

Planning Proposal

Proposed Amendment to Fairfield LEP 2013

**Special Entertainment Precinct (SEP) for
Canley Vale and Canley Heights Town Centres**

June 2025

Document Register

Council versions:

Version	Date	Detail	Council reference
1	13.05.2025	Initial version included in report to Council seeking Gateway Determination from NSW Department of Planning, Housing and Infrastructure	A6405483
2	25.06.2025	Public exhibition version (removal of 'Draft' and updated appendices)	A6591453

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Executive Summary

This Planning Proposal is initiated by Council and seeks to establish two Special Entertainment Precincts along Canley Vale Road, within the Canley Heights and Canley Vale Town Centres.

A Special Entertainment Precinct (SEP) is established under Section 202 of the *Local Government Act 1993* and is defined as an area, streetscape or single venue where trading hours and sound conditions are set by a council in a precinct management plan to support live performances and provide operational certainty for venues, neighbouring residents and businesses.

The purpose of a SEP is to support live entertainment via extended trading hours and noise controls that provide operational certainty for venues, residents and businesses. This initiative aims to provide clarity to residents, businesses, Council staff, developers, and other stakeholders regarding the expectations for entertainment sound levels in the area and creates a consistent quantitative based approach to sound regulation and compliance.

This planning proposal includes a brief enabling clause to be included in the Fairfield Local Environmental Plan 2013, associated LEP map amendments, and future additional provisions within the Fairfield City Wide Development Control Plan 2024.

Canley Heights and Canley Vale are established local centres and have organically grown into night-time districts. By designating these localities as SEPs, Council will be supporting local businesses and assisting them to be thriving precincts with a diverse creative and cultural economy. A properly planned and managed precinct enables:

- Easy and efficient delivery and regulation of late-night public transport and point-to-point services;
- All community members, residents, and visitors to access a fun and safe night out; and
- Certainty and opportunity for local business operators.

The establishment of these Special Entertainment Precincts is based on the model used for the precinct along Enmore Road across Enmore and Newtown and is supported by a large number of external stakeholders, including the Department of Planning, Housing and Infrastructure (DPHI), and the Office of the 24-Hour Economy Commissioner. Council recently received a grant through the Special Entertainment Precinct Kickstart Grant Program to support strategic planning, develop acoustic frameworks, and conduct community consultation.

The planning proposal was not required to be referred to the Fairfield Local Planning Panel for advice. The decision by Council's General Manager as prescribed under Section 9.1 of the Environmental Planning and Assessment Act 1979, within the Local Planning Panel Directions for Planning Proposals. It was considered that the proposal is unlikely to have '*any significant adverse impact on the environment or adjoining land*'. In addition, as detailed further in this planning proposal the proposal is consistent with the relevant state and local strategic directions and strategies applying to Fairfield City.

The proposal addresses key environmental impacts and concludes that the proposal to establish Special Entertainment Precincts in Canley Heights and Canley Vale is considered appropriate given its intention to support a growing night-time economy.

Introduction

Background

Section 202 of the *Local Government Act 1993* was gazetted on 30 April 2021, enabling councils across NSW to establish Special Entertainment Precincts. Subsequently, Section 203 requires councils to act in accordance with Guidelines issued or adopted by the Minister for Local Government to support the establishment and operation of SEPs, and their revocation and suspension.

In 2024 Council resolved to adopt the Fairfield Economic Development Strategy which recommended establishment of two SEP areas within Canley Vale and Canley Heights.

