



Inner West Council

Planning Proposal

Enmore Road Special Entertainment Precinct

IWC/PPAC/2023/0001

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Date: 14 March 2023

Version: 2



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Introduction

The Inner West night-time economy makes a significant contribution to the local economy, employment, cultural identity, and recreation of Inner West. This includes a vibrant live music scene, a diverse creative and cultural economy, and a strong hospitality sector that benefits residents, workers and visitors to the area including domestic and international tourists.

Enmore Road is a premier night life destination in Sydney; where Inner West's culture, creativity and hospitality is on offer. This flourishing strip has evolved over decades of transformation in a creative and entrepreneurial ecosystem; however, its existence and continued growth are threatened by gentrification.

As is happening elsewhere in Sydney and cities around the world, inner city suburbs are gentrifying and new residents moving in. The live music and entertainment offerings that attracted people to the area often start to be considered a nuisance when residents circumstances change resulting in noise complaints against venues. Under current laws complaints relating to sound coming from these venues must be addressed by the venues themselves, whether or not the venue existed before the adjacent residential use, or cease trading.

Complicating matters further, noise complaints against venues are currently dealt with by three bodies depending on where they are directed; Council, Liquor and Gaming or the Police. There are also no requirements for new developments to recognise existing venues. For example, if a flat building is built next to an existing live music venue, they do not require sound proofing to ensure that the venue can continue to operate without disturbing the new residents, with the onus falling on the venue.

This planning proposal seeks to allow the Enmore Road Special Entertainment Precinct to continue on an ongoing basis. This initiative is aimed at making it clear to residents, businesses, Council staff, developers, and other stakeholders what the expectations are for entertainment sound levels in the area and create a consistent quantitative based approach to sound regulation and compliance.

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 in NSW.

Inner West Council responded to this new legislation on [24 May 2021 by resolving to:](#)

- Designate Enmore including the Enmore Theatre as the first Special Entertainment Precinct in NSW.
- Consult with live music and performance venues in the Inner West LGA about other appropriate locations and venues to designate as Special Entertainment Precincts.

While awaiting guidelines to be drafted and released by the Office of Local Government and/or the Department of Planning and Environment (DPE), Inner West Council was contacted by DPE officers with an offer to be part of a pilot program.

The Pilot

Council worked with DPE to develop a pilot special entertainment precinct (SEP) on Enmore Road to test the new approach to entertainment sound compliance permitted by the changes to the [Local Government Act 1993](#) in a real-life scenario. The pilot was developed to provide an opportunity for Inner West to effectively consult with the community regarding the establishment of a permanent precinct. That is, it would allow Council to trial a Noise Management Plan for licenced venues that have amplified music, and for Council, venues, and the community to experience the practical aspects of changes to noise management in the precinct.

An [Explanation of Intended Effect](#) (EIE) explaining the changes to planning controls required to trial the Inner West's special entertainment precinct in Enmore Road was exhibited by DPE from 10 June until 8 July 2022. The EIE received 95 submissions, with 88 in support (93%), 4 opposing (4%) and 3 providing suggestions for improvement (3%).

A State Environmental Planning Policy amended [Inner West Local Environmental Plan 2022 by inserting Clause 6.32](#) which established the temporary Inner West Special Entertainment Precinct and mapped the precinct boundaries. The pilot was initially proposed to operate for three months between 1 September 2022 and 30 November 2022.

During the pilot's operation Council ran a survey for visitors to the area asking if they supported Enmore Road continuing as a SEP. Most responders were in support of the SEP continuing (283 (91%) of the 310).

In response to this overwhelming support, Inner West Council requested an extension of its trial SEP on a section of Enmore Road until 31 July 2023. The purpose of this is to keep the SEP in

operation whilst Council works towards deciding on its future. The extension gives Council time to consult its community and venues about their experience of the precinct and to prepare a planning proposal if they decide to make the precinct permanent.

Post-trial consultation update

Local residents and businesses on and around Enmore Road were invited to complete a survey on their experience during the trial precinct. Over 4000 letters were sent to residents and businesses. The survey was open for 21 days between 3 February and 24 February 2023.

64 residents completed the survey and 63% of residents were supportive of the precinct being made permanent. Support was higher for residents that lived a block away from Enmore Road where support was 71%, as opposed to those living immediately adjacent Enmore Road, where support was 25%. Availability of street parking was the number one issue raised by residents, followed by increased noise, anti-social behaviour, and litter.

