



IRF23/910

## Gateway determination report – PP-2023-633

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Enmore Road Special Entertainment Precinct

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning proposal (Inner West Council, 14 March 2023)
Special Entertainment Precinct Management Plan (Inner West Council, March 2023)

Engagement outcomes report – Enmore Road special entertainment precinct (Inner West Council)

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Draft amendments to Marrickville Development Control Plan – Special Entertainment Precincts (Inner West Council)

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Inner West Council Meeting Agenda and Minutes (14 March 2023)

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Inner West Council Local Planning Panel Meeting Minutes (9 March 2023)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Inner West</b>
<b>PPA</b>	Inner West Council
<b>NAME</b>	Enmore Road Special Entertainment Precinct
<b>NUMBER</b>	PP-2023-633
<b>LEP TO BE AMENDED</b>	Inner West Local Environmental Plan 2022
<b>ADDRESS</b>	Various sites fronting Enmore Road, Enmore
<b>DESCRIPTION</b>	Various Lots and DPs
<b>RECEIVED</b>	24/03/2023
<b>FILE NO.</b>	IRF23/910
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal seeks to make the operation of the Enmore Road Special Entertainment Precinct permanent by amending clause 6.32 of the Inner West Local Environmental Plan (LEP).

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The stated objectives of the planning proposal are to:

- *Support Enmore Road as a diverse mixed-use neighbourhood with a flourishing arts and cultural production economy, including live music.*
- *Strike a balance between reasonable amenity for residents in the neighbourhood surrounding Enmore Road and reasonable sound levels coming from the precinct.*
- *Clearly define the roles of stakeholders including businesses, residents, industry, Council and Police to balance amenity and reasonable sound levels coming from the precinct.*
- *Implement a consistent and adaptable regulatory response to noise complaints in the precinct.*

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend clause 6.32(2) Special entertainment precinct (SEP) of the Inner West LEP 2022 to remove the trial period dates, allowing the SEP to continue permanently.

Clause 6.32 currently states:

- (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 for the period commencing on 1 September 2022 and ending at the end of 31 July 2023.*

The planning proposal contains an explanation of provisions and intended effects that adequately explain how the objectives of the proposal will be achieved.

The planning proposal's intent is to support the continued operation of existing venues and the establishment of new venues whilst maintaining amenity for neighbouring residents by designating sound level expectations in the precinct, specifically entertainment sound from venues along Enmore Road.

### Marrickville Development Control Plan (DCP) 2011

The planning proposal is accompanied by associated draft amendments to the Marrickville DCP 2011 which designates objectives and controls that:

- identify sensitive land uses that require attenuation from entertainment sound
- set out criteria that new or modified venues must demonstrate compliance with
- quantify noise levels that sensitive land uses and new venues need to comply with
- details when an acoustic report from an accredited acoustic consultant is required and what the report needs to demonstrate

The proposal states that the DCP will be used by residents, developers, businesses and Council staff to ensure future development is suited to the permitted noise levels in the precinct. The DCP has also been drafted to fulfil the requirements of clause 202(2)(b) of the *Local Government Act 1993*.

### Special Entertainment Precinct Management Plan (SEPMP)

The proposal is accompanied by a Special Entertainment Precinct Management Plan (SEPMP) d in accordance with clause 202(5)(a) of the *Local Government Act 1993* which requires Council to “prepare a plan for regulating noise form amplified music premises in the special entertainment precinct and publish it on Council’s website”.

The planning proposal states that the SEPMP is designed to be used by businesses, residents, Council, Police and any other relevant stakeholders in understanding their role and responsibilities in managing entertainment sound in the precinct and gives an understanding of noise levels that should be expected at certain times of the day depending on their location.

A draft version of the SEPMP is currently in operation on Enmore Road as part of the trial, and evaluation period that is due to end in July 2023. The final version of the SEPMP has been updated in response to feedback received during the trial and evaluation period, as well as issues Council have noticed with the operation.

## 1.4 Site description and surrounding area

The planning proposal applies to the land along Enmore Road, Enmore as shown in the existing Special Entertainment Precinct Map – Enmore Road (SEP\_001). It includes venues that front



Enmore Road to the west of Newtown train station through to the Edgeware Road junction (intersection of Stanmore, Enmore and Edgeware Roads). The precinct is zoned E1 Local Centre.



