

Item No: C0624(2) Item 2
Subject: PLANNING PROPOSAL FOR ADDITIONAL SPECIAL ENTERTAINMENT PRECINCTS - PRE-GATEWAY DETERMINATION
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RECOMMENDATION

1. That Council endorse the Planning Proposal to amend the Inner West Local Environmental Plan 2022 to designate six new Special Entertainment Precincts (SEPs) and make a minor extension to the Enmore Road SEP to be submitted to the Minister for Planning and Public Spaces seeking a Gateway Determination under Section 3.33 and 3.34 of the *Environmental Planning & 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 technical modifications to the Planning Proposal, Development Control Plan, and Special Entertainment Precinct Management Plan prior to exhibition.

STRATEGIC OBJECTIVE

This report supports the following strategic directions contained within Council's Community Strategic Plan:

- 2: Liveable, connected neighbourhoods and transport
- 3: Creative communities and a strong economy

EXECUTIVE SUMMARY

The Planning Proposal contained in *Attachment 1* proposes to amend the Inner West Local Environmental Plan 2022 (IWLEP 2022) to designate six new Special Entertainment Precincts (SEPs) in Balmain, Dulwich Hill, Leichhardt, Rozelle and two in Marrickville. A minor extension of the Enmore Road SEP to include the Warren View Hotel and another commercial property is also proposed. Maps of the proposed precincts are contained in *Attachment 2*.

The purpose of a SEP is to take a balanced approach to entertainment sound compliance, considering the needs of businesses and residents. This is aimed at encouraging new and existing businesses to host live entertainment, supporting the arts and live music sector and adding to the vibrancy of local centres.

They achieve this by:

- Setting specific sound limits that apply to entertainment venues in a precinct

- Businesses will get an extra hour of trade
- Outdoor dining is permitted until 11pm
- New developments such as residential flat buildings must sound-proof against entertainment sound

The report to Council seeks endorsement to submit the Planning Proposal to the Minister for Planning and Public Spaces for a Gateway Determination.

The Planning Proposal contained demonstrates strategic merit for establishing the SEPs. The proposal is consistent with local and State strategies, specifically actions in Council's Local Strategic Planning Statement and the NSW State Government's 24-hour Economy Strategy for Sydney.

BACKGROUND

In June 2023 Council resolved to undertake early engagement on new SEPs in Marrickville, Leichhardt, Dulwich Hill, Rozelle, and Balmain. Engagement was undertaken between 7 March and 7 April 2024. Overall, there was a high level of support for the precincts, with support from residents hitting 57% for the Balmain precinct and 95% for the Marrickville North precinct. See the Engagement Outcomes Report in *Attachment 3* for details.