Eight local businesses completed the survey. All eight were in support of the precinct being made permanent.

A copy of the engagement outcomes report has been provided with this planning proposal.

Part 1 Objectives and intended outcomes

The objectives of this 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.

To achieve the objectives, it is proposed to amend Clause 6.32 of Inner West LEP 2022 by removing the end date.

Note: Clause 6.32 currently states:

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

Part 2 Explanation of provisions

This Planning Proposal seeks to amend Clause 6.32 of IWLEP 2022 by removing the end date, allowing the Enmore Road SEP to continue in perpetuity. The intended effect and suggested wording of the clause are detailed below.

1. Intended effect

The intent of the proposed amendment is to provide clarity to businesses, residents, developers, and Council enforcement officers, on sound level expectations in the precinct, specifically entertainment sound from venues along Enmore Road.

This is to support the continued operation of existing venues and the establishment of new venues in the precinct, whilst maintaining adequate amenity for the residents living on and around Enmore Road, as well as sound proofing new developments in the area from the impacts of entertainment sound.

To achieve this, Inner West Council propose to amend Clause 6.32 of the IWLEP 2022 by removing the end date, designating Enmore Road as a SEP in perpetuity.

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 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 (SEPMP)

[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 was proposed to manage the operation of the trial precinct. It has been updated for the future operation of the precinct.

The SEPMP contains the following information:

- The identified area on Enmore Road
- A position statement and set of objectives for the precinct
- Existing policy considerations and how the SEP sits amongst the framework
- Where and when the plan applies
- Compliance procedures for entertainment sound related complaints
- Sound criteria including allowable sound levels for varying times of the day as they effect different properties

The SEPMP is for the use of businesses, residents, Council, the Police and other relevant stakeholders in understanding their role and responsibilities in the management of entertainment sound in the precinct. It also gives residents an understanding of noise levels they should expect at various times of the day depending on their property's location.

It is the central tool that will be utilised in substantiating entertainment sound related complaints, as it not only contains the complaint handling procedures, but also the sound level criteria that complaints are measured against.

Section 7 of the SEMPMP details the procedures that Council will undertake in dealing with noise complaints concerning venues. Compliance actions vary depending on the nature of the complaint and the time that it is made. Complaints made to Council will initially be fed back to venues, telling them they are making a disturbance. If this does not resolve the issue, Council will organise mediation between the parties to come to a resolution.

If the disturbance continues, Council will undertake random sound testing to substantiate the complaint. Noise levels found to be higher than the set criteria will attract a formal warning due to a breach of the [*Protection of the Environment Operations Act 1997*](#). Formal penalty notices will be issued if breaches continue.

Complaints made to the Police will be dealt with through their own procedures.

A draft version of the SEPMP is currently in operation on Enmore Road as part of the ongoing trial 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, as well as issues Council have noticed with the trial operation. Amendments made in the final version include:

- Simplifying the sound category area levels by removing sound category area level 3 and placing sound category area level 2 in its place.
- Introducing a new sound category level specific to properties at the rear of the Enmore Theatre. This sound category level recognises higher sound levels whilst the theatre is in operation and gives these properties reprieve after midnight.
- Minor changes to the compliance procedures and complaint handling so they are consistent with Council's online system.
- Removal of references to the trial period that will have ceased operation when the SEP is in force.

Council will monitor and update the SEPMP overtime to ensure it is current and fit-for-purpose.

Development Control Plan

A Development Control Plan (DCP) provides detailed planning and design guidelines to support the planning controls in the Local Environmental Plan (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
- Set out criteria for new or modified venues to demonstrate an ability to comply with
- Quantify the noise levels that sensitive land uses and new venues will need to comply with
- Detail when and 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 in the area is suited to the permitted sound levels in the precinct. 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.

3. Suggested wording

It's recommended that Clause 6.32 of the IWLEP 2022 be amended to remove the time limited period. The new suggested wording is as follows:

“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.”

4. Mapping

The existing LEP map titled “Special Entertainment Precinct Map – Enmore Road Sheet SEP_001 should be retained. An extract of this map is contained in Figure 1 below.

