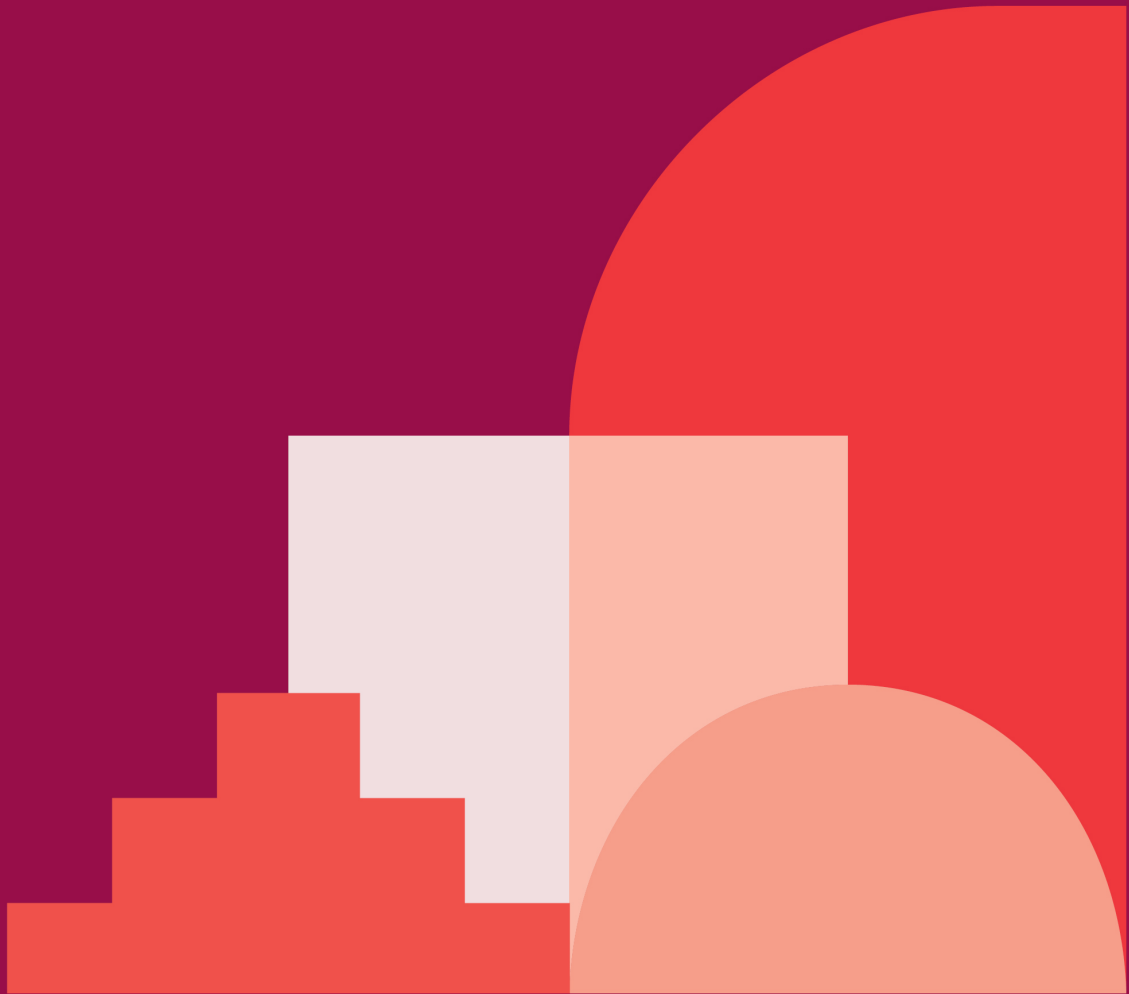


Special Entertainment Precinct Management Plan

VI



Title	Special Entertainment Precinct Management Plan
Summary	The purpose of this plan is to balance the approach to the management of entertainment sound within the Enmore Road Special Entertainment Precinct. It will identify the roles of all stakeholders including residents, businesses, Council, and the Police in managing entertainment sound, as well as outline Council’s approach to the resolution of entertainment sound related complaints from residents and businesses.
Document Type	Management plan
Relevant Strategic Plan Objective	<ul style="list-style-type: none"> • Strategic Direction 3: Creative communities and a strong economy • Strategic Direction 5: Progressive responsive and effective civic leadership.
Legislative Reference	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Liquor Act 2007</i>
Related Council Documents	<ul style="list-style-type: none"> • Model Code of Conduct • Good Neighbour Policy • Inner West Local Environmental Plan 2022 • Marrickville Development Control Plan 2011
Version Control	See last page



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1 Introduction

Enmore Road is a diverse mixed-use neighbourhood. It provides a range of services to locals including cafes, restaurants, take away food and drink, retail, and other commercial services. At night it comes alive as one of Sydney's premier entertainment and hospitality districts with pubs, small bars, restaurants, and the historic Enmore Theatre.

Alongside this commercial mix are the homes of residents; living on, beside and behind Enmore Road. It is a dense residential neighbourhood made up of flats, shop top housing, Victorian terraces, and detached houses.

The vibrancy and offerings that attract residents and businesses to the area are unfortunately also sources of amenity conflict. Residents tend to prefer a quiet environment, whilst higher sound levels are a by-product of a Enmore Road's vibrant mix oof hospitality and entertainment offerings.