Figure 1 Map of the Inner West SEP boundary (source: DPE's FAQ – Special Entertainment Precinct)



Figure 1 Special Entertainment Precinct Map showing the Enmore Road SEP area (source: Inner West LEP 2022)

## 1.5 Mapping

The planning proposal does not include amendments to LEP maps. The existing LEP map titled “Special Entertainment Precinct Map – Enmore Road Sheet SEP\_001” is to be retained.

## 1.6 Background

Two recent parliamentary inquiries identified the need for policy settings to support existing night-time venues where newer residents have moved into an area.

The Joint Select Committee on Sydney's Night-Time Economy (2019) and the *Sydney 24-Hour Economy Strategy 2020* recommended the designation of entertainment precincts to balance residential amenity while also protecting existing venues from noise complaints.

In April 2021, *Liquor Amendment Act 2020* inserted section 202 into the *Local Government Act 1993* to allow councils to establish a SEP in which amplified music is regulated by or under a law other than the *Liquor Act 2007*, and to be managed through a Noise Management Plan prepared by the council.

In 2021, Inner West Council resolved in council meetings to designate the Enmore Road Precinct as the first SEP in NSW in response to this legislation. The Department's Strategy and Innovation team contacted Council to be part of the pilot program for a SEP in the Enmore Road Precinct.

From 10 June to 8 July 2022, the Department exhibited an [Explanation of Intended Effect \(EIE\)](#) for a State Environmental Planning Policy (SEPP) to amend the Inner West LEP 2022 to establish the temporary Inner West SEP trial. The response to the EIE was positive with 95 submissions being received and most submissions (93%) being in support. The SEPP was made and introduced the trial SEP in clause 6.32 and related map of the Inner West LEP. The legislation initially included a trial period of three months from 1 September 2022 to 30 November 2022. During this time, Council tested its proposed sound criteria and complaints management process.

Council requested an extension of the trial conditions. This was in response to business and community support and the desire to keep the SEP in operation whilst Council was evaluating the trial SEP and considering the future of the clause in response to continued community consultation.

On 25 November 2022, the Department amended clause 6.32(2) of the Inner West LEP under section 3.22 of the EP&A Act to modify the time period for further evaluation of the Enmore Road SEP until 31 July 2023. This was to allow Council time to continue consultation and finalise the ongoing operation of the Precinct through a planning proposal if Council resolves to do this.

In February 2023, Council conducted further consultation by writing to residents and business on and around Enmore Road and inviting them to complete a survey on their experience during the trial. The survey was completed by 64 residents, 63% were supportive, eight business completed the survey and 100% were supportive.

## 2 Need for the planning proposal

The planning proposal has been developed in response to Council resolutions, legislation made by the State Government and actions in Council's Local Strategic Planning Statement and Employment and Retail Lands Strategy. The Department has also worked in collaboration with Council to trial the designation of a SEP in the Inner West LGA.

Enmore Road has been identified as the SEP because it has a high concentration of established night-time activity and live music venues. The proposal intends to protect both residential amenity and venues by quantifying acceptable noise levels from venues and managing the expectations of all stakeholders. It also establishes procedures for managing reported breaches in sound attenuation and complaints from businesses or members of the community.

The conditions of the pilot expire on 31 July 2023. The planning proposal seeks to remove the time period from the Inner West LEP such that the SEP can continue in perpetuity. The planning proposal is the appropriate and best means to facilitate the intended outcome.



## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan) identifies a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The planning proposal is consistent with the priorities for arts and creative industries in the Region Plan as outlined below.

**Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation**

The proposal is consistent with Objective 9 as it seeks to stimulate a “night-time economy that supports dynamic places and boost local economies.” The plan states that “this can generally occur in mixed use centres with adequate noise control, locally appropriate operating hours and safe late-night travel options.” The objective seeks to grow Sydney’s night-time economy in mixed use centres with noise control and adequate transport infrastructure that supports late-night travel.

Enmore Road is an established mixed-use centre with many premises that provide live music entertainment. Enmore Road is also well placed to facilitate night-time public transport via trains and buses, including several bus lines that run through the night. This is discussed further in **Section 4.3**.

The strategic action prescribed as part of the Objective is to facilitate opportunities for creative and artistic expression and participation including appropriate development of the night-time economy. The planning proposal will facilitate appropriate development of existing and new live-music venues such that established permitted noise levels are known to community members and to businesses.