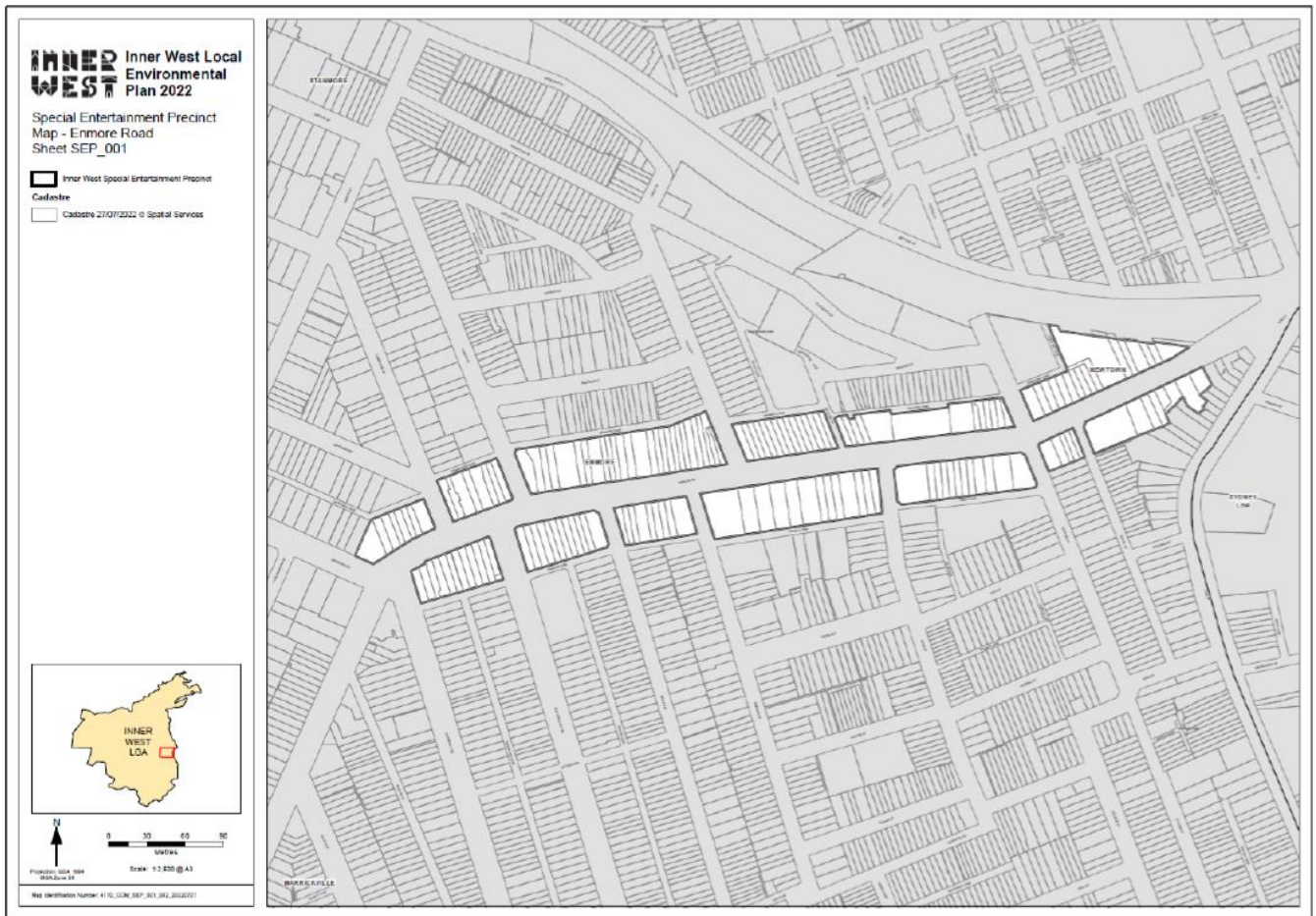


Figure 1: Special entertainment precinct map from the Inner West LEP 2022

Properties with an Enmore Road address along the central commercial strip were included in the SEP. On the southern side of the road, the precinct ends at 8 Enmore Road, Newtown at the eastern extent as the adjacent property is double fronted with King Street. The Warren View Hotel at 2 Stanmore Road, Enmore was not included in the precinct as it does not have an address to Enmore Road and does not form part of the central commercial strip.

DCP mapping is also included. It identifies each property on and around the SEP with a Sound Category Area (SCA). SCAs determine the exposure of entertainment venue sound to sensitive receivers at their property boundaries. This is then used to predict sound levels and attenuate premises accordingly through the development application process.

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?

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 the endorsed Employment and Retail lands Strategy (ERLS) It is also a result of interest

from the Department of Planning and Environment (DPE), with the current trial of the SEP being a collaboration between DPE and Inner West Council.

Recent changes to the 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.