The Canley Heights and Canley Vale town centres are both established local centres with growing night-time economies. Establishing SEPs for these precincts will improve the quality, coordination and diversity of these centres, particularly during evening periods. The Special Entertainment Precinct framework supports this intent through:

- Transferring responsibility from Council to Liquor & Gaming NSW for the management of entertainment sound complaints for licensed venues. Council will remain responsible for managing complaints relating to unlicensed venues.
- Enacting the vibrancy reforms trading hour extension for venues, including 2 hours on nights they offer live music, and one hour extension for all venues every night of the week. An additional incentive for all venues to operate until 4am will be provided.
- Consistency for local businesses by providing new powers for councils to set trading hours in a precinct management plan to support diverse late-night offerings which override the trading hours on a development consent.
- Streamlined resolutions processes by strengthening organisational arrangements to support safety and collaboration
- Certainty for residents by helping people to identify if they have purchased a property located in a special entertainment precinct, through information on planning certificates and Council's website
- Providing a balanced approach: between the acoustic and amenity demands of businesses and residents

Special Entertainment Precincts aim to:

- Reduce the administrative burden on councils;
- Deliver more live music and performance opportunities;
- Attract investment and redevelopment;
- Give greater certainty to both businesses and residents;
- Improve quality, coordination and diversity of going out districts; and
- Enhance tourism and economic outcomes with unique cultural experiences and activities.

A pilot program was undertaken by the Department of Planning, Housing and Infrastructure (DPHI) and Inner West Council in late 2022, whereby the temporary Inner West Special Entertainment Precinct was established along Enmore Road in Enmore and Newtown. The trial was supported by local residents, visitors, and businesses.

Land Affected

The planning proposal applies to land within the Canley Heights and Canley Vale town centres identified as being within the Special Entertainment Precinct Maps.

Canley Heights: Along Canley Vale Road, bounded by Ascot Street to the east and Cumberland Highway to the west.

