



Inner West Council

Planning Proposal

Special Entertainment Precincts

IWC/PPAC/2024/0002

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Table of contents

Introduction.....	1
Background.....	2
Part 1 Objectives and intended outcomes.....	4
Part 2 Explanation of provisions.....	4
Part 3 Justification.....	7
Section A – Need for the planning proposal.....	7
Section B – Relationship to strategic framework.....	10
Section C – Environmental, social and economic impact.....	18
Section D – State and Commonwealth interests.....	20
Part 4 Mapping.....	21
Part 5 Community Consultation.....	22
Part 6 Project timeline.....	22
Attachment 1 – Special Entertainment Precinct LEP maps.....	23
Attachment 2 – Engagement Outcomes Report.....	24
Attachment 3- Special Entertainment Precinct Management Plan.....	25
Attachment 4 – Section 2.26 Marrickville DCP 2011.....	26
Attachment 5 – Part C Section 5 Leichhardt DCP 2013.....	27

Introduction

Live Music, entertainment and cultural production are synonymous with the identity of the Inner West as Sydney's centre of creativity. Creative and performing arts activities make a significant contribution to the Inner West's economy, with an estimated value of \$153 million for the 2021/2022 financial year, a 13.4% growth from 2016/2017 (National Institute of Economic and Industry Research).

Musicians, artists, actors, comedians, dancers, production crew and a plethora of other talents and jobs that make the Inner West a vibrant and interesting place rely on the availability of venues to engage with audiences and other spaces for cultural production. Throughout Sydney many of these spaces are either under threat or have closed in recent years. One factor leading to the closure and lack of investment in venues is the current sound management framework in NSW, specifically the strong weighting given to complainants over the social, cultural, and economic value of venues. Compounding this is the ambiguity in the current framework that relies on qualitative tests and fluctuating background noise levels to determine if a business is operating within acceptable limits.

The NSW Government's 'vibrancy reforms' recognise this problem and are developing and implementing measures to remove barriers for businesses to participate in the night time economy. This planning proposal builds on this work with a focus on the Inner West's night time economy.

Special Entertainment Precincts (SEPs) address this by recalibrating sound compliance to a more balanced approach. They also streamline compliance by removing NSW Police and the offensive noise test from the equation, making Liquor and Gaming the sole compliance authority.

Having established Enmore Road as the State's first SEP in 2023, Inner West is now looking to establish six new SEPs to give existing and future businesses the opportunity to take advantage of the supporting planning, licencing and compliance framework that accompanies SEPs. These new precincts are in Balmain, Dulwich Hill, Leichhardt, Marrickville North, Marrickville Town Centre, and Rozelle.

There is also a minor edit proposed to the existing Enmore Road SEP to include two more properties at the corner of Enmore Road and Stanmore Road, Enmore to include the Warren view Hotel within the precinct

This Planning Proposal has been made in accordance with [section 3.33 of the *Environmental Planning and Assessment Act 1979*](#) and the Department of Planning, Industry and Environment's 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

Background

[Section 202 of the Local Government Act 1993](#) was gazetted on 30 April 2021 enabling Council's to establish Special Entertainment Precincts (SEPs).

Inner West Council was the first to take advantage of this new legislation with the Enmore Road Special Entertainment Precinct. Initially run as a trial from September 2022, it was made permanent when gazetted in the Inner West Local Environmental Plan 2022 (IWLEP 2022) in December 2023.

Due to the success of Enmore Road, Council resolved on 20 June 2023 to commence early engagement on six new precincts in Balmain, Dulwich Hill, Leichhardt, Marrickville (x2) and Rozelle.

Early engagement

Early engagement on the six precincts was open for a month between 7 March and 7 April 2024. Engagement consisted of:

- A Your Say Inner West webpage with information, frequently asked questions, and a map of each precinct
- A survey for residents, businesses, visitors, and other community members to gauge their support for the precinct(s)
- Three pop-up sessions for the community to meet Council staff working on the project
- 10,500 letters delivered to owners and occupiers of dwellings and businesses located within and around the proposed precincts

Council received 239 responses to the survey, 50 email submissions, and 26 phone calls leaving feedback. Approximately 42 people attended the pop-up sessions, completing 23 hard copy submission forms. Council also received a 29-signature resident submission in relation to the Marrickville North precinct and 137 pro-forma style submissions against inclusion of the Great Club in the Marrickville Town Centre precinct.

Overall, the community was supportive of the proposal. The table below is a summary of the community's sentiment from the surveys.

Precinct	No. of responses	Overall support*	Resident support
Balmain	50	66%	57%
Dulwich Hill	93	90%	89%
Leichhardt	50	84%	67%
Marrickville North	90	94%	95%
Marrickville Town Centre	121	91%	91%
Rozelle	36	83%	57%

*The Overall support column includes responses from: Visitors/wider public, Land owners, Businesses, Industry groups, and local Chambers of commerce as well as residents.

