are developed in the design stage of the framework and includes the development of the required policies, procedures, practices and supporting information for local delivery.

14. *To ensure the implementation program provides economic benefits, the Queensland Government could consider feedback from the *Trading (Allowable Hours) Act 1990* inquiry to provide small businesses participating in outdoor trade in approved outdoor trade activation area more flexibility in relation to trading hours.


More flexible trading hours may assist businesses, especially small businesses, by improving the ease of doing business. Businesses have consistently advised that restrictions to trading hours adds red tape and decreases business productivity. This has the potential to enhance the operating environment for business trading outdoors.



Land and road use

15. *To enable small businesses to move trade outdoors, the Queensland Government could consider changes to planning arrangements to deem particular outdoor trading activation activities (for example, footway dining, retail trade, and certain live music/entertainment activities) in approved outdoor trade activation areas as accepted development (subject to any state-wide or local requirements for outdoor trade activation). This would remove the need for development applications enabling small businesses and councils to take advantage of seasonal and local changes to trade. This may require participating councils to amend relevant planning schemes, local laws, policies and procedures.

Under the current planning framework, the planning requirements and approval processes often significantly slow down a business's ability to trade outdoors. Changing the planning arrangement to include particular outdoor trading activation activities in approved outdoor trade activation areas as accepted development would remove the need for development



applications. This option supports red tape reduction for both businesses and local government and will streamline outdoor trade activation.

16. *To enable small businesses to move trade outdoors, the Queensland Government could consider changes to planning arrangements to clearly define approved outdoor trade activation areas as geographical areas in which particular outdoor trade activities are prescribed as accepted development.

This ensures that the approval process for businesses to trade outdoors is streamlined by defining an approved outdoor trade activation area and what activities are accepted development. The New South Wales case study found that amendment to the State Environment Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) played a key role in streamlining the approval process for outdoor trade. This option will help streamline what is permitted in relation to expanding trade outdoors.

17. To enable small businesses to move trade outdoors, participating councils could consider reviewing and amending relevant local planning arrangements to enable small businesses to trade outdoors (for example, electing to reduce or remove fees for footpath use, allowing the use of parks for trading, and enabling businesses to install parklets on council-controlled roads) subject to any state-wide requirements for approved outdoor trade activation areas.

State-wide planning arrangements are implemented by local governments and supported by planning schemes, local laws, policies and procedures. These local arrangements can add significantly to the regulatory burden of businesses and impact their ability to move trade outdoors. Local governments could consider the cumulative impact of local regulation and streamline this so far as reasonably practicable (e.g., simplify or remove rules, tell us once, elect to reduce/waive fees). This option helps reduce the compliance burden on businesses.

18. *To enable participating councils to move trade outdoors onto road corridors in approved outdoor trade activation areas, the Queensland Government could identify changes to road use regulation and management to support the more flexible use of footpaths and on-street parking. This may be subject to state-wide or local requirements for approved outdoor trade activation areas including:
- a) Only on roads with a maximum speed of 40km/h (Activities may be permitted in higher speed areas depending on traffic volumes, width of the corridor, achievable setbacks from active traffic lanes, etcetera)
 - b) Only where the use maintains line of sight for road users to adjacent intersections
 - c) Only where clear zones and minimum distance requirements can be maintained in relation to existing infrastructure (for example, essential services, face of kerb, and emergency service access).

In some areas the footway is too narrow to accommodate the use of the footway for outdoor trade while still retaining suitable access for the public. These areas often have on-street parking adjacent to businesses and, while sufficient parking must be maintained, there is an opportunity to utilise some parking areas as parklets for outdoor trade. Any use of on-street parking for outdoor trade would need to be subject to consistent state-wide requirements for safety and accessibility. This option supports the use of parklets for outdoor trade where it is safe and appropriate.

19. To enable participating councils to move trade outdoors onto road corridors in approved outdoor trade activation areas, the Queensland Government could streamline processes for

local government management of road corridors on state-controlled roads. This would not include delegating responsibility for maintenance of state-controlled roads.

Approver and compliance authority in relation to road use arrangements on state-controlled roads allows local governments to make decisions in relation to their local areas. This authority has already been delegated to some local governments, but some have not applied for this out of concerns about responsibility for road maintenance. This option will allow local government, in consultation with local businesses, to fast-track decisions in relation to approved outdoor trade activation areas that support the local economic development plan without taking on responsibility for maintaining the state-controlled road.