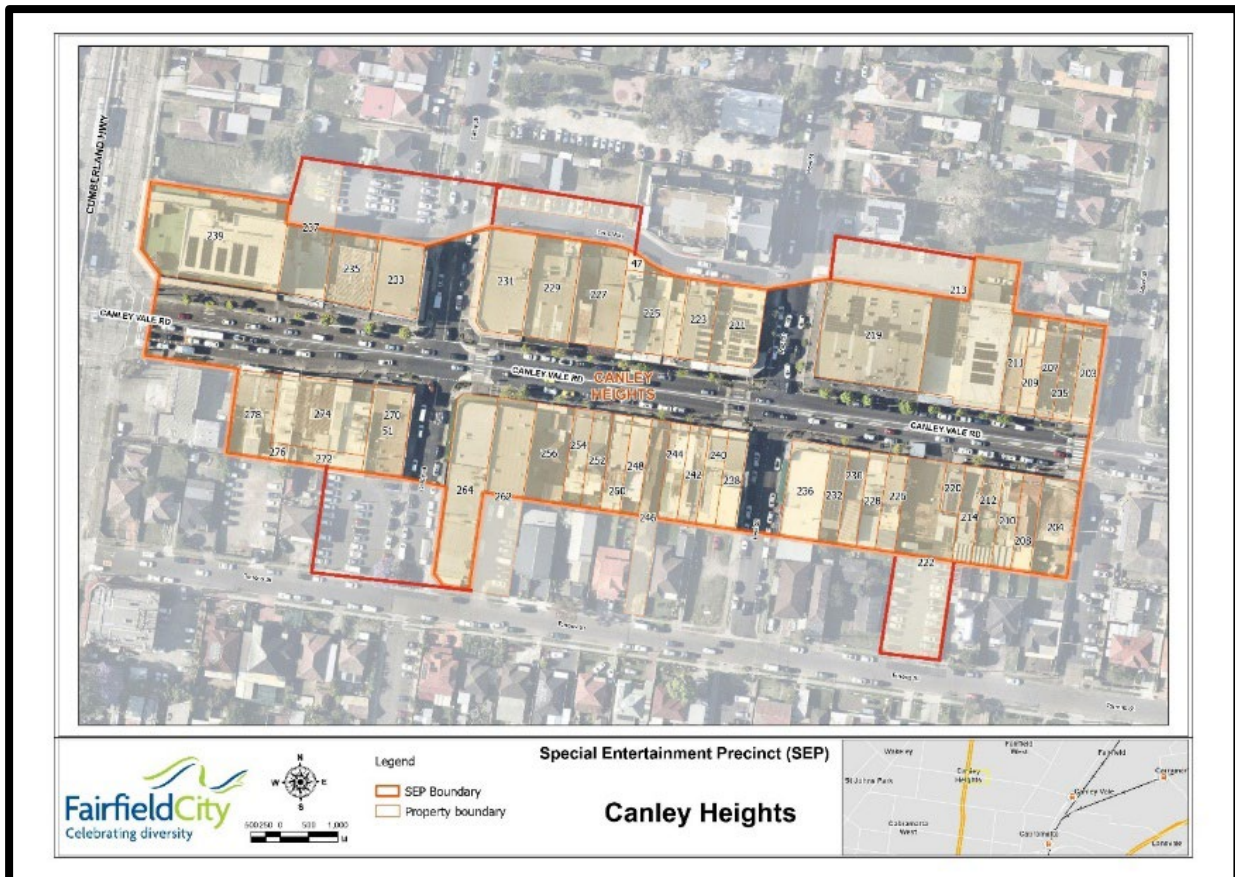


Figure 1: Proposed Canley Heights Special Entertainment Precinct boundary map.

Canley Vale: Along Canley Vale Road, bounded by Railway Parade to the East and Clifford Avenue and 53 Canley Vale Road to the west.