As a result of the consultation process, Council made several amendments to the proposal (see the Table below for details):

Precinct	Issue raised	Council response
All	A venue is being run as a strip club and is providing sex services and adult entertainment without approval. Significant issues surround the venue including violence, littering, public urination, shouting and property damage.	The Special Entertainment Precinct Management Plan was amended to exclude the following premises from accessing an additional 60 minutes of trade: <ul style="list-style-type: none"> • <i>restricted premises</i> • <i>sex service premises</i> • premises hosting adult entertainment e.g. strip clubs or the like
Leichhardt	The row of properties on the western side of Norton Street between Allen Street and Macauley Street is not appropriate for a SEP due to proximity to residential properties and ongoing compliance issues with an existing venue.	Noted. Council has removed this area from the Leichhardt SEP as these properties are separated from the rest of the precinct by intervening residential properties.
Marrickville North	Properties on the northern side of Addison Road with appropriate zoning should be included in the SEP so they can take advantage of reduced red-tape.	Appropriately zoned properties on the northern side of Addison Road have been added to the Marrickville North SEP.
	Shepherd Street residents do not have access to a residential parking scheme. Street parking is at saturation point.	Noted. This matter sits outside of the SEP but is being investigated by Council's traffic management and compliance teams.
Marrickville Town Centre	The Great Club on Livingstone Road causes disturbance to the local neighbourhood, attracts numerous complaints and has a complex compliance history. It should not be included in the Marrickville Town Centre SEP.	Noted. Due to the complex ongoing compliance matters, Council has removed the Great Cub from the Marrickville Town Centre SEP.

For further information regarding the consultation including redacted copies of submissions and survey responses, please see the engagement outcomes summary in **Attachment 1**.

Part 1 Objectives and intended outcomes

The objectives of this Planning Proposal are to:

- Support diverse mixed-use neighbourhoods that offer arts and live music.
- Strike a balance between reasonable amenity for residents and reasonable sound levels coming from the precincts
- Clearly define the roles of stakeholders including businesses, residents, industry, Council, Liquor and Gaming NSW, and Police
- Implement a clear and consistent regulatory response to sound related complaints in SEPs
- Attract investment and increase business confidence with clear criteria for entertainment sound regulation
- Provide new opportunities for businesses including additional indoor trading hours and outdoor dining trading extensions
- Maximise opportunities for Inner West businesses to benefit from the NSW Government's 'Vibrancy reforms'

To achieve the objectives, it is proposed to map each of the six precincts under the IWLEP 2022 Special Entertainment Precincts mapping series, making Clause 6.32 of IWLEP 2022 applicable to the mapped lots.

Attachment 2 contains the draft mapping.

Part 2 Explanation of provisions

This Planning Proposal maps six new precincts and extends the existing Enmore Road precinct in the Special Entertainment Precinct mapping series of the IWLEP 2022, thus giving effect to Clause 3.2 of the IWLEP 2022 to each mapped lot. Clause 6.32 of the IWLEP 2022 currently reads:

6.32 Special entertainment precinct

(1) This clause applies to land identified as "Inner West Special Entertainment Precinct" on the Special Entertainment Precinct Map.

(2) For the Local Government Act 1993, section 202, a special entertainment precinct is established on the land to which this clause applies.

1. Intended effect

The intent of the proposed amendment is to provide clarity to businesses, residents, developers, planners, and regulatory authorities on sound level expectations from entertainment sound in the precincts.

This is to support the continued operation of existing venues and the establishment of new venues in the precincts, whilst maintaining adequate amenity for the residents living in an around each precinct and specifying appropriate sound proofing of new developments to ensure that they are protected from the impacts of entertainment sound.

It will also enable businesses to take advantage of the NSW Government's recent 'Vibrancy Reforms' including:

- Granting additional trading hours to businesses through the Special Entertainment Precinct Management Plan without needing development consent
- Allowing additional trading hours on liquor licences of businesses that host live entertainment
- Streamlining entertainment sound regulation through:
 - Liquor and Gaming will become the sole authority for the regulation of entertainment sound for licenced premises; NSW Police will no longer have a role in the regulation of entertainment sound
 - Council will become the sole authority for the regulation of entertainment sound from non-licenced premises.
 - Sound criteria and limits set in the precinct management plan override generic development consent noise conditions; the offensive noise test outlined in the *Protection of the Environment Operations Act 1997* has no relevance in Special Entertainment Precincts.

Establishing the SEPs and empowering businesses to take advantage of recent regulatory reforms will cut red tape and encourage existing and new businesses to participate in the night time economy. This will in turn create new opportunities for artists and creatives, provide entertainment and experiences for residents and visitors having a positive impact on the local economy.

2. Accompanying documents

To operate a SEP in accordance with Section 202 of the *Local Government Act 1993*, two documents are required to give effect to the existing LEP clause. They include a Special Entertainment Precinct Management Plan and a Development Control Plan. The purpose and effect of these documents are detailed below.

