

Item No: C0323(1) Item 5

Subject: PLANNING PROPOSAL - ENMORE ROAD SPECIAL ENTERTAINMENT
PRECINCT

Prepared By: Daniel East - Acting Senior Manager Planning

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RECOMMENDATION

1. That Council supports the Planning Proposal to designate Enmore Road as Special Entertainment Precinct on a permanent basis and submit it to the Minister for Planning seeking a Gateway Determination under section 3.33 and 3.34 of the *Environmental Planning and Assessment Act 1979*.
2. That Council place the Planning Proposal and draft DCP amendments on community consultation in accordance with Council's Community Engagement Framework to meet the requirements of the Gateway Determination, *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*, should the Planning Proposal receive a favourable Gateway Determination.
3. That Council request delegation from the Minister for Planning to manage the plan making functions of the Planning Proposal.
4. That Council authorise the General Manager to make minor/technical modifications to the Planning proposal, Development Control Plan, and Special Entertainment Precinct Management Plan, prior to exhibition.

DISCUSSION

The Enmore Road Special Entertainment Precinct (SEP) began as a 3-month pilot program and aims to revive live music and entertainment, activate local businesses and the nighttime economy; and create more places for our community to enjoy. Venues within the precinct are encouraged to provide live entertainment and will have an extension on both their trading hours and outdoor dining as an incentive to prioritise the arts.

Between September and November 2022, a survey was open for the public to indicate their support or opposition to the SEP; with a significant 91% of the 310 responses in support. As most responders were in support of the SEP continuing, the SEP was extended on a trial basis until 31 July 2023. The extension gives Council time to consult the community and venues about their experience of the precinct and to prepare a planning proposal to make the precinct permanent.

A survey of local businesses and residents gauged support and identified potential impacts. The survey closed 24 February 2023 and an engagement outcomes report has been provided in *Attachment 1*. The survey showed continued community support for the SEP.

A planning proposal must be submitted to the Department of Planning and Environment to amend the *Inner West Local Environmental Plan 2022* (refer to *Attachment 2*) for the SEP to become permanent. This would allow amplified music to be regulated by Council in accordance with the Special Entertainment Precinct Management Plan (refer to *Attachment 3*).

A new Development Control Plan (DCP) chapter (refer to *Attachment 4*) is also proposed to be added to the Marrickville DCP. This will:

- Require new or modified sensitive receivers such as residential accommodation and office premises to attenuate against entertainment noise in and around the precinct,
- Require new or modified venues to demonstrate they can operate without breaching set sound limitations, and
- Require future proofing of commercial tenancies within new or modified mixed use developments to allow them to be used as entertainment facilities without needing further attenuation.

It is intended to place the DCP on public exhibition alongside the planning proposal once a Gateway Determination has been received from DPE. It should also be noted that information will be included on planning certificates to inform existing and future residents that a property is located within a sound category area of a Special Entertainment Precinct.

As per accepted practice in the making of Planning Proposals, in the event minor or administrative changes are required to clarify a definition that does not materially alter the document, it is recommended the General Manager has the delegation to make said minor amendments.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation of the recommendations outlined in the report.

SUPPLEMENTARY INFORMATION AS AT 13 MARCH 2023

LOCAL PLANNING PANEL ADVICE

The planning proposal was considered by the Inner West Local Planning Panel on 9 March 2023. The panel resolved to advise Council that the planning proposal has strategic merit and should be submitted to the Minister of Planning for a Gateway Determination. They also suggested amendments to the Planning Proposal and the supporting DCP and precinct management plan. If the planning proposal proceeds to the next stage, these matters will be addressed by Council officers during the consultation phase. The minutes of the Local Planning Panel meeting are contained in *Attachment 5*.

ATTACHMENTS

1. [↓](#) Enmore Road Engagement Outcomes Report
2. [↓](#) Enmore Road SEP Planning Proposal
3. [↓](#) Special Entertainment Precinct Management Plan
4. [↓](#) Draft Development Control Plan Section 2.26 - Special Entertainment Precincts
- 5 Local Planning Panel meeting minutes