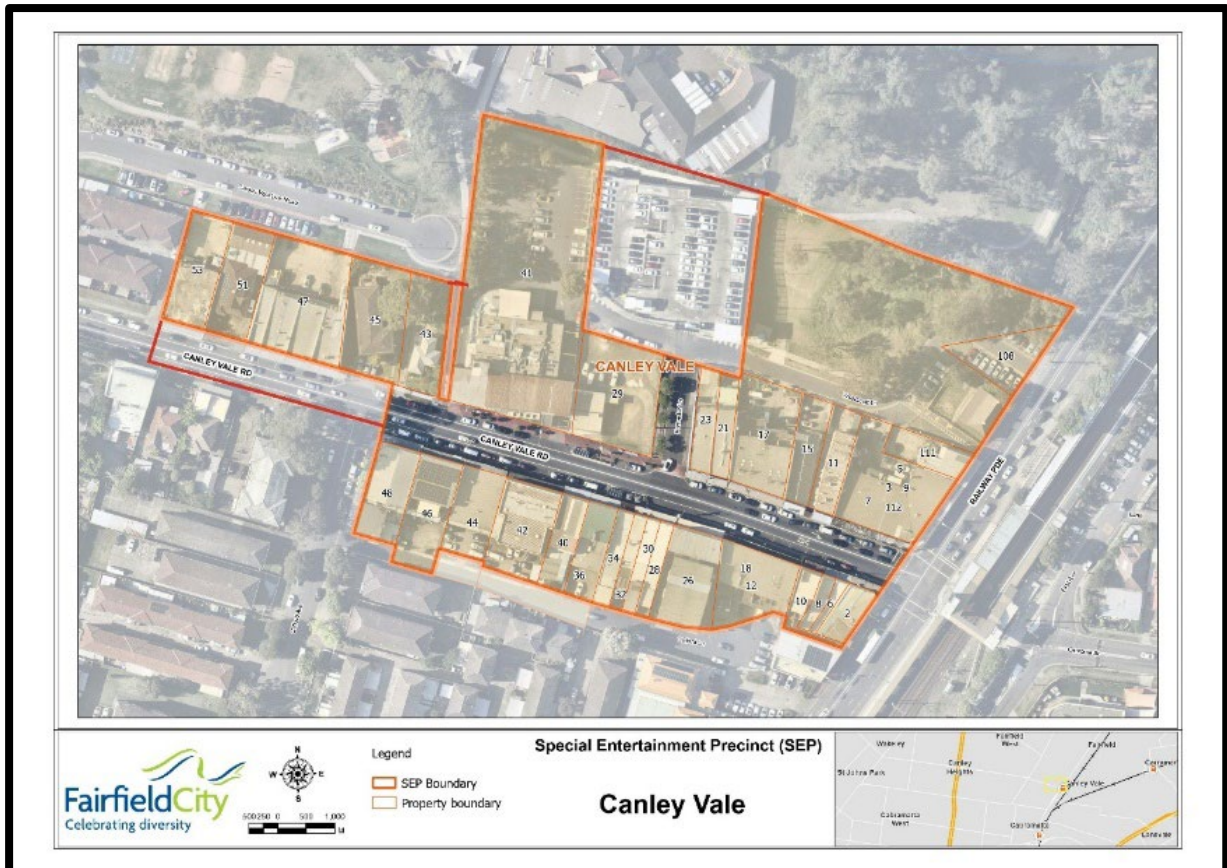


Figure 2: Proposed Canley Vale Special Entertainment Precinct boundary map.

Current Planning Controls

the following legislation will facilitate operation of the SEP:

- Liquor Act 2007
- Environmental Planning and Assessment Act 1979 NSW(EP&A Act),
- Protection of the Environment Operations (General) Regulation 2022 and
- 24-Hour Economy Commissioner Act 2023 facilitate the operation of SEPs.

Existing planning controls that apply to land affected by this proposal, such as land use zoning, floor space ratio, height of buildings, minimum lot size, and additional permitted uses, are not proposed to be amended.

Part 1 – Objectives

The objectives of this proposal are to:

- Support the nighttime economy and diversity in the Canley Vale and Canley Heights Town Centres (Canley Corridor) by facilitating a thriving nighttime economy, including arts and cultural production such as live music.
- Strike a balance between amenity of adjoining residents, and night life.
- Clearly define the roles of stakeholders including businesses, residents, industry, Council, Police and L&G NSW 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 these objectives, it is proposed to amend the Fairfield Local Environmental Plan 2013 by inclusion of an enacting Clause (Clause 6.14 Special Entertainment Precinct) that would reference the SEP LEP Map.

Part 2 – Explanation of provisions

a. Intended effect

The intent of the proposed amendment is to:

- Extend the trading hours of businesses in the SEP to 4am to support the nighttime economy in the SEP area.
- Establish fixed criteria for entertainment sound from live performance venues.
- Establish fixed internal sound criteria for new mixed use residential development.
- Establish fixed internal sound criteria for new residential and commercial tenancies in existing mixed-use development.
- Establish a complaints handling procedure that defines the roles of Council, L&G NSW, NSW Police, the Venue and resident.
- Include an enabling Clause in the Fairfield LEP 2013 referencing the LEP SEP area map.

b. 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. This includes a Precinct Management Plan and an amendment to the Fairfield City Wide Development Control Plan 2024. The purpose and effect of these documents is outlined below:

Precinct Management Plan (PMP)

A Precinct Management Plan (PMP) is proposed to manage the operation of the SEPs. The preparation of a precinct management plan is required as outlined in Clause 202D of the *Local Government Act 1993* and contains the following information:

- The identified areas along Canley Vale 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, including trading hours for premises within the SEP,
- Compliance and regulation procedures for entertainment sound related complaints,
- Sound criteria including allowable sound levels for varying times of the day as they effect different properties, and
- Resolution processes for complaints in relation to licensed premises within the SEP.

The PMP 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. A copy of the PMP will be available for viewing on Council's website as stipulated in Clause 202D(4) of The *Local Government Act 1993*. Council will regularly monitor and update the PMP to ensure it is current and fit-for-purpose.