### 3.2 District Plan

The site is within the Eastern City District, released by the then Greater Sydney Commission on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 3 District Plan assessment**

District Plan Priorities	Justification
E4 – Fostering healthy, creative, culturally rich and socially connected communities.	The planning proposal is consistent with this priority. The Inner West is specifically mentioned under this priority in relation to the capacity of protecting creative industries arts and cultural uses near to major cultural institutions. The planning proposal continues the designation of the Enmore Road Precinct, which contains the Enmore Theatre as a SEP. Enmore Theatre is a major cultural institution that has been operating since 1912. The Enmore Theatre acts as an anchor for other venues on Enmore Road that promote smaller local acts.
E6 – Creating and renewing great places and local centres and respecting the District's heritage.	The planning proposal is consistent with this priority. The planning proposal aims to foster and renew the existing live music scene on Enmore Road. Great places and Local Centres are identified for their unique character and distinctive mix of land uses and activities. They are also culturally rich and diverse with opportunities for social connection. Great places are mentioned under this planning priority include Newtown, which is adjacent to the precinct in the planning proposal. By designating Enmore Road as a SEP in perpetuity, the planning proposal will help to protect the existing cultural institutions such as the Enmore Theatre and support the creation of new opportunities for live music, entertainment and other associated uses.
E11 – Growing investment, business opportunities and jobs in strategic centres	The planning proposal is consistent with this priority. The designation of a SEP in the planning proposal will grow investment in culture, arts and creative industry. The noise limitations as part of the amended DCP and SEPMP will give business and investors assurance about acceptable sound levels from venues at certain times.
E13 – Supporting growth of targeted industry sectors	The planning proposal is consistent with this priority. The planning proposal supports the targeted growth of the arts and culture industry within the Enmore Road Precinct.

### 3.3 Local Strategies

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement	<p>The Inner West Local Strategic Planning Statement (LSPS) Our Place Inner West – Local Strategic Planning Statement was endorsed by the then GSC in 2020. The LSPS seeks to implement the priorities of the Region Plan and District Plan at the local level and guide development in the Inner West LGA to 2036.</p> <p>The proposal responds Planning Priority 9 in the LSPS; “A thriving local economy” and the associated objectives:</p> <ul style="list-style-type: none"> <li>• The local economy is diverse, strong, and resilient</li> <li>• Inner West has a thriving and diverse evening and night-time economy</li> </ul>

	<ul style="list-style-type: none"> <li>• Inner West continues to grow as a leading creative and cultural hub</li> <li>• Main streets and centres are designed to be unique, lively, safe and accessible</li> </ul> <p>The planning proposal aims to give partial effect to this priority by renewing and creating a night-time economy based on arts and culture in the SEP.</p> <p>There is an action under the planning priority which is to implement the Employment and Retail Lands Strategy (ERLS). The ERLS includes actions which are relevant to this proposal (discussed below).</p>
Community Strategic Plan	<p>Council's Community Strategic Plan (CSP) 'Our Inner West 2036' identifies the community's vision for the future, long-term goals, strategies to get there and how to measure progress towards that vision. The CSP seeks to create a sustainable, progressive, networked, vibrant and creative future for the Inner West LGA. The proposal implements various actions from the CSP as it supports Enmore Road as a centre for the creative and cultural industry with distinct qualities and places to shop, eat, socialise, and be entertained.</p>
Employment and Retail Land Strategy	<p>The Inner West Employment and Retail Lands Strategy (ERLS) was adopted by Council on 8 September 2020 and endorsed by the Department on 27 September 2022.</p> <p>The ERLS provides a strategic approach for the management of land to maximise productivity, facilitate job growth and contribution to the long-term prosperity of the Inner West LGA. It sets out principles to guide planning of the employment and retail lands and specific actions related to night-time economies, including the provision of a policy position of the rights of existing venues and neighbouring residents.</p> <p>The proposal implements actions under the ERLS such as implementing the principle that the business or person introducing a new land use is responsible for managing the impact of that change and identifying areas with existing and expected higher noise levels to manage expectations of businesses and residents.</p> <p>The actions in the ERLS that relate to the planning priority include:</p> <ul style="list-style-type: none"> <li>• 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. This is a principle that imposes obligations on the 'agent of change', for example a residential developer, to mitigate the noise impacts from an existing live venue; and</li> <li>• 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.</li> </ul>

### 3.4 Local planning panel (LPP) recommendation

On 9 March 2023, the Inner West Local Planning Panel (LPP) considered the planning proposal and advised the proposal has sufficient strategic and site-specific merit for submission to the Department for Gateway determination.