Building

20. *To enable small businesses to move trade outdoors, the Queensland Government could amend building arrangements to exempt temporary low-risk structures (for example, modified shipping containers, gazebos) from requiring building approval where used by a participating small business in an approved outdoor trade activation area whether or not the structure is on public or private land. This could be subject to any state-wide or local requirements for approved outdoor trade activation areas including:
- a) The structure must be able to be dismantled and/or removed within 3 hours
 - b) The structure must not exceed a certain size (such as height and/or area)
 - c) The structure does not obstruct the line of sight for road users to adjacent intersections
 - d) The structure must not be in clear zones for the road.

Building standards exist to ensure public safety in and around certain structures. While the Summertime Taskforce supports building standards, there may be recommendations to reduce red tape in relation to low-risk structures. Further consultation is required with the appropriate regulator to determine what changes may be possible. This option supports simplifying regulatory requirements in relation to low-risk structures where possible and will also inform local governments in relation to buildings in approved outdoor trade activation areas.



Environment


21. Maintain existing arrangements in relation to:
- a) Environmental protection (including environmental nuisance)
 - b) Smoking
 - c) Waste management.

There are established arrangements in place that are generally acceptable in relation to these matters. The case studies and IRG identified nothing to warrant any change in this regard. This option reflects this and maintains the status quo.



Liquor

22. *To enable small businesses to move liquor trade outdoors, the Queensland Government Office of Liquor and Gaming Regulation (OLGR) could delegate authority to participating councils to approve a liquor licence change of boundary in relation to outdoor trade in



approved outdoor trade activation areas. Similar to what occurs when a 'special entertainment precinct' is designated, councils will be responsible for applying appropriate mitigating conditions to outdoor trade activation area approvals, while taking carriage of any challenges/complaints relating to either the approval process or associated amenity/noise related concerns. OLGR/the police would remain responsible for ensuring the venue meets its broader obligations under the Liquor Act (e.g., responsible service of alcohol). On approving the change of boundary, councils could be required to advise the OLGR and Queensland Police of the approval within 10 business days of the decision and prior to any outdoor trade activation activity commencing.

Businesses generally support rules, and it is important to involve local communities in decision making that affects them. Delegating the approval of liquor licence change of boundary to local governments, in relation to moving trade outdoors in an approved outdoor trade activation area, will improve decision making. This will make decision making more localised supporting local economic development plans and fast-track decision-making. This option was developed in consultation with the Office of Liquor and Gaming Regulation and aims to make it easier for businesses to move trade outdoors.

23. *To enable small businesses to move liquor trade outdoors, the Queensland Government could amend the *Liquor Act 1992* to relax the provisions which restrict the frequency of and circumstances in which licensees can seek to trade under an extended hours permit, to allow trade between 12am and 5am (section 103IA of the Liquor Act). Licensees will continue to be limited to six applications per calendar year; however, there will be no requirement to demonstrate the application relates to a 'special occasion', nor any restriction on the frequency of applications (currently limited to six per year (associated with a maximum of one event per month) and only for a unique or infrequent event of local, state or national significance). All other standard assessment processes under the Liquor Act will remain (e.g., consultation with police and council), with appropriate conditions of approval endorsed where necessary to minimise potential harm/amenity concerns.

Businesses generally support rules that are in the public interest and which are reasonable. Reducing and improving the flexibility of policies, processes and practices once businesses have demonstrated their initial suitability to a regulator is key to reducing the administrative burden on businesses. This will free businesses up to get on with running their businesses. Governments can do this by being more flexible with regulatory practices. This option was developed in consultation with the Office of Liquor and Gaming Regulation and aims to reduce red tape to support businesses moving trade outdoors.

Safety and accessibility

24. Maintain existing arrangements in relation to:
- a) Food safety
 - b) Workplace health and safety (including public safety)
 - c) Public health
 - d) Emergency access
 - e) Accessibility
 - f) Public liability.

There are established arrangements in place that are generally acceptable in relation to these matters. The case studies and IRG identified nothing to warrant any change in this regard. This recommendation reflects this and maintains the status quo.



Appendix A - Victorian case study summary

Leading up to the end of Victoria's fourth COVID-19 lockdown in late 2020, the Victorian Government issued a public health directive that hospitality businesses were not permitted to operate indoors due to COVID-19 outbreaks and that they were required to move outdoors. In response to this, the Victorian State Government initiated two programs to provide rapid solutions to enable businesses to implement a new outdoor trading footprint or expand an existing footprint and to make widespread outdoor dining safe and practical:

- Victoria's Outdoor Eating and Entertainment Package
- Melbourne City Recovery Fund (included the Small Business Reactivation Grants program).