Fairfield City Wide Development Control Plan 2024

The Fairfield City Wide Development Control Plan (DCP) provides detailed planning and design guidelines to support development in accordance with the provisions of the Fairfield LEP 2013. In this instance, an amendment to the Fairfield City Wide DCP 2024 is required to fulfill Clause 202B(1)(b) of the *Local Government Act 1993*:

- (1) A ***special entertainment precinct*** is an area in which—
(b) *requirements about sound attenuation included in a precinct management plan 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, and;
- Detail when and acoustic report from an accredited acoustic specialist is required and what it needs to demonstrate.

The DCP provisions 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.

c. Suggested wording for LEP amendment

It is recommended that Clause 6.14 of the Fairfield LEP 2013 be included as follows:

6.14 *Special Entertainment Precinct*

- (1) *This clause applies to land identified as “**XXX 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.*

Part 3 – Justification of strategic and site-specific merit

Section A – Need for a planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is a response to new legislation made by the State Government and to achieve actions under the endorsed Local Strategic Planning Statement (LSPS). It is also a result of interest from the Department of Planning, Housing and Infrastructure (DPHI) and the Office of the 24-Hour Economy Commissioner following the establishment of the first SEP along Enmore Road.

Recent changes to the state legislation as well as Council strategies and other triggers that support the planning proposal are discussed below.

Local Government Act 1993

Sections 202 and 203 of the Local Government Act 1993 were gazetted on 30 April 2021. These sections enable establishment of Special Entertainment Precincts by a council. This Planning Proposal has been developed in accordance with this legislation.

Local Strategic Planning Statement (LSPS)

Endorsed in March 2020 by the Greater Sydney Commission and subsequently adopted by Council, the LSPS sets out the vision for Fairfield City in 2040 and establishes a set of actions that will be taken to achieve that vision. It is organised into 16 planning priorities which reflect 5 themes that make up the vision for Fairfield City Council.

Planning Priority 11— *“promote a robust economy which generates diverse services and job opportunities”*— directly supports this planning proposal. This planning priority is accompanied by 9 actions that recognise the role of Council’s land use planning functions as one of the principal drivers of economic activity and employment opportunities across Fairfield City. It recognises significant opportunities throughout the City to further promote the already robust local food experience and encourage the emerging nighttime economy, particularly in relation to food tourism. It also highlights the role of arts and cultural activities in enhancing economic activity in town centres.

Action 11.7 requires Council to “investigate new policies and DCP controls to encourage active streets (outdoor dining) and the night-time economy in town centres.” Establishing SEPs along the Canley Corridor will directly achieve this action. The Canley Heights and Canley Vale Town Centres are existing centres with 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 and venues.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Canley Heights and Canley Vale Town Centres are both established local centres with growing night-time economies. Establishing SEPs for these precincts will improve the quality, coordination and diversity of these centres. An intended outcome of this proposal is to strike

a balance between the amenity demands of businesses and residents. The 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 local centre 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 amended controls within the Fairfield City Wide DCP 2024. The amended controls 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. These changes ensure the standards enforced are in accordance with expectations from Council, the community, and other stakeholders.

Section B – Relationship to strategic planning framework

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 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 and State Infrastructure Strategy. 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 Planning Proposal – Special Entertainment Precinct 11 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 city with a strong night-time economy and as a creative region with artistic and cultural expression encouraged.

This Planning Proposal will assist in achieving this objective. Canley Vale and Canley Heights Town Centres are established centres in South-West Sydney with a strong cultural identity and growing nighttime economy. This occurs within a mixed-use setting, creating a vibrant centre throughout the day and night. Designating Canley Vale and Canley Heights as Special Entertainment Precincts with adequate noise control measures in place will ensure these areas along Canley Vale Road continue to thrive.

Western City District Plan

The Western City District Plan is a long-term, 20-year plan to manage growth in the context of economic, social, and environmental matters to achieve the 40-year vision for Greater Sydney.

Several Planning Priorities under the Plan are directly supported by this proposal. They include;

- W4 – Fostering healthy, creative, culturally rich and socially connected communities

The cultural vibrancy of the Western District is reinforced by a variety of night-time activities, ranging from popular eat streets, clubs and small bars to arts and cultural activities. This planning priority considers opportunities for creative and artistic industries to be facilitated, in addition to diversifying the night-time economy.