The purpose of this plan is to balance the approach to the management of entertainment sound within the Enmore Road Special Entertainment Precinct. It will identify the roles of all stakeholders including residents, businesses, Council, and the Police in managing entertainment sound, as well as outline Council's approach to the resolution of entertainment sound related complaints from residents and businesses.

While the way Council approaches sound management will differ in this precinct, it is not intended to create a free-for-all situation where businesses are entitled to raise sound levels without limitations

2 The Identified Area

2.1 Location and Map

Figure 1 below is a map identifying the extent of the Enmore Road Special Entertainment Precinct (ERSEP).



Figure 1: Map identifying the Enmore Road Special Entertainment Precinct

The Enmore Road Special Entertainment Precinct is centred along the commercial area of Enmore Road between the intersection of Enmore Road and Edgware Road to the west up to number 2 Enmore Road, Newtown in the east. It includes all properties facing Enmore Road between these two points on both the northern and southern sides of the street.

A more detailed [map](#) is contained within the [Inner West Local Environmental Plan 2022](#).

3 Precinct Objectives

3.1 Position Statement

“Enmore Road is a vibrant mixed-use precinct with a flourishing arts and live music scene. Activity takes place throughout the day into the night, with a range of offerings for local residents and visitors to the area.

Good neighbourhood amenity is maintained for residents, and any disputes are settled in a proactive and neighbourly fashion.”



3.2 Objectives

The objectives of this plan and the Enmore Road Special Entertainment Precinct:

Objective 1- Central objective

Enmore Road thrives as a diverse mixed-use neighbourhood with a flourishing arts and cultural production economy, including live music.

Objective 2 – Neighbourhood amenity

The neighbourhood surrounding Enmore Road is afforded with reasonable amenity and sound levels coming from precinct.

Objective 3 – Roles of stakeholders

The roles of stakeholders including, businesses, residents, industry, Council and Police are clear and committed to balance amenity and reasonable sound levels coming from the precinct.

Objective 4 – Compliance

Implement a consistent and adaptable regulatory response to complaints to balance amenity and reasonable sound levels coming from the precinct.

Objectives 5 – Ongoing evaluation

Monitor the operation of the Special Entertainment Precinct and adjust the management of the precinct as required.

3.3 Approach to sound

Entertainment sound coming from commercial premises within the Enmore Road Special Entertainment Precinct are subject to different sound compliance criteria than other premises throughout the Inner West.

Council has worked with an expert sound consultant to develop sound criteria that applies to the Enmore Road special entertainment precinct. See Chapter 8 for further information, including detailed sound management criteria.

3.4 Allowances under the Enmore Road special entertainment precinct

To support the continued vibrancy of Enmore Road and viability of providing live entertainment, Council will provide the following allowances to Enmore Road businesses:

1. An additional 60 minutes of trade to all Enmore Road businesses on their DA trading hours, up to a maximum 2am close time.
 - *Businesses permitted to trade beyond 2am can continue doing so.*
 - *This applies to indoor trading areas only. Outdoor areas on private land must operate in accordance with DA conditions.*



- *Liquor licence trading hours still apply. Businesses with a liquor licence must contact Liquor and Gaming NSW to amend their licence conditions.*
- *60 minutes of additional trade has been given to all businesses within the Enmore Road precinct, not just where live entertainment is being provided. This recognises the contribution that all night-time trading businesses make to the vibrancy of the streetscape.*

2. Footpath dining on Enmore Road is permitted until 11pm.

- *This only applies to footpath dining on Enmore Road, not side streets.*
- *This only applies to footpath dining on Council land, not private land.*
- *Outdoor dining furniture must be brought inside at close.*

4 Place-based Planning

In 2021 the NSW Department of Planning and Environment developed the NSW Public Spaces Charter to promote the need for high-quality public spaces across the state:

The NSW Department of Planning, Industry and Environment has developed the NSW Public Spaces Charter to support everyone in NSW to have access to high-quality public space that allows them to enjoy and participate in public life. The charter identifies 10 principles for quality public space that distil and reflect evidence-based research, best practice and consultation with Aboriginal peoples, community members and representatives from state and local government, industry, the business and cultural sectors and a diverse range of public space experts.

The Enmore Road special entertainment precinct seeks to implement the values and principles of the NSW Public Spaces Charter in order to contribute to the production of high-quality public space within the Inner West LGA.

While all 10 principles are relevant to the precinct, the principles of Culture and Creativity, Local Character and Identity, and Local Business and Economies are particularly applicable to the Enmore Road special entertainment precinct:

1. **Culture and Creativity:** The Enmore Road special entertainment precinct is Council's way of playing our part in re-invigorating the live music industry after a difficult couple of years due to the pandemic. This in turn will foster the development of local artists across a variety of mediums.
2. **Local Character and Identity:** commitment to arts and culture has defined Enmore Road's local character and identity for decades. The Enmore Road special entertainment precinct seeks to respond to this historical identity by encouraging a diversity of cultural



events. Through this, Council hopes to build upon the rich cultural identity that defines Enmore.

3. **Local Businesses and Economies:** By allowing venues to open later if they provide entertainment and operate footpath dining until 11 pm, the precinct will incentivise businesses to provide services to the community in a dynamic and vibrant manner. This in turn will improve people's experience of the public space within the precinct.