The Victorian Outdoor Eating and Entertainment Package Program provided \$87.5 million to councils and businesses outside of Melbourne's CBD. Councils were provided with \$29.5 million of this to help them implement swift and streamlined permit, enforcement and monitoring processes to support expanded outdoor dining. Of the \$29.5 million, metropolitan and regional city councils were eligible for grants of up to \$500,000 and rural councils were eligible for grants of up to \$250,000. These were intended to cover revenue losses from reducing or waiving fees and to invest in new infrastructure and equipment to support local businesses. For example, it could be used to make road and lane changes, provide parklets in on-street parking bays, erect safety barriers and bollards, or add fixtures such as lighting. \$58 million went to providing grants of up to \$5,000 to businesses (with an annual payroll of less than \$3 million), to assist them with the costs associated with creating a new outdoor dining footprint or expanding an existing footprint. For example, it could be used to pay for tables, chairs, umbrellas, heaters or other equipment.

In partnership with the City of Melbourne Council, the Victorian Government also initiated the \$100 million Melbourne City Recovery Fund program to support Melbourne's CBD on the roadmap for reopening and recovery after Victoria's fourth COVID-19 lockdown in the lead up to the end of 2020 and during the summer. The Small Business Grants project attracted \$30 million of this funding to provide grants of up to \$10,000 to small and medium businesses with up to 50 full-time-equivalent (FTE) employees. The grants were to cover reactivation costs such as:

- Moving dining to on street locations including footpaths, parks and reserves, and parklets in on street parking bays
- Converting rooftops and courtyards into hospitality areas.

The research into the Victorian Outdoor Eating and Entertainment Package program and the Melbourne City Recovery Fund Small Business Reactivation Grants included consultation with a broad range of stakeholders (from government and business), focus groups with key stakeholders, interviews, and desktop research. Analysis of each initiative identified numerous positive effects which were delivered by reducing red tape and streamlining application and approval processes to activate outdoor trading activities across the hospitality sector.

The findings of the case study are set out in the *Case Study, Victorian Outdoor Eating and Entertainment Package and the Melbourne City Recovery Fund* report and the following provides a summary of the lessons learnt (by theme).



Program design and funding

- A Victorian Government regulatory working group was established to identify legislation affecting businesses considering expanding trade outdoors.
- The Victorian Government quickly amended legislative frameworks to reduce red-tape and streamline application and approval processes.
- Councils set up working groups to:
 - Address regulatory and other issues raised by the Victorian Government
 - Collaborate with trader associations to identify suitable outdoor trade areas.
- An outdoor trade activation resource pack was developed outlining:
 - Regulatory changes to accelerate and streamline outdoor trade approvals
 - Compliance and enforcement requirements and arrangements
 - Outdoor trade activation examples (e.g., diagrams, options, requirements).
- Guidance information was developed for businesses including:
 - Permitted outdoor trade activation
 - Requirements for infrastructure (including parklets) and furniture
 - Grant eligibility criteria and eligible funding items.
- Working one-on-one with businesses and trader associations improve buy-in.
- 'Many-to-one' communication channels were identified and leveraged.
- Guidance about possible outdoor trade activation ideas to help councils identify local opportunities.
- Non-competitive funding for participating councils with areas with higher hospitality density or more complex roads and infrastructure attracting more funding.
- Parklets and safety barriers were a major cost of outdoor trade activation.
- Outdoor trading initiatives produced economic benefits and revitalise areas.
- A centralized liaison service to coordinate assessment and approvals across all relevant regulators would reduce red tape and streamline processes for business.



Land and road use

- New planning exemptions were introduced to that enabled existing food and hospitality venues to:
 - Use outdoor spaces without the need for a planning approval
 - Better use private land overruling some existing conditions
 - Allow construction of temporary buildings, provision of parking, and the sale and consumption of liquor subject to meeting certain conditions.
- Adjustments to planning arrangements could include crown land and waters.
- Permit conditions included some discretionary criteria to allow flexibility for use and ensure the public interest maintained.
- Victorian Department of Transport (DoT) fast-tracked applications under the Road Safety Act to close parking bays for parklets and close or partially close roads.
- DoT worked with councils to fast-track applications for road use rather than using existing local government processes for road closures.
- Expanding to footpaths or adjacent land was preferred over expanding onto roads.
- Police could be engaged when identifying outdoor trade activation areas to assist with assessing risks (e.g., errant vehicles and hostile vehicle attacks).
- Independent road safety audits may help assess risk on roads where there is an elevated safety concern.