Special Entertainment Precinct Management Plan

[Clause 202\(5\)\(a\) of the Local Government Act 1993](#) requires Council to “prepare a plan for regulating noise from amplified music from premises in the special entertainment precinct and publish it on the council’s website”.

A SEPMP is already in place to manage the Enmore Road SEP. This plan has been updated to include the six proposed precincts, as well as extend the Enmore Road SEP.

The SEPMP contains the following information:

- Maps of each precinct
- A position statement and set of objectives for each precinct
- How the SEPs sit within the NSW planning framework
- Where and when the SEPMP applies
- Compliance procedures for entertainment sound related complaints in the SEPs
- Sound criteria including permitted sound levels for varying times of the day as they affect different properties

The SEPMP is for the use of businesses, residents, Council, Liquor and Gaming NSW, and NSW Police in understanding their role and responsibilities in the management of entertainment sound in the SEPs. It also gives residents an understanding of sound levels they should expect at various times of the day depending on the location of their property.

At the time of writing this Planning Proposal, responsibility for managing sound related complaints fall on Council and the Police. Recent changes to legislation known as the ‘vibrancy reforms’ mean that from July 2024, Liquor and Gaming NSW will assume full responsibility for regulating entertainment sound in SEPs. From July 2024, Council will no longer play a role in entertainment sound regulation, and NSW Police will only have responsibilities during emergency situations. The date for Liquor and Gaming’s commencement of regulatory responsibilities is slated for July 2024.

The draft SEPMP has been updated to reflect the likely procedures were the vibrancy reforms to be implemented as currently thought.

Development Control Plan

A Development Control Plan (DCP) provides detailed planning and design guidelines to support the planning controls in the LEP. In this instance, a DCP has been drafted to fulfill [Clause 202\(2\)\(b\) of the Local Government Act 1993](#):

“(2) A special entertainment precinct is an area in which—

(b) requirements about noise attenuation apply to certain types of development in the area,”

The DCP sets out a series of objectives and controls that:

- Identify sensitive land uses (or certain types of development) that will require attenuation from entertainment sound
- Quantify the noise levels that sensitive land uses and new venues will need to comply with
- Detail when an acoustic report from an accredited acoustic specialist is required and what it needs to demonstrate

The DCP will be used by residents, developers, businesses, and Council to ensure future development is suited to the permitted sound levels in the precincts. This will ensure residents and inhabitants of other sensitive land uses are afforded reasonable amenity, and new venues can open in fit-for-purpose commercial tenancies.

As Inner West currently has three DCPs that apply in its LGA because of amalgamation, the DCP changes associated with the planning proposal include:

- *Marrickville DCP 2011*
 - minor administrative amendments to Section 2.26
 - add maps for SEPs in Dulwich Hill, Leichhardt (on the southern side of Parramatta Road), and Marrickville
 - update the map for Enmore Road to include the Warren View hotel
- *Leichhardt DCP 2013*
 - new section Part C – Section 5 – Special Entertainment Precincts
 - add maps for SEPs in Balmain, Leichhardt, and Rozelle SEPs.

See **Attachment 4** and **5** for details.

3. Suggested wording

It's recommended that Clause 6.32 of the IWLEP 2022 be retained as is. It currently reads:

6.32 Special entertainment precinct

- (1) *This clause applies to land identified as "Inner West Special Entertainment Precinct" on the Special Entertainment Precinct Map.*
- (2) *For the Local Government Act 1993, section 202, a special entertainment precinct is established on the land to which this clause applies.*

Note: There is no need to change the existing clause; only additional tiles need to be added to the map series (see below).

4. Mapping

Each of the six new precincts are required to be mapped under the IWLEP 2022 Special Entertainment Precinct mapping series, as are the amendments to the Enmore Rd SEP. Maps of the precincts have been included in **Attachment 2**.

The following criteria was used to determine the extent of the mapped area for each SEP:

- Covered by June 2023 Council resolution
- Employment zoning as this permits activities and uses relevant to the intended outcomes of the proposal
- Presence of existing entertainment venues or premises that could host entertainment that would benefit from a SEP
- Potential for growth in the night time economy
- Access to public transport during the day and night

Part 3 Justification

Section A – Need for the planning proposal

Q1. [Is the planning proposal a result of an endorsed local strategic planning statement, strategic study, or report?](#)

Yes. The Planning Proposal is a response to recent resolutions by Council, new legislation made by the State Government, and to achieve actions under the endorsed [Local Strategic Planning Statement \(LSPS\)](#) and Employment and Retail lands Strategy (ERLS). It's also a result of the NSW State Government's plan to revitalise the NSW night-time economy, including the establishment of new SEPs and fulfillment of the Sydney 24-hour Economy Strategy 2020.

Recent changes to State legislation as well as Council strategies, resolutions and other triggers that support the planning proposal are discussed below.