Overall, the Enmore Road Special Entertainment Precinct seeks to create high-quality public space by encouraging cultural activities across the place. Furthermore, the precinct seeks to reinvigorate public interest in Enmore Road and therefore reinforce its identity of vibrancy, creativity, and culture.

5 Existing Policy Considerations

Several existing Council and NSW State plans and policies have interactions with or work alongside this document. These include:

5.1 Local Environmental Plan

A local environmental plan (LEP) is a piece of legislation that controls development in an area. It determines what can be built, where it can be built, and what activities can occur on land.

LEPs contain both a written document and maps. These should be viewed together to provide an understanding of zoning and development controls for an area or a particular property.

The Enmore Road special entertainment precinct is legislated under the Inner West Local Environmental Plan 2022 (IWLEP 2022). Mapping of the precinct is also contained under the IWLEP 2022, defining the commercial properties that are located within the precinct.

5.2 Development Control Plan

The primary purpose of a development control plan (DCP) is to guide development according to the aims of the corresponding local environmental plan (LEP). The DCP must be read in conjunction with the provisions of the relevant LEP.

Section 2.26 of the Marrickville DCP 2011 sets out a controls for development within and around special entertainment precincts. This includes sound proofing requirements for new sensitive receivers such as apartments, houses, health care facilities and tourist accommodation.

It also includes requirements for new or modified venues within the precinct, ensuring that they can operate without unreasonably impacting on neighbourhood amenity.

Anyone researching development in the area or lodging a development application must read and understand their obligations under the DCP.



5.3 Development Consents and Conditions

Under the *Environmental Planning and Assessment Act 1979*, Council can issue consent for the use and development of land subject to conditions. Conditions deal with a range of matters including entertainment sound.

Development consents for premises on Enmore Road will typically have a condition restricting entertainment sound to a standard criterion. The background sound level +3db or +5db for sound coming from a specific premises are the conditions usually applied.

Maximum sound levels under this plan transitions from this background measurement +3/5db to fixed sound criteria. Further details of these criteria are contained in this plan under Section 8 – Sound Criteria.

With a special entertainment precinct in place, noise conditions on development consents relating to maximum sound levels will not be enforced. Council will instead be utilising the fixed sound criteria contained within this plan at Section 8.

Any premises hosting live entertainment on the same night will be permitted an additional 60-minute trading beyond the hours of operation stated on their development consent, up to 2am extension limit. Licenced premises must ensure that this does not breach their liquor licence hours.

All other development consent conditions will continue to apply. This includes conditions related to the operation of outdoor areas, the closure of windows and doors, acoustic report recommendations, plan of managements, security requirements, staffing requirements, capacity of patrons, etc.

5.4 Liquor Licenses

Liquor licences are issued and regulated by Liquor & Gaming NSW. Any premises on Enmore Road that serves or sells alcohol is required to have a liquor licence in place. This does not include BYO premises.

Liquor licences contain a range of conditions that must be upheld whilst alcohol is being served and consumed. Conditions cover a range of matters including but not limited to security requirements, licencing boundaries, noise restrictions and hours of operation.

Whilst a special entertainment precinct is in operation noise conditions applied to a licence will cease to have effect, making the criteria under this plan the regulatory authority for entertainment sound. This also removes Liquor and Gaming from noise compliance relating to entertainment sound.

5.5 Protection of the Environments Operations Act 1997 (POEO)



Under the administration of the NSW Environmental Protection Agency (EPA), the objectives of the Act include protecting and enhancing the environment of NSW, as well reducing risks to human health from pollution and environmental degradation.

This Act is relevant to the Enmore Road special entertainment precinct, as it defines 'offensive noise' and outlines the mechanism that Council, Police and the EPA can respond to and resolve noise complaints.

The fixed sound criteria contained within this plan will be utilised by Council in determining 'offensive noise'. Entertainment sound levels from venues exceeding the fixed criteria under Section 8 of this plan will be considered 'offensive noise'.

NSW Police utilise the offensive noise criteria when responding to a complaint. This will continue to be enforced whilst the precinct is in operation. Council request that whenever an entertainment sound related complaint is made to NSW Police, one is similarly lodged with Council to follow up.

5.6 Good Neighbour Policy

Introduced in 2017 By Inner West Council, the Good Neighbour Policy embeds resolution of disputes between residents and businesses into compliance procedures. The Good Neighbour policy as it applies to the Enmore Road precinct is further set out in Part 7 of this plan.

5.7 Local Approvals Policy

Yet to be adopted at time of writing, the Local Approvals Policy (LAP) will oversee the use of public land for commercial and community purposes. The policy is relevant to the Enmore Road special entertainment precinct as it contains the provisions for the use of footways for outdoor dining purposes and enables activation of public spaces for things like market stalls, small events and other commercial and community activities.

6 Application of this plan

This plan applies to the operation of all commercial premises within the Enmore Road special entertainment precinct. It manages the regulation and compliance procedures for entertainment sound coming from commercial premises.

This plan does not apply to other sources of disturbance, including:

1. Vocal noise from people in public,
2. Plant or machinery noise
3. Vehicular or traffic noise
4. Aircraft noise
5. Anti-social behaviour
6. Dumped rubbish



7. Littering

For these disturbances, please follow existing complaint channels.

7 Compliance Procedures

This section details the procedures that Council will undertake in relation to the compliance of sound coming from venues located within the Enmore Road special entertainment precinct.