The establishment of SEPs along the Canley Corridor directly responds to this planning priorities intent to stimulate the night-time economy in mixed-use centres. The proposed SEPs are within existing local centres with adequate noise control measures, locally appropriate operating hours, and safe late-night travel options.

- W6 – Creating and renewing great places and local centres, and respecting the District’s heritage
- W8 – Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis

Great places and local centres share a unique combination of land uses and activities that contribute to distinctive community identities. Great places within Fairfield are mentioned under these planning priorities, specifically the “Canley Vale Road eat street” and Cabramatta as a distinctive dining and night-time precinct adjacent to the subject areas.

Designating the Canley Vale and Canley Heights Town Centres as SEPs will protect the existing cultural institutions from changing land use patterns, as well as support the growth of the creative industry. Additionally, these cultural assets may contribute towards a robust tourist market that builds upon visitation opportunities presented by the Western Sydney Airport.

- W11 – Growing investment, business opportunities and jobs in strategic centres

Fairfield is specifically identified as a strategic centre in this planning priority, with opportunities identified to develop its “authentic cultural food and night-time economy.” The establishment of SEPs along the Canley Corridor— which is located within proximity to the Fairfield City Centre— directly responds to Actions 56(k) and 61(d) of the Plan.

Action 56(k): Provide access to jobs, goods and services in centres by providing for a diverse and vibrant night-time economy in a way that responds to potential negative impacts.

Action 61(d): Strengthen Fairfield through approaches that increase the liveability of the centre by activating the public realm, including developing the vision for an ‘eat street’ and growing the night-time economy.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Fairfield City 2040: A Land Use Vision – Local Strategic Planning Statement

The Fairfield Local Strategic Planning Statement provides the strategy for Fairfield City’s economic, social and environmental land use needs over the next 20 years, setting short to long term planning priorities for what is needed in the local area.

The planning proposal gives effect to Planning Priority 11 – Promote a robust economy which generates diverse services and job opportunities, namely the following objectives under it:

- There are significant opportunities throughout the City to further promote the already robust local food experience and encourage the emerging nighttime economy, particularly in relation to food tourism.
- Allied to enhanced economic activity in the town centres are design, public domain, arts, and cultural and placemaking improvements and opportunities for the nighttime economy.
- This Planning Proposal directly responds to the planning priority “W11— Growing investment, business opportunities and jobs in strategic centres” of the Western City District Plan.

2022-2032 Fairfield City Plan: Community Strategic Plan

The Fairfield City Community Strategic Plan identifies the community needs and long-term aspirations through extensive community engagement, which are represented throughout the plan in through the establishment of goals, outcomes and community strategies. This planning proposal makes progress towards achieving several goals and outcomes across two themes that are intent on fostering a diverse creative and cultural economy, including:

- Goal 1b: A proud diverse community of many cultures that is valued and celebrated

- Community strategy to “increase the number of events for the community at night, such as “Instagrammable” activities, live music, food festivals, etc.”
- Goal 4a: Range of resilient businesses
 - Community strategy to “extend opening hours to later in the evening in particular town centres” and “increase cafes, coffee culture, restaurants with a focus on outdoor dining”
- Goal 4b: Attractive and lively City
 - Community strategy to have “more nightlife across the City” and “more live music and concerts in public areas”

Fairfield City Economic Development Strategy 2024

The Economic Development Strategy is aligned with the Fairfield City Plan, outlining a framework and strategic directions to build a stronger, more resilient local economy.

This Planning Proposal directly supports Priority 3 (Visitor economy) and Priority 4 (Creating vibrant precincts – Cabramatta, Canley Heights and Canley Vale) by supporting the growth of these centres as food and cultural hubs with vibrant, safe and culturally inclusive night-time economies. Moreover, the creation of a Special Entertainment Precinct and collaboration with the 24-Hour Economy Commissioner are identified as short-term deliverable actions.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Not applicable (N/A)

Is the planning proposal consistent with the relevant state environmental policies?