The LPP's reasons for the recommendation were that the proposal:

- gives effect to the positive public response received during the trial of the SEP

- fulfils Council's resolutions of 24 May 2021, 13 September 2022, and December 2022 supporting the establishment of the Enmore Road Precinct as a SEP
- is consistent in achieving the objectives of regional, district and local planning strategies
- is generally consistent with all relevant State Environmental Planning Policies
- is consistent with all applicable section 9.1 Ministerial Directions
- any potential adverse impacts can be controlled by the adoption of the SEPMP and the proposed DCP.

## 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 5 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Yes	<p>Direction 3.2 requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>The Enmore Road SEP and surrounding residential streets are within the Enmore House Heritage Conservation Area (HCA) which contains several local and state heritage items. The continued designation of Enmore Road as a SEP will not result in any negative impacts to heritage conservation. All listed heritage items and HCAs that are listed in the LEP will be retained. The proposal is therefore not inconsistent with this direction.</p>
5.1 Integrating Land Use and Transport	Yes	<p>Direction 5.1 aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve specified planning objectives relating to transportation integration.</p> <p>This Direction applies as the proposal will alter a provision relating to urban land. The proposal supports the continued operation of the SEP in an area with a high level of public and active transport infrastructure including night bus services that support the use of the SEP as a night-time economy. No changes are proposed in terms of zoning and the proposal contains provisions that will support the application of this direction.</p>
6.1 Residential Zones	Yes	<p>Direction 6.1 aims to encourage a variety of housing types, make efficient use of infrastructure and services and minimise the impact of residential development on the environment. The Enmore SEP is zoned E1 Local Centre, which permits residential accommodation in the form of shop top housing.</p> <p>The proposal will not reduce the capacity for residential development of the land and thus not hinder the application of this direction. The proposal and supporting DCP measures aims to ensure sensitive receivers, including future residential development, within 15m of the precinct is designed to mitigate</p>

		against sound impacts from entertainment venue. The proposal is consistent with the direction.
7.1 Business Zones and Industrial Zones	Yes	<p>Direction 7.1 aims to encourage employment growth, protect employment land in business and industrial zones and support the viability of identified centres. This direction applies to the planning proposal as it will affect land within an existing business zone (E1 Local Centre).</p> <p>The proposal is consistent with this direction as it will add further protection to the operation of the local centre by making acceptable noise levels coming from venues clear to residents and businesses. The proposal retains the existing employment zones and seeks to support its ongoing vitality and viability.</p>

### 3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 6 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	<p>This SEPP aims to promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services and designing housing in a way that reflects and enhances its locality.</p> <p>The principle of the Housing SEPP relevant to the proposal is <i>(e) minimising adverse climate and environmental impacts of new housing development</i>.</p>	Yes	<p>The proposal is consistent with the SEPP as it does not prevent the sites being used for residential purposes. The proposal will also not alter the existing zoning and development standards applicable to the sites.</p> <p>The proposal is consistent with the aims of the SEPP associated with minimising environmental impacts of new housing development. The proposed DCP controls associated with the planning proposal will require higher noise attenuation standards to residential development within and around the SEP. This will ensure housing is built to mitigate current and future entertainment sound for the amenity of residents. The proposed DCP and SEPMP are not in conflict with this SEPP and are not inconsistent with the aims of the SEPP.</p>
SEPP (Transport & Infrastructure) 2021	The Transport & Infrastructure SEPP has various requirements relating to noise attenuation and acoustic studies for sensitive development adjacent to rail	Yes	The proposal does not conflict with the requirements under the SEPP. The proposed DCP will contain controls to require attenuation of sensitive receivers, however these will be additional to the requirements of the SEPP.

	corridors, classified roads and high traffic roads.		
SEPP (Industry & Employment) 2021	N/A	N/A	The planning proposal has referenced consistency with the SEPP provisions for development applications to demonstrate compliance with AS 2021:215 Acoustics – Aircraft noise intrusion – Building siting and construction. The provisions under this SEPP apply to the Western Sydney Employment Area. Enmore Road is not within this area. A Gateway condition is recommended to require Council to update their planning proposal to delete reference to this provision.

## 4 Site-specific assessment

### 4.1 Environmental

Due to the nature of the planning proposal, it is unlikely to adversely impact on critical habitat areas or threatened species, populations or ecological communities or their habitats.