Compliance procedures for other types of complaints and feedback within the precinct such as dumped rubbish, anti-social behaviour and other noise disturbances should follow existing complaint channels. Table 2 below shows where such complaints should be directed.

7.1 Steps to take before lodging a complaint

Steps should be taken before lodging a complaint with Council to deal with the noise disturbance in a more timely and civil manner. Council recommends taking the following steps prior to making a formal complaint.

1. Identify the source

In dense urban environments it can be difficult to determine the source of a disturbance. Accurately identifying the source of the noise disturbance will assist with alleviating the impacts and approaching the venue.

2. Approach the venue

Council's experience shows that when neighbours approach one another with reasonable grievances, they tend to be resolved quickly. If possible you should contact the venue by phone, or by approaching them in person.

If a venue is an ongoing problem, requesting the number of the on-site manager will enable you to contact them directly in the event of a disturbance.

Resolutions may involve minor changes to the venues operation such as closing certain windows and doors, placing security in areas with loud patrons, lowering volume or advising a resident of when the entertainment will end.

It's also expected in these discussions concessions may need to be made by residents, including closing their windows or doors, and accepting occasional higher sound levels.

3. Re-evaluate disturbance

If you are not satisfied with the response from the venue, or the disturbance remains at an unreasonable level, feedback or a complaint should be lodged with Council and/or the Police.

7.2 Who to contact

Within a special entertainment precinct, any complaints related to patron noise or entertainment sound from a commercial premises should first be directed in a civil manner with the venue. If a resolution to the matter cannot be had then a complaint should be made to Inner West Council. Please use the tables 1 & 2 below to determine where to make your complaint.

Table 1: Where to direct feedback and complaints related to sound from venues

		Council – online or by phone	Police – phoning station directly
General feedback related to entertainment sound in the precinct		X	
Reporting loud entertainment sound that does not require immediate attention		X	
Reporting loud entertainment sound from venues that requires immediate attention	Monday – Friday between 8:30am and 4pm	X	
	Monday – Friday after 4pm	X*	X
	Saturday, Sunday and public holidays	X*	X

Table 2: Where to direct other feedback and complaints

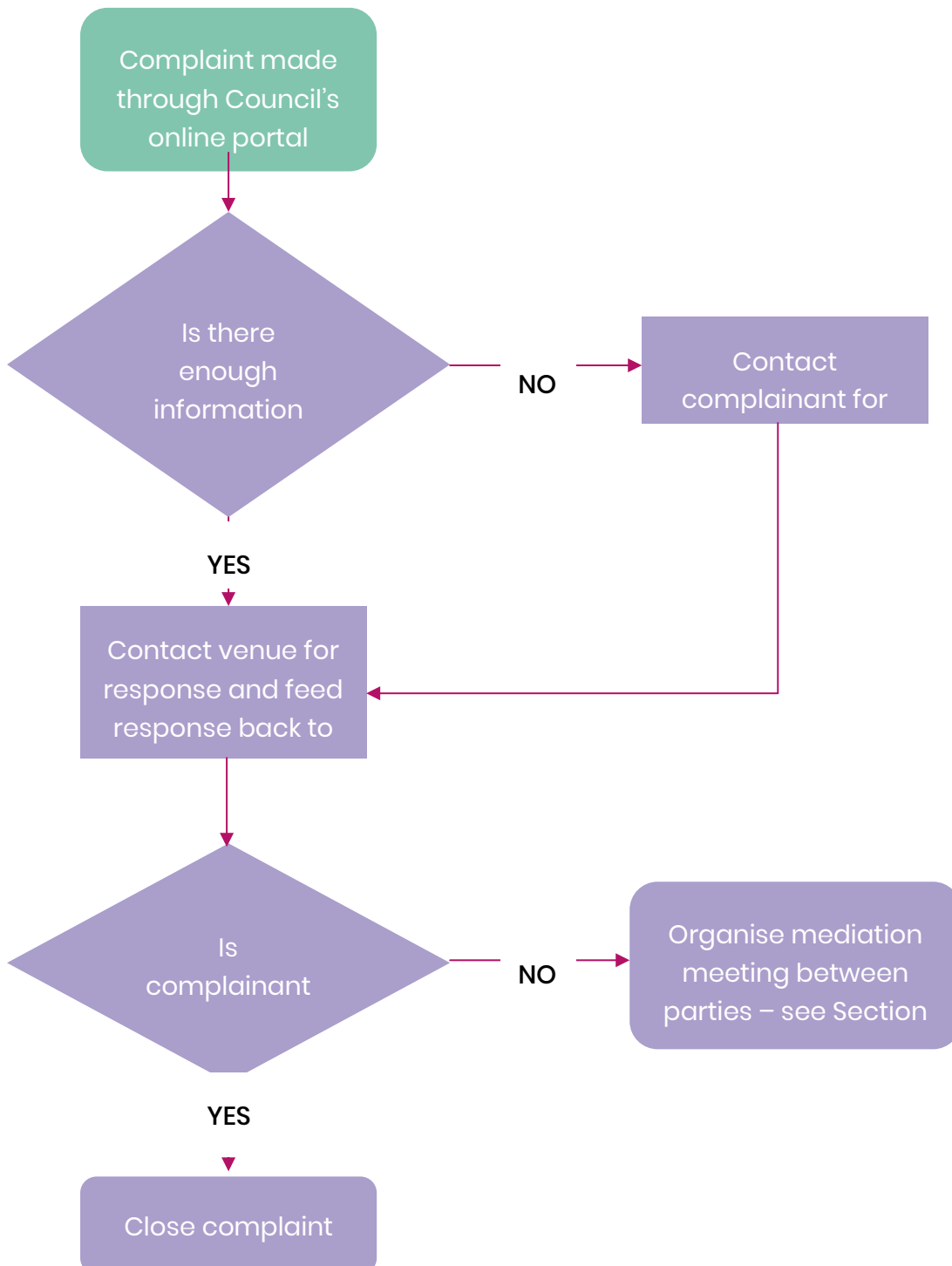
		Council – online or by phone	Police – phoning station directly
General feedback related to the precinct		X	
Anti-social behaviour that requires immediate attention			X
Reporting noise from public spaces that requires immediate attention, e.g. yelling, screaming.	Monday – Friday between 6am and 4pm	X	
	Monday – Friday after 4pm	X*	X
	Saturday, Sunday, and public holidays	X*	X
Complaints from other sources of noise e.g., air conditioners, refrigeration units, loading/unloading, deliveries		X	
Development consent condition breaches		X	