Special Entertainment Precincts under the Local Government Act 1993

On 30 April 2021 [Section 202 of the Local Government Act 1993](#) was gazetted. It enables the establishment of Special Entertainment Precincts by a Council. This Planning Proposal has been developed in accordance with this legislation.

This legislation was further refined in December 2023 through the passing of the ‘vibrancy reforms’. This includes making Liquor and Gaming NSW the sole authority for entertainment sound related complaints, as well as enabling Council to grant additional trading hours to businesses without approval and clarify that the SEPMP sound criteria overrides DA conditions.

Council resolutions

There have been three Council resolutions to establish the six identified SEPs. they are summarised in Table 1 below:

Resolution	Date	Content
<i>Mayoral Minute: Enmore Road Special Entertainment Precinct</i>	6 December 2022	<ul style="list-style-type: none"> Receive a report to the February 2023 Ordinary Council meeting evaluating the trial and outlining the next steps through which Council can commence planning for further Special Entertainment Precincts in other Inner West locations as previously resolved.
<i>Future Special Entertainment Precincts</i>	20 June 2023	<ul style="list-style-type: none"> That Council endorses commencing early engagement on new special entertainment precincts in Marrickville, Leichhardt, Rozelle, Balmain and an additional precinct along Marrickville Road and New Canterbury Road, Dulwich Hill. That the findings of the early engagement are reported to Council.

Council undertook early engagement with the community on new special entertainment precincts in Marrickville, Leichhardt, Rozelle, Balmain as required by the June council resolution. Further details are given on page 2 of this planning proposal, and within the engagement outcomes report Attachment 1.

Local Strategic Planning Statement & Employment and Retail Lands Strategy

Endorsed in March 2020 by Council and the Greater Sydney Commission, the Local Strategic Planning Statement (LSPS) sets out the vision for the Inner West in 2036 with a set of actions that to achieve that vision. Planning Priority 9 – “a thriving local economy” directly supports this Planning Proposal. Action 9.1 to implement the Employment and Retail Lands Strategy (ERLS) includes:

“Identifying areas for night-time economic activity and implement appropriate LEP/DCP controls

that encourage a diverse night-time economy, including the provision of a clear policy position on the rights of existing venues and neighbouring residents that incorporates the ‘agent of change’ principle.”

This is similarly addressed by two actions of the ERLS, specifically:

- Action 1.8.1 Embed the agent of change principle into Inner West planning regulations to protect live music venues and late-night precincts as well as employment and industrial areas. Note that this principle states that a person or business (the agent) introducing a new land use is responsible for managing the impact of that change, and
- Action 1.8.2 Identify areas with existing and expected higher noise levels, including both industrial and entertainment noise. Implement a means of managing the expectations of noise amongst existing and future residents in and around these areas.

Establishing the SEPs will directly achieve all three of these actions. The precincts are locations where the community desires a greater range of entertainment, experiences, and hospitality offerings. Not only are the precincts identified as areas with existing night-time economic activity, there are also many existing venues including pubs, restaurants, cafes, small bars, artisan food and drink premises that are well suited to hosting live entertainment in these locations. Putting in place plan to regulate sound by quantifying acceptable noise levels from venues will empower venues to program live entertainment, confident they can operate within defined sound limits.

SEPs also require the attenuation of certain types of development within and around the precincts. Under the proposed DCP, sensitive land uses are required to attenuate against permitted sound levels from venues. Similarly, new venues are required to demonstrate they can comply with the allowable sound levels. This is an agent of change approach to the management of entertainment sound as required by Action 1.8.1 of ERLS.

Q2. [Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?](#)

Over the past decade there has been a gradual decline in the diversity, vibrancy, and economic activity in Sydney’s night-time economy, in part due to the now repealed lockout laws.

Part of the decline is also the lack of confidence businesses have in navigating the planning system to establish venues, as well as the threat of compliance action from Council, Liquor and Gaming NSW and NSW Police from noise complaints.

An intended outcome of this proposal is to strike a balance between the demands of businesses and residents, particularly in relation to amenity. This Planning Proposal is considered the best means to achieve this.

The SEPMP quantifies entertainment sound levels that can come from businesses and affect surrounding properties and through shared partitions within buildings. With accredited acoustic advice, businesses can test if they can achieve the sound levels detailed in the SEPMP without having to consider fluctuating background noise levels and/or qualitative tests currently used in the current regulation of entertainment sound in NSW.

Similarly, this will give residents assurances of the sound levels they can expect at their property boundaries or travelling through their building if they are attached to a venue.

The increased level of confidence for residents and businesses will have the flow on effect of achieving the remaining intended outcomes, including having diverse mixed-use neighbourhoods with flourishing arts and live music scenes, all stakeholders understanding their role in managing sound compliance, and allowing Council to implement an adaptable approach to sound compliance.

The precincts also include new development assessment measures in the form of a DCP. The DCP will guide the development of new sensitive receivers as well as upgrades to existing and establishment of new venues to lessen the impact of entertainment sound. To achieve this, amendments are proposed to the Marrickville DCP 2011 and Leichhardt DCP 2013. Both are contained within the attachments. The amendments are largely in line with the previous amendment made to support the Enmore Road SEP, that has been operating as intended.