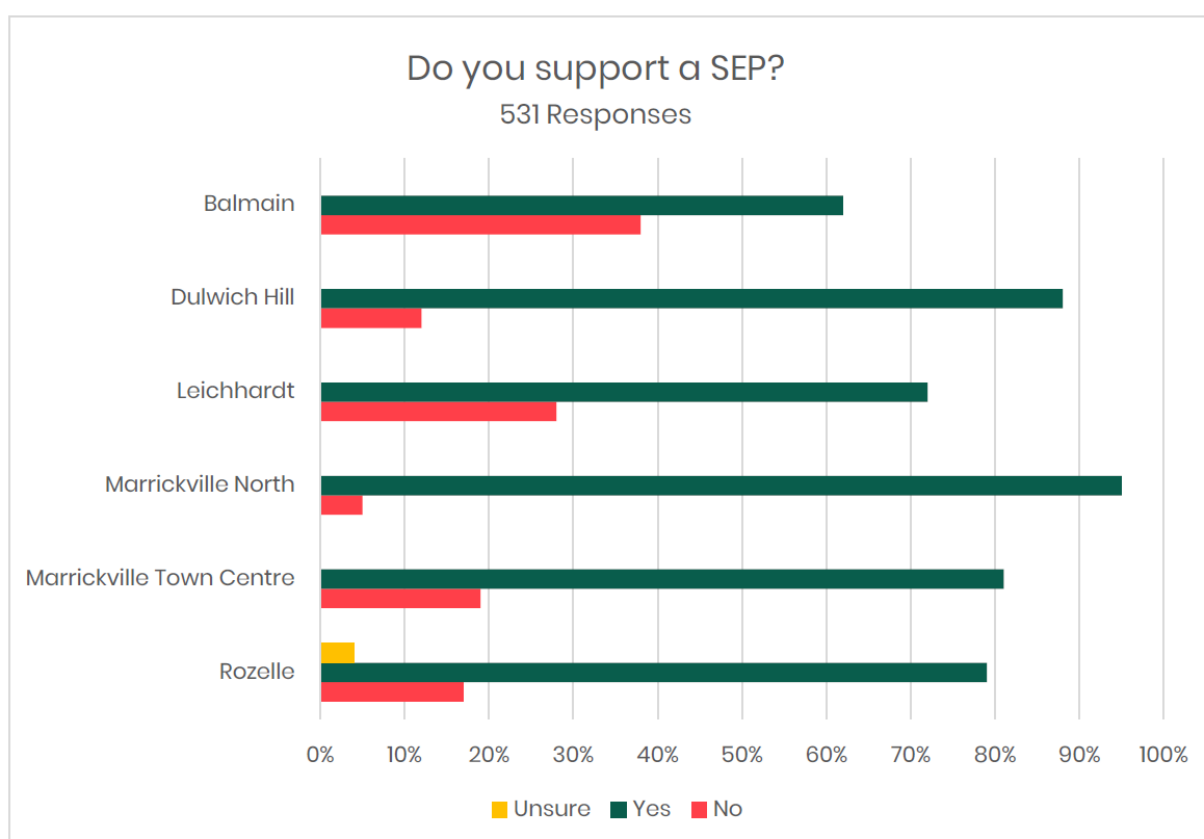


Figure 1: Extract from the engagement outcomes report: all precincts were supported by a majority of the respondents.

DISCUSSION

As a result of the engagement, several changes were made to the precincts, including:

- Commercial zoned properties on the western side of Norton Street between Allen Street and Macauley Street have been removed from the Leichhardt SEP

- Commercial zoned properties on the northern side of Addison Road have been added to the Marrickville North SEP
- The Great Club has been removed from the Marrickville Town Centre SEP
- The following premises have been excluded from accessing the additional 60 minutes of trade:
 - *Restricted premises*
 - *Sex services premises*
 - Premises hosting adult entertainment (e.g., strip clubs)

Amendments to two Development Control Plans (DCPs) are required to ensure new or modified commercial premises and sensitive developments are adequately sound-proofed. Amendments include:

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

See *Attachment 4* and *Attachment 5* for details on the proposed DCP amendments. *Attachment 6* contains the Precinct Management Plan for the SEPs.

Local Planning Panel

The Planning Proposal and related attachments were considered by the Inner West Local Planning Panel on 30 May 2024. The Panel recommended that Council support the Planning Proposal proceeding to a Gateway determination as it has strategic and site-specific merit (see *Attachment 7* for minutes). Minor amendments to the supporting documents will be made to reflect the Panel's recommendation before the Planning Proposal is placed on public exhibition.

Other considerations will be investigated over the long-term including:

- Standard closing hours for each SEP
- Deemed to satisfy acoustic measures
- Expression of Interest process to add to the SEP isolated venues that are appropriately located

FINANCIAL IMPLICATIONS

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

Attachment 3 has been published separately in the Attachments Document on Council's Website <https://www.innerwest.nsw.gov.au/about/the-council/council-meetings/current-council-meetings>

ATTACHMENTS

1. [↓](#) Planning Proposal - Additional Special Entertainment Precincts
2. [↓](#) Maps of proposed SEPs
3. [↗](#) Engagement Outcomes Report – SEPs - **Published separately on Council's website**
4. [↓](#) Amended Marrickville DCP SEP chapter
5. [↓](#) Amended Leichhardt DCP SEP chapter

- 6. [↓](#) Updated Precinct Management Plan
- 7. [↓](#) Local Planning Panel Minutes