Council resolutions

There have been three Council resolutions to establish Enmore Road as a SEP. they are summarised in Table 1 below:

Resolution	Date	Content
<i>Making the Inner West the Live Music and Performance Capital of Australia Again</i>	24 May 2021	<ul style="list-style-type: none"> • Designate Enmore including the Enmore Theatre as the first Special Entertainment Precinct in NSW. • Consult with live music and performance venues in the Inner West LGA about other appropriate locations and venues to designate as Special Entertainment Precincts.
Art Summit	13 September 2022	<ul style="list-style-type: none"> • Note opportunities to support local artists and venues under the pilot Enmore Road SEP. Commence scoping to identify other SEP locations in the LGA.
Mayoral Minute: Enmore Road Special Entertainment Precinct	6 December 2022	<ul style="list-style-type: none"> • Note success of the Enmore Road SEP trial. • Welcome DPE decision to extend trial whilst a planning proposal is developed to make it permanent.

This planning proposal has been made to fulfill these Council resolutions.

Local Strategic Planning Statement (LSPS) & Employment and Retail Lands Strategy (ERLS)

Endorsed in March 2020 by Council and the Greater Sydney Commission, the [LSPS](#) sets out the vision for the Inner West in 2036 and lays out a set of actions that will be taken to achieve that vision. It is organised into 14 planning priorities. Planning Priority 9 – “a thriving local economy” directly supports this planning proposal. This planning priority is accompanied by a single action; “Action 9.1 to implement the [ERLS](#)”. Under this it 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 contained under 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 a SEP on Enmore Road will directly achieve all three of these actions. It identifies Enmore Road as an area with higher entertainment sound levels due to a concentration in night-time activity and live music venues. It seeks to protect these venues and residential amenity by quantifying acceptable noise levels from venues. This also has the effect of managing the expectations of existing and future residents.

The SEP will also require the attenuation of certain types of development within the area. Under the DCP accompanying this planning proposal, multiple sensitive land uses are required to attenuate against the allowable noise levels from venues within the precinct. Similarly, new venues will be required to demonstrate they can comply with the allowable noise levels. This is an agent of change approach to the management of entertainment sound.

Other external trigger – Spring 2022 Special Entertainment Precinct pilot

In October 2021 Inner West Council was contacted by DPE’s (DPIE at the time) Strategy and Innovation unit to participate in a pilot Special Entertainment Precinct on Enmore Road. Council agreed to be part of this pilot.

The initial pilot operated between 1 September and 30 November 2022. This included having a draft precinct management plan in place for the management of entertainment sound throughout the precinct.

Due to the success of the pilot, it was continued through a Section 3.22 amendment to extend the conditions of the pilot until 31 July 2023 whilst Council worked on the future of the SEP.

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. This is in part due to the controversial lockdown laws, as well as Sydney's tarnished night life reputation.

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 and Police from noise complaints.

An intended outcome of this proposal is to strike a balance between the amenity demands of businesses and residents. This planning proposal is considered the best means to directly achieve this.

The Special Entertainment Precinct quantifies entertainment sound levels businesses can emanate into the public domain and through shared partitions within buildings. With accredited acoustic advice, businesses can test if they can achieve the sound levels detailed in the Precinct Management Plan without having to consider fluctuating background noise levels that are utilised in the current management of noise in NSW.

Similarly, this will give residents assurances of the noise 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 a diverse mixed-use neighbourhood with a flourishing arts and live music scene, all stakeholders understanding their role in managing sound compliance and allowing Council to implement an adaptable approach to sound compliance.

The precinct also includes 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.

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. Enmore Road is a premier night life destination in Sydney with a strong live music and cultural industry. This occurs within a mixed-use setting, creating a vibrant centre throughout the day and night. Designating Enmore Road as a Special Entertainment Precinct with adequate noise control measures in place will ensure Enmore Road continues to thrive.

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.

The Inner West is specifically mentioned under this planning priority with relevance to this proposal. It states that “...*it is important that the capacity for creative industries, arts and cultural uses near to major cultural institutions be protected, for example in the areas of the Inner West...*”.

The Enmore Theatre is located within the proposed SEP. It is a major cultural institution for the Inner West and Sydney. Since opening in 1912 it has hosted numerous major international and local artists including Bob Dylan, Coldplay, The Cranberries, Gang of Youths and The Rolling Stones. It provides a 2,500-person audience to acts across multiple creative disciplines including dance, comedy, live music, theatre, film and television recording as well as a venue for local community meetings.