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 7 Assessment of planning proposal against relevant SEPPs**

Environmental impact	Assessment
Noise	<p>The planning proposal may increase patronage to existing live music venues. Likely environmental impacts from this include increased noise associated with live music and patrons within venues, which will be regulated and enforced under the SEPMP. An aim of the planning proposal is to ensure acceptable noise levels for businesses and residents established in the trial period and communicated in the SEPMP and DCP, are allowed to continue.</p> <p>The regulation role of Council and the Police in enforcing conditions of consent and antisocial behaviours will continue</p>
Car parking	<p>Car parking was raised as an issue in the Engagement Outcome Report submitted with the planning proposal. The proposal indicates that parking is already limited, and residents are concerned what impact the additional patrons will have on the parking situation on and around Enmore Road. The survey from the Engagement Outcome Report found that approximately 72% of visitors to the precinct that responded to the survey used active transport to travel to the precinct. Ride share was used approximately 6% of the time resulting in no parking requirements. Council has also resolved to bring forward a review of the area's parking scheme to 2023. The proposal is considered acceptable in this regard.</p>



## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 8 Social and economic impact assessment**

Social and Economic Impact	Assessment
Economic	<p>The potential economic impacts from the planning proposal would be largely positive, including:</p> <ul style="list-style-type: none"> <li>increased business and consumer confidence about what noise levels are considered appropriate at each time of day</li> <li>increased investment in the area, leading to greater economic activity, employment of staff across industries such as hospitality, the arts and retail.</li> </ul>
Social	<p>Renewed and increased business confidence in the area will be potentially result in new venues for residents, works and visitors to the area. These venues will provide opportunities for social interaction and a renewed attractive character of the Enmore Road SEP and the wider adjacent area such as King Street in Newtown.</p> <p>There may be other social impacts from additional patrons to the area, such as anti-social behaviours however these impacts will be managed by other mechanisms and laws relating to licenced venues that are outside the scope of this planning proposal.</p>

## 4.3 Infrastructure

The planning proposal seeks to rely on existing transport infrastructure for the delivery of the SEP. Enmore Road is well serviced by several existing public transport routes. Newtown train station is adjacent to the Enmore Road SEP, serviced by the T2 Inner West Line which runs from Leppington to the City Circle. Train services go in both directions until 12.30 am. There are five bus routes that service Enmore Road during the day until 12.30 am and run frequently. Four bus routes service Enmore Road throughout the night and run approximately every half an hour to an hour. The existing public transport links are considered adequate for the purposes of the proposal.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

This timeframe is consistent with the Department's *Local Environmental Plan Making Guideline 2022* (LEP Making Guideline) timeframe of 20 working days for a standard planning proposal. A Gateway condition has been included to require the planning proposal to be exhibited for 20 working days, consistent with the benchmark timeframes in the Guideline.

#### Prior community consultation

As noted in the Background section of this report, Council has previously undertaken consultation with the community, businesses and industry prior to submission of this planning proposal. The Department also exhibited an EIE for consultation prior to initiating the Enmore SEP trial.

## 5.2 Agencies

The proposal notes that pre-Gateway consultation has occurred with various agencies.

Council has nominated to consult with the following agencies and organisations about the planning proposal:

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

This is considered appropriate. In addition to these agencies, it is recommended that the following other agencies are consulted:

- Office of Local Government
- Department of Customer Service

It is recommended the agencies be given at least 30 days to comment.

## 6 Timeframe

Council proposes a 4 month time frame to complete the LEP (notification by August 2023). Council states this condensed timeframe is sought as the trial conditions are due to end at the end of 31 July 2023.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal as Council is responsible for the evaluation of the trial and the proposal to make the Enmore SEP ongoing is considered a local matter.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is consistent with the relevant provisions of the Greater Sydney Region Plan, Eastern City District Plan, various Inner West Local Strategic Documents and applicable SEPPs and section 9.1 Ministerial Directions;
- The planning proposal will deliver a precinct-based approach to noise standards, management procedures and mitigation requirements to provide certainty to businesses and amenity expectations to residents; and
- The planning proposal will provide ongoing recognition of the Enmore Road SEP which contributes to an active night-time economy and supports the arts and cultural sector.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - Remove commentary on the State Environmental Planning Policy (Industry & Employment) which refers to consistency with planning provisions that are only applicable to the Western Sydney Employment area.
2. Consultation is required with the following public authorities and organisations:
  - City of Sydney Council
  - NSW Police
  - NSW Live Music Office
  - Liquor and Gaming NSW
  - Transport for NSW
  - Office of the 24-Hour Economy Commissioner
  - Office of Local Government
  - Department of Customer Service
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The planning proposal must be exhibited no later than 2 months from the date of the Gateway determination.
5. The planning proposal must be reported to Council for a final recommendation no later than 3 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



21.04.2023

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