**Note: Council request that complaints made to the Police are also made to Council. This is so Council is informed of what is happening in the precinct.*

7.3 Council procedures for complaint handling

Regardless of when it is made, complaints will be handled by Council through the same procedure. Serious breaches within businesses hours that require immediate attention may be expedited.

The below flow chart illustrates the typical complaint handling process.



7.4 Resolving complaints through mediation

Sound related complaints made to Council are expected to be resolved once Council has feedback from the venue Responses from venues should include a verbal commitment to lessening the disturbance in the future.

If the disturbance is an ongoing issue that has not been resolved through previous attempts, a meeting will be facilitated by Council, bringing the complainant and venue together to understand and resolve issues. These meetings will be attended by Council staff from relevant units, which may include Environmental Health, Compliance, Economic Development and/or Planning. The licensee and/or venue manager should also be present. The complainant(s) will also need to attend the meeting.

Such meetings will ideally be held face to face on site, either in the venue or on the street outside the venue. There may be circumstances with scheduling conflicts or public health concerns where an online meeting is favoured.

7.5 Substantiating complaints

Ongoing complaints that cannot be resolved through the processes outlined above will need to be substantiated against the sound criteria contained within this plan. This will involve the deployment of staff or a consultant to conduct sound monitoring at the premises at an undisclosed time and date.

The monitoring should be conducted at a time close to when the disturbances are being made. Fair weather will also be required for testing.

The results of monitoring will substantiate if the venue is operating within allowable limits. If it is found they are, this feedback will be given to both the venue and complainant.

If there is found to be a breach, a formal notice will be given to the venue to lower their sound levels to comply with the fixed level sound criteria outlined in Section 8.

7.6 Police handling of complaints

Police play a crucial role in compliance as they are a 24/7 operation and are granted powers under the PoEO Act 1997 to conduct offensive noise assessments.

At times when Council is not available and immediate attention is required due to a noise disturbance, complaints will need to be made directly to the Police by phoning the Newtown Police station directly.

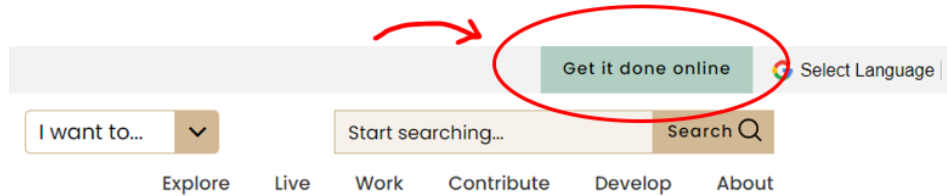
Police will attend a noise complaint as soon as possible. They will undertake an assessment of the disturbance against the offensive noise criteria on site to determine if the sound is offensive. If considered offensive, Police will attempt to resolve the issue directly with the venue. They will then contact the complainant to relay the venues response.

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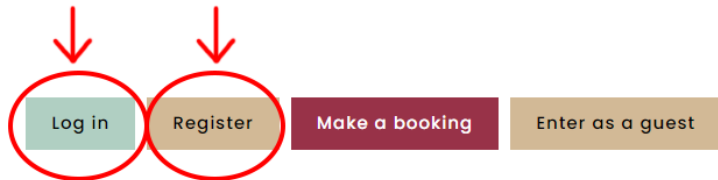
When making a complaint to Police, it is requested that a complaint is similarly lodged through Council's online portal. This will assist Council in understanding the location of disturbances.

7.7 How to use Council's online self-service portal to make a complaint or provide feedback

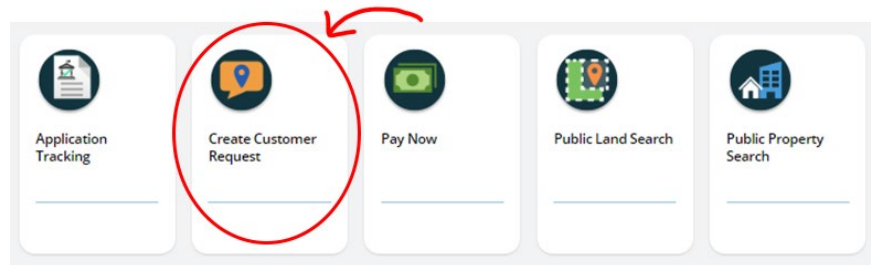
Complaints and feedback regarding the special entertainment precinct should initially be made through Council's online self-service portal. The link to this portal is located at the top of Council's webpage titled 'get it done online'.