The relevant State Environmental Planning Policies are outlined in the table below:

SEPP Title	Applicable Yes/No	If Applicable - Consistency with Planning Proposal
SEPP (Biodiversity and Conservation) 2021	No	Not applicable
SEPP 21 (Exempt and Complying Development Codes) 2008	No	Not applicable
SEPP (Housing) 2021	Yes	Higher noise attenuation standards will apply to all types of residential accommodation within the precincts. This will ensure residential development is built to withstand current and future entertainment sound levels for the amenity of residents. The PMP and DCP controls proposed to give effect to this are not in conflict with the SEPP.
SEPP (Industry and Employment) 2021	No	Not applicable
SEPP (Planning Systems) 2021	No	Not applicable
SEPP (Precincts – Central River City) 2021	No	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	No	Not applicable
SEPP (Precincts – Regional)	No	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Yes	The establishment of SEPs in Canley Vale and Canley Heights supports the growth of creative industries and diversifies the businesses operating within the precincts. Strengthening these cultural

SEPP Title	Applicable Yes/No	If Applicable - Consistency with Planning Proposal
		assets will contribute towards a robust tourism market that takes advantages of visitation opportunities by the Western Sydney Airport. This will help drive visitor numbers within the Fairfield LGA and develop significant employment opportunities.
SEPP (Primary Production) 2021	No	Not applicable
SEPP (Resilience and Hazards) 2021	No	Not applicable
SEPP (Resources and Energy) 2021	No	Not applicable
SEPP (Sustainable Buildings) 2022	No	Not applicable
SEPP (Transport and Infrastructure) 2021	Yes	<p>Canley Vale Road is an arterial road with peak hour no stopping zones, 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 future sensitive receivers will not conflict with the requirements under the SEPP. Although required anyway, the DCP controls that specifically state that consideration of road and rail noise must be considered and addressed separately to entertainment venue noise.</p>

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions) or key government priority?

The relevant Section 9.1 Directions contained within the Environmental Planning and Assessment Act 1979 are outlined in the table below:

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
Focus area 1: Planning Systems			
1.1 implementation of Regional Plans	<ul style="list-style-type: none"> To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans 	Not applicable	N/A
1.2 Development of Aboriginal Land Council land	<ul style="list-style-type: none"> To provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority 	Not applicable	N/A
1.3 Approval and Referral Requirements	<ul style="list-style-type: none"> To ensure that LEP provisions encourage the efficient and 	No provisions that will require referrals, concurrence or consultation with the Minister or	Yes

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
	appropriate assessment of development.	public authority are contained within this planning proposal. No further development will be considered designated development as a result of this planning proposal.	
1.4 Site Specific Provisions	<ul style="list-style-type: none"> To discourage unnecessarily restrictive site specific planning controls. 	<p>No additional land uses or changes to zoning are proposed under this planning proposal.</p> <p>The proposed site specific provisions actually allow implementation of less restrictive and provide more certainty to business owners.</p>	Yes
1.4A Exclusion of Development standards from Variation	<ul style="list-style-type: none"> To maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances. 	Not applicable	N/A
Focus area 1: Planning Systems – Place-based			
1.10 Implementation of the Western Sydney Aerotropolis Plan	<ul style="list-style-type: none"> To ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020. 	Not applicable	N/A
Focus area 2: Design and Place (This focus area was blank when the directions were made)			
Focus area 3: Biodiversity and Conservation			
3.1 Conservation Zones	<ul style="list-style-type: none"> To protect and conserve environmentally sensitive areas. 	Not applicable	N/A
3.2 Heritage Conservation	<ul style="list-style-type: none"> To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. 	<p>Two items of local heritage value are located within the proposed precinct at Canley Vale. There are also multiple heritage items in surrounding residential streets.</p> <p>No changes are proposed that would result in negative</p>	Yes