Building

- Guidelines and standards could be made for parklet construction (e.g., aesthetic appeal, safety and durability).
- Councils could encourage businesses to use temporary structures and furniture that did not need building approvals.
- Consider identifying and developing local suppliers for parklets to ensure they are constructed to acceptable building standards.



Environment

- Environmental requirements were mostly 'business as usual'.
- A user guide to assist businesses to comply with noise requirements may help.
- Smoking restrictions may need to be extended to prohibit smoking in parklets.



Liquor

- Victorian Commission for Gambling and Liquor Regulation (VCGLR) issued temporary limited licenses to existing licensed venues and fast-tracked approvals.
- Temporary liquor permits enabled existing licensed venues to quickly activate or expand outdoor trade.



Safety and accessibility

- Safety and accessibility requirements were mostly 'business as usual'.
- Victorian on road outdoor trade areas require traffic management plans to be developed and audited and signed off by an independent Road Safety Auditor.
- Traders were required to extend public liability policies to cover outdoor trade activation areas and to include relevant agencies as an interested party.
- Public health could be considered in the design and use of outdoor trade.
- Parklets with flush deck structures are more accessible to those with disabilities.
- Gas heaters may not be suitable for parklets.
- Low voltage batteries or solar powered LED lights were preferred in parklets.

Appendix B – NSW case study summary

The New South Wales (NSW) Government has undertaken multiple initiatives designed to reduce red tape, streamline application and approval processes and activate outdoor trading activities across the hospitality, entertainment, and arts sectors, and for community events. Some of these programs were initiated prior to the COVID-19 pandemic and some were in response to the pandemic. This included:

- NSW Small Business Commission (SBC) Outdoor Dining initiative
- NSW State-wide outdoor dining trial
- The Streets as shared spaces projects
- The Your High Street program
- Summer fund program
- Live and Local Micro-Music Festival
- NSW 24-hour economy program.

The New South Wales case study involved research of these initiatives, via extensive desktop research and consultations with lead agencies and other stakeholders of each initiative. The purpose of the research was to identify how each initiative was designed and implemented. Analysis of each initiative has identified numerous positive effects which were delivered by reducing red tape and streamlining application and approval processes.

The findings of the case study are set out in the *Case Study – NSW outdoor trading programs* report and the following provides a summary of the lessons learnt (by theme).



Program design and funding

- Appropriate time should be allowed for program design, delivery and implementation.
- Programs should use a phased approach where there is significant complexity.
- Policies and guidelines need to be developed to provide consistency and clear requirements for outdoor trading approval processes (including business self-assessment prior to submitting applications for assessment and approval). This helped to streamline and fast-track approval processes, increase approval success rates, and reduce cost and time for businesses and approvers.
- Early engagement by councils with the community and local businesses resulted in identifying suitable outdoor trading areas; obtaining stakeholder agreement on the best use for outdoor trade areas; and gaining business and community support early.
- Early formation of working groups by councils with relevant internal and external stakeholders was critical to effective program design and efficient implementation.
- To receive funding, councils were required to identify and map all local areas intended to be used as outdoor trading areas and the type of activities each area could be used for.
- The community and local businesses were consulted about the proposed outdoor trading areas and the intended use of each area.
- Revisions and amendments of any outdoor trade activation areas must be communicated to local businesses and the community to provide transparency and maintain trust.
- Programs should focus on engagement and co-design with local businesses and the community with marketing and promotion done by the community and local businesses.
- Program design and activation needs to be flexible and locally relevant.

- State Government could focus on state-wide guidance in relation to outdoor trade activation and support and fund councils to implement the program locally.
- Programs could be piloted to gauge community support and local business buy-in.
- A centralised liaison service to coordinate assessment and approvals across all relevant regulators would reduce red tape and streamline processes for business.



Land and road use

- Councils could identify potential outdoor trade activation areas in consultation with local businesses and the community.
- State Government could amend policy, legislation and related instruments in relation to zoning to provide more flexibility for councils to make decisions in relation to outdoor trade.
- Authority over state-controlled roads could be delegated to councils.



Building

- State Government could amend policy, legislation and related instruments in relation to building to provide more flexibility in relation to outdoor trading.



Environment

- Current environmental protections were not changed.



Liquor

- State Government relaxed liquor licensing requirements and waived application fees to encourage and streamline businesses moving trade outdoors.
- State Government revised permit application processes to fast-track processing new liquor license applications and liquor license change of boundary applications.



Safety and accessibility

- Program design must ensure outdoor trading areas are equitable and safe by adequately considering public safety, road safety, public health and accessibility.
- Implementation of programs must ensure effective monitoring, compliance and adjustment to outdoor trading areas in response to any identified or emerging issues.



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