The Enmore Theatre is a major anchor for not only Newtown and Enmore, but surrounding areas with strong transport links including St Peters, Stanmore, Petersham, Marrickville, Chippendale, and Camperdown.

[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, a venue like the Enmore Theatre would generate a similar economic multiplier.

The Enmore Theatre is also part of a larger ecosystem of venues that provide opportunities for smaller artists on Enmore Road to perform and build a fan base. Venues that will be similarly afforded protections include The Duke, HiWay Bikini Bar, The Enmore Hotel, Midnight Special, Jacoby’s Tiki Bar, Queen Victoria Hotel, Bar Planet and Secret Garden Bar. These are all venues

that were granted additional trading by Liquor and Gaming NSW throughout the pilot period due to their live music offerings.

- 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.

Great places within the Inner West are mentioned under this planning priority, including Newtown which is within and adjacent to the subject area. Designating Enmore Road as a SEP will protect the existing cultural institutions from changing land use patterns, as well as support the growth of the creative industry.

- 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 a Local Centre with a flourishing cultural and creative industry.

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
 - Enmore Road is a centre of the creative and cultural industry. Venues are a place where people can enjoy creativity and culture.
 - Live music is part of Enmore Road's history that will be protected into the future due as a result of this planning proposal.
- 3.2 Inner remains the engine room of creative industries and services
 - Protecting live music venues on Enmore Road will ensure the Inner West retains places where artists can perform and interact with patrons.
 - The varied nature and size of venues will foster and ecosystem of creativity, supporting artists from a range of disciplines and stages in their growth.
- 3.5 Urban hubs and main streets are distinct and enjoyable places to shop, eat, socialise and be entertained

- o Enmore Road will be retained as an enjoyable place with a plethora of entertainment venues.

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 in place. Consistency is demonstrated in the table below.

State Environmental Planning Policy (SEPP)	Consistency
SEPP (Housing) 2021	<p>Consistent</p> <p>Higher noise attenuation standards will apply to all types of residential accommodation within and around the precinct. 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.</p>
SEPP (Transport and Infrastructure) 2021	<p>Consistent</p> <p>Enmore Road is a high traffic carriageway 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.</p> <p>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.</p>

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 public authority are contained within this planning proposal.</p> <p>No further development will be considered designated development as a result 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>Enmore Road and some of the surrounding residential streets are heritage conservation areas and contain multiple heritage items.</p> <p>No changes are proposed that would result in negative impacts to heritage conservation.</p> <p>Supporting the continued use of the Enmore Theatre will protect the</p>

	integrity of this heritage item.
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	<p>Yes</p> <p>Enmore Road is not on flood prone land. Changes to compliance regimes and noise attenuation for new developments will not impact on flooding.</p>
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	<p>Yes</p> <p>The proposal will not result in new land uses being permitted.</p>
4.5 Acid Sulfate Soils	<p>Yes</p> <p>The area is not identified as being affected by acid sulfate soils in accordance with the IWLEP 2022 mapping.</p>

4.6 Mine Subsidence and Unstable Land	Not applicable
5.1 Integrated Land Use and Transport	<p>Yes</p> <p>The proposal supports the continued growth of the B2/EI Local Centre Zone in an area with a high level of public and active transport infrastructure.</p>
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 zone (B2 / EI Local Centre) permits resident accommodation in the form of shop-top housing. The proposal will not reduce the capacity of the land for residential development. It will ensure future residential accommodation developed in the area is designed to mitigate against entertainment sound in the area, 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 the B2 Local Centre (or EI under the employment zone reform) zoned land, by making the acceptable</p>

	<p>sound levels coming from premises clear to businesses and residents.</p> <p>Council expects the SEP to increase business confidence and lead to new businesses opening along Enmore Road.</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 the venue 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.

Noise from patrons leaving venues or a general increase in people and the potential for noise disturbance this brings is not regulated by this plan, as it is an individual's responsibility for their own behaviour in the public domain. 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. Council provide numerous street bins along Enmore Road. These bins are emptied daily. Street cleaning also takes place every day on Enmore Road as part of Council's essential main street shopping centre service levels. Bin servicing levels are monitored by Council's operational staff. Any additional need for servicing Enmore Road will be identified by them.

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 from commercial premises are a user pays model. This meaning that any noise coming from a commercial premises and considered 'offensive' by the regulatory officer on duty needs to be mitigated by the premises immediately or they risk fines or other orders to cease their use.