Council's experience with NSW's first Special Entertainment Precinct on Enmore Road is testament to the benefits of Special Entertainment Precincts. This has seen a number of new and existing venues on Enmore Road providing live entertainment. Many businesses opening on Enmore Road have also expressly stated in the media that they opened on or re-located to the strip in order to take advantage of the benefits associated with the precinct.

Section B – Relationship to strategic framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Regional Plan: A Metropolis of Three Cities

The Plan sets a 40-year vision (to 2056) and a 20-year plan to manage growth and change. It sets an overarching strategic planning policy to align land use, transport, and infrastructure outcomes for Greater Sydney concurrently with Future Transport 2056 (Transport for NSW) and State Infrastructure Strategy (Infrastructure NSW). The Plan provides a set of objectives under the 10 Directions set out in Directions for a Greater Sydney 2017-2056.

Objective 9 of the Plan is directly relevant to this proposal. It states that "*Stimulating the night-time economy supports dynamic places and boosts local economies. This can generally occur in mixed-use centres with **adequate noise control**, locally appropriate operating hours and safe late-night travel options.*"

This objective seeks to foster and grow Sydney as a creative region with artistic and cultural expression encouraged alongside a strong night-time economy.

This Planning Proposal will assist in achieving this objective by providing quantifiable sound limits that are intentionally set to balance the demands of businesses and amenity requirements for residents. Whilst unique, each precinct is mixed use to varying degree and will benefit from a boost to the live entertainment options and the increased economic activity that comes with it.

Eastern City District Plan

The Eastern City District Plan is a 20-year plan to manage growth in the context of economic, social, and environmental matters to achieve the 40-year vision for Greater Sydney. It further explores the objectives of the Greater Sydney Regional Plan as discussed above.

Several Planning Priorities under the Plan are directly supported by this proposal. They include;

- E4 – Fostering healthy, creative, culturally rich and socially connected communities.

Number of the proposed precincts, or regions they are located within are specifically mentioned under Planning Priority E4. They include:

- **Leichhardt** – *“In the District this diversity and richness is reflected in places such as Redfern, **Leichhardt** and Burwood, which are associated with unique historic and cultural identities”*
- **Marrickville Town Centre and Dulwich Hill** – *“In the Eastern City District it is important that the capacity for creative industries, arts and cultural uses to locate near major cultural institutions be protected for example in the areas of the **Inner West**, Ultimo-Pyrmont and **Sydenham to Bankstown**.”*
- **Marrickville Town Centre and Marrickville North** – *“Social connections are a major element of the characteristics on which local identity, specialities and distinctive functions of centres are built. For example, street life is particularly evident in places like Surry Hills, **Marrickville** and Pitt Street Mall, Sydney.”*

The proposed SEPs seek to protect existing cultural infrastructure across some of the precincts, as well as support the establishment of new venues. Some of the venues that will benefit from improved regulatory framework include (but are not limited to):

- Balmain – London Hotel, The Unity Hotel
- Dulwich Hill – Butchers Brew, and Lazy Thinking
- Leichhardt – Crowbar Sydney
- Marrickville Town Centre – Lazybones, Camelot Lounge, and Gasoline Pony
- Marrickville North – Vic on the Park Hotel, Factory Theatre, Portugal Madeira Club, Red Rattler, Marrickville Bowling Club, and Golden Barley Hotel
- Rozelle – Bridge Hotel

The venues above all host live music or entertainment and range from small to large. Protecting live music venues like these is proven to be positive to the local economy.

[A 2016 Study by the University of Tasmania](#) analysed the value of live music venues in the City of Sydney area. It determined that for every dollar invested in live music, over three dollars are returned in economic activity. This is due to all the additional spending that compliments live music events, including transport, food and beverage, retail and often accommodation. Due to the Inner West’s proximity and similar character to the City of Sydney, venues like those listed above are expected to generate a similar economic multiplier.

It’s envisaged that the designation of six new precincts will not only support existing venues,

but also encourage new and existing businesses to program live entertainment in a robust regulatory framework with quantified sound limits. Additional trading hours will also incentivise businesses to program live entertainment, as the extended trading will assist in offsetting the cost of employing local artists, entertainers, and musicians.

- E6 – Creating and renewing great places and local centres and respecting the District’s heritage.

Great places and local centres are identified in their unique character and distinctive mix of land uses and activities. They are culturally rich and diverse with ample opportunities for social connectivity.

Each precinct contains historic places, including heritage pubs that have changed use over time from their origins as places for workers and locals to congregate before closing at 6pm to late night entertainment venues hosting live bands, theatre and dance performances, trivia nights, karaoke, comedy nights and dance parties. Including them in SEPs will ensure they are able to adapt into the future.