Customers may then enter as a guest, or log-in/register (preferred).



When within the portal click the icon labelled "Create Customer Request".



From the drop-down menu on the next page, select "Special Entertainment Precinct - ...". This will create another drop down menu below where you can select from a range of sub-categories. Please select the one relevant to your request.

Attachments can also be uploaded. Submitting photographic, video or other evidence will assist Council in understanding the nature and impact of the complaint or feedback.

Fill out all required fields below and submit. This will be sent to the relevant team to be addressed as soon as is practicably possible.

8 Sound Criteria

8.1 Overview

This section outlines fixed sound criteria for entertainment sound coming from commercial premises within the Enmore Road special entertainment precinct. It should be read in tandem with Section 2.26 of the Marrickville DCP 2011 which guides the design of new sensitive receivers and venues within and around special entertainment precincts.

The proposed approach to sound management within and surrounding the precinct has been informed by the following key factors:

1. Acknowledgement of the existing activation, vibrancy and positive contribution entertainment venues provide to the area and community
2. The need to balance this activation with the reasonable amenity expectations of co-located and nearby sensitive receivers, such as residential premises
3. To provide greater consistency and certainty for businesses, community, and compliance officers regarding allowable sound emissions and amenity expectations
4. Provide opportunity for managed growth of entertainment venues within the Precinct, minimising potential cumulative impact
5. The current minimum noise mitigation standards for sensitive development related to road and aircraft noise exposure

This Plan replaces existing development consent noise criteria with one simplified overarching approach that can be applied holistically across the Precinct and surrounding streets. In addition, the Plan will allow for clearer communication regarding expectations of venue operators and the community.

To provide greater consistency and certainty across the Precinct, predetermined fixed sound level criteria have been defined, rather than sound criteria relative to the background level. The fixed sound levels vary by time of day, day of week and geographic location to reflect the desired balance of activation and amenity across the Precinct. Derivation of this approach has been informed by extensive review of current conditions, licenses, national and international literature review, acoustic measurements across the precinct, and community expectations.

8.2 Key principles of the technical criteria

The primary components of the technical criteria that apply within the Enmore Road special entertainment precinct are:

- External Sound Category Areas (SCAs) defined across the Precinct and boundaries.

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- Fixed internal noise criteria for noise sensitive receivers that are attached to venues by a common wall or floor/ceiling.

8.3 External sound categories

The Sound Category Areas have been informed by the desired character, existing sound levels and levels of vibrancy across the Precinct, and immediate surrounds. In determining appropriate sound levels both the desired vibrancy to the street and the amenity of residents have been considered.

Three criteria Sound Categories have been defined, generally assigned to:

6. Enmore Road frontage (SCA 1)
7. Side streets and rear lanes (SCA 2)
8. Properties behind the Enmore Theatre (SCA ET)

The Sound Category Areas have been defined and assigned having consideration of the existing sound environment and where entertainment sound and patron activity are expected to be focused. The Enmore Road properties are exposed to higher levels of ambient sound from road traffic and general activity on the street. Rear lanes and side streets are expected to be partially shielded from the noise levels on Enmore Road. Similarly, venue sound emissions tend to be directed towards the Enmore Road frontage with far less entertainment sound being experienced in the back lanes due to orientation of the venues. Properties to the rear of the Enmore Theatre are an exception, with higher sound levels experienced during the Theatres operation, and dropping off significantly when it closes. These considerations have been taken into account when defining the Sound Category Areas.

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Figure 2: Enmore Road special entertainment precinct sound category areas

The Sound Category Areas consider that entertainment sound is a desirable aspect of the Precinct, compared with industrial or mechanical sound. The Sound Category Areas vary by time of day, day of the week and geographic location. Varying assessment periods have been developed to be in keeping with existing time profiles and in recognition of varying levels of activation and sensitivity based on time of day and day of the week. Relative targets per time of day and day of the week are presented for each assessment area below in Table 3.

The Sound Category Areas have been informed by existing approval conditions, license conditions, receiver building design standards, available venue and receiver acoustic assessments, and independent surveys undertaken throughout the Precinct.

To supplement the detailed review of historical data and conditions, attended surveys were undertaken across three representative nights throughout the week to capture a snapshot and profile the existing soundscape across the Precinct. This included a focus on sounds from currently operational entertainment venues.

8.4 Internal sound criteria

While the primary sound criteria are to apply when receivers are separated from venues by streets, lanes, open spaces or gaps between buildings, internal criteria are required to address situations where sound transfer is within the same or an adjoining building i.e., predominantly via a shared partition such as a party wall or floor/ceiling. In this situation, compliance with the external Sound Category Area level may be insufficient to appropriately address potential impact on sensitive receivers.

Unlike external sound criteria, the internal sound criteria does not change by day of the week. This is due to how sound transfers through a building and the difficulty in ameliorating impacts as a receiver of internal sound transmission.

The derivation of internal criteria has been based on various global standards, criteria, and literature.