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 overtime
- 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 on Enmore Road. Designating a SEP will mean that:

- Liquor and Gaming no longer play a role in sound related compliance matters, and
- Amplified sound is regulated by a plan made by Council

Specific sound levels are detailed in the new Precinct Management Plan that set a limit 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 will mean new venues for residents, workers and visitors to the area to experience live music and other performing arts hosted by venues. These will be new opportunities for social interaction and development of sense of place in the Enmore and Newtown area.

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 and Policing.

Inner West staff maintain a strong working relationship with the local Police Area Command, specifically the licensing sergeant whom staff meet with regularly. 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 the area is highly competitive due to the large number of households adjacent a busy commercial strip and public transport corridor. Council currently manages street parking through a residential parking scheme, with timed parking on one side of each street that is made unlimited for residents in the scheme, and unlimited parking for all on the other side.

This approach aims to maintain parking for residents in the scheme, whilst also allowing unlimited parking for workers and visitors, as well as residents who are not eligible for the scheme, including households with multiple cars and residents in apartments.

Whilst this issue is not expected to be resolved in a matter that would satisfy all parties, Council has resolved to bring forward a review of the area's parking scheme to 2023.

Section D – State and Commonwealth interests

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

Enmore Road is serviced by frequent and late-night public transport. This includes buses, trains, and NightRide buses. Public transport available includes:

Trains

- Newtown Station is serviced by the T2 Inner West Line. Services to Central Station are available until half past midnight.

Buses

- Buses servicing Enmore Road include the; 355, 423, 426, 428 and 430. These are frequent bus services. The 423 runs every hour throughout the night.
- Further bus services are available at Newtown Station, including the: 352, 422 and 370. Services from these buses cease at half past midnight.

NightRide buses

- Late night bus's servicing the area include the: N10, N30 and N40. Services run throughout the night when other bus and train services are not in operation.

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.

It is considered that benefit would however be derived from consultation with the following:

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

Part 4 Mapping

LEP and DCP mapping are required to fulfil the intended outcomes of the planning proposal. These maps have been included in Figures 2 and 3 below.



Figure 2: Special entertainment precinct map from the Inner West LEP 2022



Figure 3: Sound Category Area Map from the draft Section 2.26 of the Marrickville DCP 2011

Part 5 Community Consultation

Council has undertaken substantial consultation with the local community and industry prior to submission of this planning proposal. A summary of the consultation completed so far is below.

Spring 2022 Special Entertainment Precinct Pilot

DPE exhibited an EIE between 10 June and 8 July 2022 of the proposed LEP amendment to insert a temporary clause to allow the trial to occur. During exhibition 95 submissions were received. 88 were in support (93%) of the SEP, 4 opposed it (4%) and 3 provided neutral comments (3%).

The Enmore Road SEP was initially run as a pilot between September and November 2022. Once operational, Inner West Council opened a survey for the public. The intention of this was to understand the level of support in the general community, whether they be visitors, locals or tourists. 310 responses were made to the survey, with 283 (91%) answer “yes, support” to “Do you support Enmore Road being designated as a Special Entertainment Precinct?”. 6% answered “do not support and 3% were neutral, unsure or required further information.

Post pilot consultation

Local residents and businesses on and around Enmore Road were invited to complete a survey on their experience during the trial precinct. Over 4000 letters were sent to residents and businesses. The survey was open for 21 days between 3 February and 24 February 2023.

64 residents completed the survey. 63% of residents were supportive of the precinct being made permanent. Support was higher for residents that lived a block away from Enmore Road where support was 71%, as opposed to those living immediately adjacent Enmore Road, where support was 25%. Availability of street parking was the number one issue raised by residents, followed by increased noise, anti-social behaviour, and litter.

Eight local businesses completed the survey. All eight were in support of the precinct being made permanent.

A copy of the engagement outcomes report has been provided with this planning proposal.

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

With the temporary precinct set to end on 31 July 2023, Council is working to a compressed timeline with the assistance of DPE. The proposed timeline is therefore considered ambitious but achievable with commitment from both Council and DPE. The anticipated timeframe for the planning proposal is shown in the table below.

Action	Date
Submit Planning Proposal to DPE for Gateway consideration	March 2023
Receive Gateway determination	April 2023
Complete any changes required by Gateway Determination	April 2023
Public exhibition & government agency consultation	May 2023
Consideration of submissions	June 2023
Post-exhibition report to Council	June 2023
Submit to DPE for LEP drafting	July 2023
LEP made	July 2023
Plan notified by DPE	August 2023