SEPs will protect the identified areas as vibrant and diverse centres, through both their night and day economies. Cultural venues and live entertainment foster social interactions by providing shared experiences and opportunities to meet people with similar interests in their local neighbourhood.

- E11 – Growing investment, business opportunities and jobs in strategic centres, and
- E13 – Supporting growth of targeted industry sectors.

The Planning Proposal supports the night-time economy and encourages investment in local centres with established and growing cultural and creative industries.

Sydney 24-hour Economy Strategy 2020

Published in September 2020, the Sydney 24-hour Economy Strategy “*focuses on actions that will extend the productivity of Sydney’s day-time economy into the night – to give businesses and consumers, councils and community groups and opportunity to keep the lights on beyond the traditional business day.*”

It’s important to note that the strategy was implemented before the NSW Government enacted Section 202 of the *Local Government Act 1993* which enabled Council’s to establish a SEP. However, the proposal does go to achieving action 16 under Strategic Pillar 2 “Diversification of night-time activities”. Action 16 reads:

Action 16 reads – “Councils will be provided with policy support, including policy guidance and toolkits, to support the lifting of unnecessary restrictions on live music in their Development Applications and to adopt pro-live music regulations in their relevant planning documents. In particular, consideration should be given to family-friendly events in venues and public spaces. This would include identifying ways to standardise live performance conditions and premises licensing to encourage a seven-day live music scene in 24hour hubs (subject to councils demonstrating community support).”

Q4. Will the planning proposal give effect to a council’s endorsed local strategic planning

statement, or another endorsed local strategy or strategic plan?

Our Inner West 2036- Council's Community Strategic Plan, 2022

The [Inner West Community Strategic Plan](#) identifies the community's vision for the future, long-term goals, strategies to get there and how to measure progress towards them. Strategic direction 3 of the plan regards creative communities and the local economy. This planning proposal makes progress towards achieving several outcomes identified under this direction, including the following:

- 3.1 Creativity and culture are valued and celebrated
 - Each of the precincts represent opportunities for the creative and cultural industries.
 - Live music is part of the Inner West's identity. Balmain and Rozelle have deep cultural roots with live music. Engagement from the community tells us that the live music scene has waned over the years and people would like to see it come back. Conversely the Marrickville precincts and Dulwich Hill have established and emerging live music scenes, with iconic venues that will be supported by the new regulatory framework. It will also encourage new venues to establish in the precincts.
- 3.2 Inner West remains the engine room of creative industries and services
 - Protecting and fostering new places for live music and entertainment live music venues will ensure the Inner West retains places where artists can perform and interact with patrons.
 - The varied nature and size of venues will foster an ecosystem of creativity, supporting artists from a range of disciplines and stages.
- 3.5 Urban hubs and main streets are distinct and enjoyable places to shop, eat, socialise, and be entertained
 - The proposed framework will support the main streets of Marrickville, Dulwich Hill, Leichhardt, Balmain, and Rozelle as distinct places with opportunities to provide entertainment that's representative of local audiences and tastes.

Our Place Inner West - Local Strategic Planning Statement

The Planning Proposal gives partial effect to Planning Priority 9 – A thriving local economy, namely the following objectives under it:

- The local economy is diverse, strong, and resilient
- Inner West has a thriving and diverse evening and night-time economy
- Inner West continues to grow as a leading creative and cultural hub
- Main streets and centres are designed to be unique, lively, safe, and accessible

There is a single action under this planning priority, to implement the Employment and Retail Lands Strategy (ERLS), when approved. The ERLS includes actions relevant to this proposal. They have been discussed within the answer to question one above.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is generally consistent with all the State Environmental Planning Policies (SEPP) in place. Consistency is demonstrated in the table below.

State Environmental Planning Policy (SEPP)	Consistency
SEPP (Housing) 2021	Consistent Higher noise attenuation standards will apply to all types of residential accommodation within and around the precincts. This will ensure housing is built to withstand current and future entertainment sound levels for the amenity of residents. The DCP controls proposed to give effect to this are not in conflict with the SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent The Dulwich Hill, Rozelle and Leichhardt precincts are all located on high traffic carriageways with peak hour clearways, buses, private vehicles, and trucks. Residential accommodation and other sensitive receivers would already require acoustic attenuation to ensure sensitive receivers can co-locate with loud road noise. Proposed DCP controls to require attenuation of sensitive receivers will not conflict with the requirements under the SEPP. Although required anyway, the DCP controls specifically state that consideration of aircraft, road and rail noise must be considered and addressed separately to entertainment venue noise.
SEPP (Primary Production) 2021	Consistent
SEPP (Biodiversity and Conservation) 2021	Consistent
SEPP (Resilience and Hazards) 2021	Consistent
SEPP (Resources and Employment) 2021	Consistent

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Section 9.1 directions are directions to councils from the Minister for Planning, Industry and Environment that need to be considered or given effect to in the preparation of draft LEPs.