8.5 Technical parameters

The following summarises key technical parameters and principles that were taken into account in the process of deriving the Precinct criteria:

Parameter	Discussion of principle followed
Fixed vs relative to background criteria	<p>Although relative criteria, such as 'background + 5 dB', are a fundamental component of current IWC/NSW policy, they are complex to implement, create uncertainty, do not future proof or factor a changing environment.</p> <p>Fixed criteria have therefore been adopted.</p>
Measurement descriptor	<p>Current conditions of consent vary between use of the L_{eq} and L_{10} noise parameter. L_{10}, being the sound level that is exceeded for 10% of the time, is currently adopted by Liquor and Gaming NSW. However, L_{eq}, being the average exposure level, is considered a good representation of on-going noise exposure over the course of an activity and is most widely correlated with the subjective effect of noise. L_{eq} has been broadly adopted in NSW policy for assessment of most environmental sound, including road and rail traffic, construction, industrial premises, and more recently, large scale entertainment events held at Western Sydney Stadium and the Sydney Opera House.</p> <p>The L_{eq} sound measurement parameter has been adopted.</p>
Measurement time period	<p>The logarithmic averaging nature of the L_{eq} parameter means that isolated loud events (e.g. entry doors opening, patrons leaving and gathering temporarily, etc) will influence the L_{eq} however it will depend on their cumulative duration. While a shorter measurement period, e.g. 5 mins vs. 15 mins, could more readily evaluate the influence of these short term events, setting an assessment period that is inconsistent with existing NSW policy was not considered to provide an overall benefit.</p> <p>A 15-minute period has been adopted for consistency with other NSW noise policy.</p>
Broadband / Octave band criteria	<p>Broadband dB(A) criteria are proposed to be supplemented by criteria in octave bands 31.5 Hz–125 Hz. The octave bands relate to low frequency 'bass' content.</p> <p>The low-frequency criteria have been defined for two primary purposes:</p> <ul style="list-style-type: none"> • For the assessment of low frequency 'bass' content of music, as the broadband 'dB(A)' criteria does not appropriately respond to a person's level of annoyance, and • To enable the assessment and design of sound insulation for receiver buildings, as it is the low-frequency content that more often determines the sound insulation construction requirements of a building.

Parameter	Discussion of principle followed									
	<p>It is noted that the L&GNSW criteria include an octave band requirement for low and high frequencies (31.5 Hz to 8 kHz), however none of the reviewed literature suggested a need for high frequency octave band criteria.</p> <p>It is noted that research related to low-frequency noise often considers more detailed 1/3 octave band frequencies, however 1/1 octave bands have been utilised to reduce complexity of design, assessment, and compliance.</p> <p>In the application of criteria for new receiver development, much of the research factors masking effects of background noise, which can reduce the audibility and annoyance of low-frequency sound. However, in the case of encroaching development, future internal background levels cannot be readily predicted.</p>									
<p>Time of day / days of the week</p>	<p>Criteria, particularly fixed criteria, often vary by time of day. There is limited consistency across existing policy, for example:</p> <ul style="list-style-type: none"> • Liquor and Gaming NSW use 7am to midnight, and midnight to 7am • NSW Noise Policy for Industry have day, evening and night periods, generally being 7am to 6pm, 6pm to 10pm, and 10pm to 7am respectively, and • The Environmental Protection Agency’s road and rail criteria adopt 7am to 10pm and 10pm to 7am. <p>Where existing criteria are relative to the background level criteria will also vary accordingly. Fixed criteria often seek to follow a similar approach that different criteria will be set for each period.</p> <p>With consideration to operating hours of entertainment venues and the community’s sensitivity to entertainment noise, it is recommended to utilise a period representing the day and evening together, with two night periods. These periods address the need for varying entertainment noise profiles, with a focus on providing adequate resolution during the night to allow changing noise environments in different areas of the precinct and across different days of the week.</p> <p>Further, different targets have been set for different days of the week in recognition of varying levels of activation and tolerance at different times of the week. Period definitions are presented below:</p> <table border="1" data-bbox="432 1444 1334 1747"> <thead> <tr> <th data-bbox="432 1444 647 1534">Days</th> <th data-bbox="647 1444 876 1534">Period 1 'Day/Evening'</th> <th data-bbox="876 1444 1104 1534">Period 2 'Early night'</th> <th data-bbox="1104 1444 1334 1534">Period 3 'Late night'</th> </tr> </thead> <tbody> <tr> <td data-bbox="432 1534 647 1624">Sunday 7am to Thursday 7am</td> <td data-bbox="647 1534 876 1624" rowspan="2">7am to 10pm</td> <td data-bbox="876 1534 1104 1624" rowspan="2">10pm to midnight</td> <td data-bbox="1104 1534 1334 1624" rowspan="2">Midnight to 7am</td> </tr> <tr> <td data-bbox="432 1624 647 1747">Thursday 7am to Sunday 7am</td> </tr> </tbody> </table>	Days	Period 1 'Day/Evening'	Period 2 'Early night'	Period 3 'Late night'	Sunday 7am to Thursday 7am	7am to 10pm	10pm to midnight	Midnight to 7am	Thursday 7am to Sunday 7am
Days	Period 1 'Day/Evening'	Period 2 'Early night'	Period 3 'Late night'							
Sunday 7am to Thursday 7am	7am to 10pm	10pm to midnight	Midnight to 7am							
Thursday 7am to Sunday 7am										

8.6 Sound requirements for Venues

The criteria in this Section are proposed to apply to all entertainment sound coming from commercial premises within the Enmore Road special entertainment precinct.

