



## INNER WEST LOCAL PLANNING PANEL MEETING

**30 May 2024**

**MINUTES**

**MINUTES of INNER WEST LOCAL PLANNING PANEL MEETING** held via teleconference on 30 May 2024.

Present: Mr Jason Perica as Chair, Ms Deborah Laidlaw; Mr Garry Chapman; Ms Silvia Correia.

Staff Present: Senior Strategic Planner and Administration Officer.

Meeting commenced: 1:00pm and finished at 1:05pm (deliberations and decision followed)

**\*\* ACKNOWLEDGEMENT OF COUNTRY**

I acknowledge the Gadigal and Wangal people of the Eora nation on whose Country we are meeting today, and their elders past and present.

**\*\* DECLARATION OF PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

There were no declarations of interest.

<b>Agenda Item 1</b>	Special Entertainment Precincts (SEPs)
<b>Description</b>	Planning proposal to amend the Inner West Local Environmental Plan (IWLEP) 2022 to create six new Special Entertainment Precincts (SEPs) in Balmain, Dulwich Hill, Leichhardt, Marrickville, and Rozelle; and to amend the Enmore Road SEP map to include two additional properties.

## ADVICE OF THE PANEL

### The Panel:

1. Supports the Planning Proposal proceeding to a Gateway determination. The Panel considers the Planning Proposal has strategic and site-specific merit.
2. Commends the Council and Council staff for the initiative and the leading work it is undertaking regarding Special Entertainment Precincts ("SEPs"). This also complements another leading initiative relating to creative industries.
3. Notes the previous work, process and suite of documents related to the existing Enmore Road SEP and prior associated Planning Proposal.
4. Notes the prior community consultation undertaken regarding the current proposal, and the level of relative support received to date.
5. Notes and supports the key components of the Planning Proposal, namely:
  - a. The areas/precincts proposed to be designated;
  - b. Local Environmental Plan provisions and map designation, and supporting documents with details (Management Plan and Development Control Plan);
  - c. Signifying areas for later trading and supporting the entertainment/night time economy in those areas;
  - d. Setting 2am as the cap for an additional hour of trade (subject to prior and post DA approvals);
  - e. Separating controls and hours for indoor and public outdoor areas;
  - f. Simplifying noise controls (and making consistent), for impact assessment;
  - g. Designating areas surrounding Special Entertainment Precincts ("SEPs") where acceptable sound criteria varies based on proximity to entertainment venues;
  - h. Requiring upgrades to sensitive uses close to SEPs for new development/alterations and additions (although the criteria or trigger for upgrades in Sound Category Areas and for the commissioning of individual acoustic assessments may need further consideration so it is not too onerous for minor works, or include alternatives to achieve sound compliance. This may be achieved by designated works as opposed to a full acoustic report);
  - i. Outlining procedures for complaint handling and complaint resolution; and
  - j. Having no role for NSW Police in sound complaints from entertainment venues (just OLG).
6. Requests that various questions and comments regarding aspects of the Planning Proposal and supporting documents, as contained in a document dated 30 May 2024 from the Panel, be considered at the appropriate time.

**The Inner West Planning Panel Meeting finished at 1:05pm**

**CONFIRMED:**

**Mr Jason Perica  
Chairperson**

### SEP Management Plan

1. Part 3.1. Should it be made clearer that DAs can be made for later indoor trading beyond 2 am?
2. Over time in subsequent reviews, should set hours be considered to be allowed, rather than an extra hour (e.g. 12 midnight, or an extra hour, whatever is greater, or later)? This may need review over time and also consider wider community support, given the changes are relatively significant.
3. Clearer explanation of dBA(A) and (C) may help understanding and define in Glossary.
4. Are OLG on board, formally consulted/supportive?
5. Table 3 pg 20 – this is the key to noise management. Should it be peer-reviewed or reviewed over time? Should the Plan have an initial review period shorter than 3 years?
6. Part 6.4 – Consider clarifying the role of the complaints system relative to licensed premises and the Vibrancy Reforms after 1 July. Should there be reference to dealing with Council officers and others in a respectful manner?
7. Should noise attenuation of sensitive receivers be in the SEPMP as well as the DCP?

### DCP

1. Should there be exemptions for minor applications for sensitive uses in a SCA whereby the provisions would not apply (e.g. work under a certain \$\$ amount and not involving work to windows/doors/roof)? Acoustic reports can be expensive.
2. Alternatively, in lieu of an acoustic report, it may be worthwhile to establish standard acoustic measures that would achieve compliance (e.g. glazing thickness and insulation and/or other measures, guided by a Council-appointed acoustic consultant) and adopt a Deemed-To-Satisfy/Performance approach where a home owner/sensitive receiver can either do those works or get an acoustic report.
3. More explanation/clarity on the external criteria and internal criteria (and the location from which they are measured) may assist in understanding of the key sound assessment criteria.
4. Provide greater clarity on the application of the DCP in relation to SCA 4.
5. Modified entertainment venues. Should there be a lower cut off point – e.g. a small venue with 20 people increasing by 15% is only 3 more people. Should PoM changes only trigger where likely to change noise impacts?
6. Marrickville DCP objective O3: *To manage amenity expectations in and around Special Entertainment Precincts and maintain reasonable amenity for sensitive receivers.* Is "reasonable" the appropriate benchmark, and is this consistent with the new Vibrancy reforms?
7. Marrickville DCP 2.26.1 - C2. *Sound levels for each of the Sound Category Areas are detailed in Figure 2.26.6 below.* Should this say "maximum" sound levels?
8. If entertainment venues are required to meet the sound levels referred to in C2, why is this not adequate in mitigating noise impacts from entertainment venues? Is the requirement for sensitive receivers to also carry out noise attenuation more of a way to further reduce potential impacts, like a safety net, or addressing pre-existing non-compliances? Or must both entertainment venues and sensitive receivers 'do their bit' to achieve acceptable amenity and acoustic compliance with the guidelines, at the appropriate time or opportunity? Greater explanation of roles and responsibilities and logic of the approach may help understanding and acceptance.

9. Marrickville DCP 2.26.2 – C6. *Where noise attenuation measures impact the provision of natural ventilation, alternative ventilation must be provided to ensure the proposal complies with the National Construction Code.* The Panel acknowledges that there is further work being done on this provision and reasonable access to ventilation, where possible.

### **Planning Proposal**

1. Should the LEP provisions refer to provisions to upgrade sensitive receivers near SEPs?
2. The current LEP clause (cl 6.32) does not have objectives – should it?

### **Other**

1. Would it be better to include information on SCAs in 10.7(2) general Planning Certificate (or at least refer to their existence and check Council's DCP)?