The Planning Proposal has been assessed against each Ministerial direction. The consistency of the Planning Proposal with these directions is shown in the table below.

Consistency with Ministerial Directions that apply to the LGA	
Directions under s.9.1 (2)	Consistency
1.1 Implementation of Regional Plans	Not applicable
1.2 Development of Aboriginal Land Council Land	Not applicable
1.3 Approval and Referral Requirements	<p>Yes</p> <p>No provisions that will require referrals, concurrence or consultation with the Minister or a public authority are contained within this Planning Proposal.</p> <p>No further development will be considered designated development because of this Planning Proposal.</p>
1.4 Site Specific Provisions	<p>Yes</p> <p>No additional land uses or changes to zoning are proposed under this Planning Proposal.</p>
1.5 – 1.22 Place Based Directions	Not applicable
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	<p>Yes</p> <p>A number of precincts are located within heritage conservation areas and include heritage items.</p> <p>No changes are proposed that would result in negative impacts to heritage conservation.</p>
3.3 Sydney Drinking Water Catchments	Not applicable

3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreational Vehicle Areas	Not applicable
3.6 Strategic Conversation Planning	Not applicable
3.7 Public Bushland	Not applicable
3.8 Willandra Lakes Region	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable
3.10 Water Catchment Protection	Not applicable
4.1 Flooding	Yes Changes to compliance regimes and noise attenuation for new developments will not impact on flooding.
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	Yes The proposal will not result in new land uses being permitted.
4.5 Acid Sulfate Soils	Yes The proposal will not result in new land uses being permitted.
4.6 Mine Subsidence and Unstable Land	Not applicable
5.1 Integrated Land Use and Transport	Yes The proposal supports the continued growth of appropriately zoned land. Each precinct is located in an area well serviced by public transport, including late night public transport options.

5.2 Reserving Land for Public Purposes	<p>Yes</p> <p>The proposal will not result in the alteration or reduction in public land.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable
5.4 Shooting Ranges	Not applicable
6.1 Residential Zones	<p>Yes</p> <p>The proposal will not reduce the capacity of land within the precincts for residential development. It will ensure future residential accommodation developed in the area is designed to mitigate against entertainment sound, preserving adequate amenity for the enjoyment of future residents.</p>
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
7.1 Business and Industrial Zones	<p>Yes</p> <p>The proposal will add further protections to the operation of land zoned for employment, commercial services, retail, and industry by making the acceptable sound levels coming from premises clear to businesses and residents.</p> <p>Council expects the SEPs to increase business confidence and lead to the establishment of new businesses.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
8.1 Mining, Petroleum and Extractive Industries	Not applicable
9.1 Rural Zones	Not applicable

9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Increased patronage to existing live music venues and the potential establishment of new venues that will draw their own audiences may lead to indirect environmental impacts like an increase in noise and littering.

Any additional noise generated by venues from amplified sound and patron noise from within venues will be regulated and enforced under the SEPMP. The compliance procedures for such incidents are outlined in this plan. Regulating this environmental effect is at the core of this Planning Proposal.

Council and the Police work with venues to ensure patrons are instructed to leave an area quietly and are respectful of neighbours. This includes warning from security staff and signs displayed at the exit to each venue.

Littering may also increase as an indirect result of increased patronage; however Council's existing measures are sufficient to deal with expected levels of additional littering. That is, Council provide street bins in all commercial centres, which are emptied daily. Street cleaning also takes place weekly on main streets as part of Councils essential main street shopping centre service levels. Bin servicing levels are monitored by Council's operational staff.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The economic and social impacts resulting from the Planning Proposal are expected to be positive. The potential positive and negative outcomes are discussed below.

Economic impacts

Current regulations and compliance of noise in NSW put all the onus on dealing with entertainment sound on a venue, instead of recognising that entertainment sound should be expected in certain areas surrounding venues.

This is layered with development consent and liquor licencing conditions that regulate sound by permitting a certain decibel level (usually 3 or 5 decibels) above background noise levels before midnight, and no level above background noise levels after midnight. This measure is problematic for several reasons:

- Background noise levels fluctuate (e.g. during times of high traffic, insect noise over summer, rain events)
- Specialised equipment and expertise are required to establish background noise levels
- If the density of venues in an area increases, so too will the background noise level
- Inaudibility after midnight is not conducive to vibrant night life

Due to these reasons, continuing down the path of the offensive noise test layered with the background noise level +X decibels lowers confidence for businesses that would trade into the night, as they fear their investment will be lost as the offensive noise test is subjective and the background noise level is unreliable.

Similarly, residents cannot be confident that appropriate neighbourhood noise levels will be maintained due to fluctuating background noise levels. It also leaves them at risk of being exposed to high levels of noise if background noise levels were to increase over time due to increased traffic, patronage, venue density etc.