Assessment of ‘offensive noise’ under the POEO Act shall remain in place, the assessment of which should be informed by the criteria in this plan.

1. Entertainment sound from venues within the special entertainment precinct must not exceed the Venue Sound Criteria, equivalent to the Sound Category Area Levels specified in Table 3 by reference to Figure 2.
 - a. The Sound Category Area levels apply at the identified frontages of the receiver at the lot boundary, 1.5 metres above the floor level of all floors up to the maximum LEP building height or existing if higher than LEP.
 - b. The Sound Category Areas will apply to all uses emitting entertainment sound, defined as music or patron noise emanating from activities associated with the entertainment and hospitality venues within the special entertainment precinct.

Table 3: Sound categories - venue external levels

Sound category Area (SCA)	Days of the week	Venue external assessment criteria, $dBL_{Aeq}(15\text{minute})$											
		Day / Evening (7am to 10pm)				Early Night (10pm to midnight)				Late Night (midnight to 7am)			
		Overall	Octave bands - dB			Overall	Octave bands - dB			Overall	Octave bands - dB		
		dB(A)	31.5	63	125	dB(A)	31.5	63	125	dB(A)	31.5	63	125
SCA 1 Enmore Road	Sun 7am to Thurs 7am	60	64	63	61	60	64	63	61	55	59	58	56
	Thurs 7am to Sun 7am	65	69	68	66	65	69	68	66	60	64	63	61
SCA 2 Side streets and rear lanes	Sun 7am to Thurs 7am	55	59	58	56	55	59	58	56	50	54	53	51
	Thurs 7am to Sun 7am	60	64	63	61	60	64	63	61	50	54	53	51
SCA ET sites behind the Enmore Theatre	Sun 7am to Thurs 7am	65	69	68	66	60	64	63	61	50	54	53	51
	Thurs 7am to Sun 7am	65	69	68	66	65	69	68	66	50	54	53	51

Entertainment Sound from venues with an adjoining Receiver, that may be affected by noise transfer via the common partition shall be evaluated against the Receiver Internal Sound Criteria specified in 4, at the most-potentially affected location (no less than 1 metre) from the common partition.

Table 4: Internal venue criteria for adjoining premises, LAeq(15 minute)

Receiver ¹	Period ²	Broadband, dBA	Octave band centre frequency, dB		
			31.5 Hz	63 Hz	125 Hz
Residential accommodation - bedrooms	7am – 10pm	30	54	47	41
	10pm – 7am	25	49	42	36
Residential accommodation – other habitable rooms	7am – 10pm	35	54	47	41
	10pm – 7am	30	54	47	41
Tourist and visitor accommodation (bedrooms & sleeping areas)	7am - midnight	35	54	47	41
Place of Public Worship	Midnight – 7am	30	54	47	41
Information and education facilities	All times	30	54	47	41
	All times	30	54	47	41
Place of public worship					
Health services facility	All times	25	49	42	36
Office premises	All times	40	59	52	46
Residential accommodation - bedrooms	7am – 10pm	30	54	47	41

Notes:

- Internal criteria apply to entertainment sound only.
- Habitable room is defined as a room used for normal domestic activities, and—
 - includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
 - excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.
- Noise level criteria in Table 4 relate to single venue noise contributions. Noise levels experienced in the precinct may be above those stated where there is a cumulative impact from entertainment sound from multiple sources/venues. The potential for cumulative impact has been factored into the single venue criteria.

9 Glossary

Entertainment sound refers to music or patron noise emanating from Venues in the Precinct.

Existing use is a venue or premises that has an activated development consent for a specific location.

Habitable room is a room that is intended for occupation and normal domestic activities, including:

- A bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom;
- Excludes any other space not specified above of a specialised nature not occupied frequently or for extended periods including a bathroom/water closet, balconies, laundry, pantry, walk-in wardrobe, corridor, lobby, and clothes-drying area.

Sound Category Area Level is the external Venue Sound limit from Venues in the Precinct.

Venue refers to a premise in the Precinct that generates Entertainment Sound.

Receiver refers to the following uses: residential accommodation (excluding hostels), educational facilities including early childhood and child care facilities (CCF), places of public worship, health services facilities, tourist and visitor accommodation (including hostels), and commercial premises (excluding retail premises, but including offices as part of industrial premises).

Receiver Internal Noise Criteria is the Internal noise level to be achieved through Receiver building envelope noise attenuation of the external Sound Category cumulative level.

Suitably qualified acoustic consultant is a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia, or the Association of Australian Acoustic Consultants at the grade of member.

Venue Sound Criteria is the external entertainment sound limit from a single Venue, equal to the Sound Category level.

Common Partition is a shared wall, floor, ceiling, or other built divider between two premises that is shared. This includes party walls, but does not include independent boundary walls wholly contained within a site.

10 Breaches of this Policy

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

11 Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

12 Version Control – Policy History

This Plan will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

Document	Special Entertainment Precinct Management Plan	<i>Uncontrolled Copy When Printed</i>	
Custodian	Senior Manager Planning	Version #	Version 1
Adopted By	Council	ECM Document #	38462063
Next Review Date	August 2026		

Amended by	Changes made	Date Adopted
Strategic Planning	New Management Plan	8 August 2023