An objective of this proposal is to change Council's approach to sound compliance for commercial premises within each precinct. Designating these areas as SEPs will mean that:

- Liquor and gaming NSW will become the sole authority for regulating amplified sound, with the Police only stepping in during emergency situations,
- Amplified sound is regulated by a plan made by Council

Specific sound levels are detailed in the new Precinct Management Plan that sets sound limits for businesses operating in the SEP. This will create certainty for businesses on how loud they can be. Enabling them to make a considered decision as to whether they should invest in the area, and what kind of entertainment they can provide.

This is likely to lead to increased investment in the area, leading to a greater economic activity and employment of various staff across several industries including hospitality, the arts and retail.

Social Impacts

Renewed business confidence in the area may mean new venues for residents, workers, and visitors to the area to experience live music and other performing arts. These will be new opportunities for social interaction and will develop a sense of place in the neighbourhoods.

Supporting a growth in live music venues, may lead to an increase in the number of licenced venues and could lead to an increase in anti-social behaviour.

Impacts however are considered to be manageable as there are other mechanisms and laws to deal with issues including liquor licencing assessments, Responsible Service of Alcohol, individual

security and management operations for premises. Compliance in the area is a joint effort between Council and the Police, with information sharing to deal with problem areas and venues key to reducing impacts.

Car parking

Street parking in centres is highly competitive across the Inner West as they are historical neighbourhoods that were developed prior to private vehicle ownership. Council currently manages street parking through various kerbside parking strategies including timed parking, paid parking, and residential parking schemes.

Council is not expecting a sudden surge in the number of live music venues and increased demand for street parking. Residential parking schemes are in place throughout all of the proposed SEPs, apart from Marrickville North, where Council has committed to working with residents to develop a parking scheme. These parking schemes give residents permits that enable them to park on the street beyond time limitations. If an area does not have a residential parking scheme, Council policy allows residents to request one be investigated by Council. The development assessment process will also remain in place to ensure development of venues not suitable for a locality is controlled.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Each of the precincts are adequately serviced by public transport. The table below details the public transport located within 1km walking distance of each precinct:

Precinct	Bus routes	Train or light rail	Ferry	Last service
Balmain	441, 442, 433, 445, 500N (1.3km walk)	-	F3, F4, F8	1am (442) All night service 1.3km away (500N)
Dulwich Hill	418, 425, 426, 428, 428X, 445, N30	Dulwich Hill station Dulwich Hill light rail Dulwich Grove light rail Waratah Mills light rail		All night (N30)
Leichhardt	413, 437, 438N, 438X, 440, 445, 461N, 461X, 480, 483, N60, N61, N70, N71, N80, N81	Petersham Station Stanmore Station Leichhardt North light rail	-	All night (multiple bus routes)
Marrickville North	355, 418, 423, 423X, 425, 426, 428, 430	Sydenham Station	-	All night (423)
Marrickville Town Centre	348, 358, 418, 422, 423, 423X, 425, 426, 430, N10, N11, N40	Sydenham Station Marrickville Station	-	All night (multiple bus routes)
Rozelle	433, 440, 441, 442,	Rozelle Bay light rail	-	All night (500N)

	445, 500N, 500X, 501, 501, 503, 504, 505, 506, 507			
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Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The relevant State Government agencies and stakeholder groups to be consulted will be determined through the Gateway process.

Referrals with the following agencies are expected:

- NSW Police
- NSW Live Music Office
- Liquor and Gaming NSW
- Transport for NSW
- Office of the 24-Hour Commissioner

The gateway determination for the Enmore Road SEP required Council to consult with the Office of Local Government, and Department of Customer Service. Council requested and followed up responses from both these agencies. Neither was willing to provide a response. We request that these agencies are not included in any future gateway determination for SEPs.

Part 4 Mapping

Updates to the Special Entertainment Precinct map under the IWLEP 2022 are required to meet the intended outcomes of the Planning Proposal. These maps are included in Attachment 2.

Part 5 Community Consultation

Early engagement

Early engagement on the six precincts was open for a month between 7 March and 7 April 2023. Please see page 2 of this report and the Engagement Outcomes Report in **Attachment 2** for details.

Future consultation

Further stakeholder and community consultation will be undertaken in accordance with the legislative requirements, any conditions of a Gateway determination and Council’s Community Engagement Framework.

Part 6 Project timeline

The anticipated timeframe for the planning proposal is shown in the table below.

Action	Date
Submit Planning Proposal to DPE for Gateway consideration	June 2024
Receive Gateway determination	September 2024
Complete any changes required by Gateway Determination	October 2024
Public exhibition & government agency consultation	November 2024
Consideration of submissions	December 2024
Post-exhibition report to Council	February 2025
Submit to DPE for LEP drafting	March 2025
LEP made	April 2025
Plan notified by DPE	April 2025

Attachment 1 – Special Entertainment Precinct LEP maps

Attachment 2 – Engagement Outcomes Report

Attachment 3- Special Entertainment Precinct Management Plan

Attachment 4 – Section 2.26 Marrickville DCP 2011

Attachment 5 – Part C Section 5 Leichhardt DCP 2013