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
		impacts to heritage conservation.	
3.5 Recreation Vehicle Areas	<ul style="list-style-type: none"> To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. 	Not applicable	N/A
3.6 Strategic Conservation Planning	<ul style="list-style-type: none"> To protect, conserve or enhance areas with high biodiversity value. 	Not applicable	N/A
3.7 Public Bushland	<ul style="list-style-type: none"> to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by: <ul style="list-style-type: none"> (a) preserving: <ul style="list-style-type: none"> i. biodiversity and habitat corridors, ii. links between public bushland and other nearby bushland, iii. bushland as a natural stabiliser of the soil surface, iv. existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, v. the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and (b) mitigating disturbance caused by development, (c) giving priority to retaining public bushland. 	Not applicable	N/A
Focus area 4: Resilience and Hazards			
4.1 Flooding	<ul style="list-style-type: none"> Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Flood Risk Management Manual 2023, and 	<p>The Canley Heights precinct is not on flood prone land.</p> <p>The Canley Vale precinct is on flood prone land, being at low to medium risk of mainstream and overland flooding. Parts of the precinct are subject to Council's Flood Planning Area.</p>	Yes

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
	<ul style="list-style-type: none"> Ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land 	Notwithstanding this, changes to compliance regimes and noise attenuation for new developments will not impact on flooding and remains subject to existing development controls for flooding.	
4.2 Coastal Management	<ul style="list-style-type: none"> To protect and manage coastal areas of NSW. 	Not applicable	N/A
4.3 Planning for Bushfire Protection	<ul style="list-style-type: none"> to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and To encourage sound management of bush fire prone areas. 	Not applicable	N/A
4.4 Remediation of Contaminated Land	<ul style="list-style-type: none"> The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. 	<p>There are no sites within the precincts identified as containing contaminated land.</p> <p>The proposal will not result in new land uses being permitted.</p>	Yes
4.5 Acid Sulfate Soils	<ul style="list-style-type: none"> To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. 	The precincts are not identified as being affected by acid sulfate soils in accordance with FLEP 2013 mapping.	Yes
4.6 Mine Subsidence and Unstable Land	<ul style="list-style-type: none"> To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. 	Not applicable	N/A
Focus area 5: Transport and Infrastructure			
5.1 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:	The proposal supports the continued growth of an established E1 Local Centre zone in an area with a high level of public transport infrastructure.	Yes

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
	(a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight		
5.2 Reserving Land for Public Purposes	(a) To facilitate the provision of public services and facilities by reserving land for public purposes, and (b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The proposal will not result in the alteration or reduction in public land.	Yes
5.3 Development Near Regulated Airports and defence Airfields	(a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	Not applicable	N/A
5.4 Shooting Ranges	Not applicable to FCC	Not applicable to FCC	N/A
5.5 High Pressure Dangerous Goods Pipelines	To reduce the risk of harm to human health and the environment by ensuring high pressure dangerous goods pipelines (relevant pipelines) are considered by	Not applicable	N/A

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
	<p>planning proposal authorities.</p> <p>Applies to land included within a Planning Proposal that is within proximity of a Gas Pipeline Easement.</p> <p>Applies to a Planning Proposal which includes any of the following “specified uses” meaning any of the following:</p> <ul style="list-style-type: none"> • Development for sensitive land uses. • Development that may result in a significant population increase. <p>(See Planning Direction 5.5 for applicable land uses)</p>		
Focus area 6: Housing			
6.1 Residential Zones	<p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	The E1 Local Centre Zone 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.	Yes
6.2 Caravan Parks and Manufactured Home Estates	<p>(a) provide for a variety of housing types, and</p> <p>(b) provide opportunities for caravan parks and manufactured home estates.</p>	Not applicable	N/A
Focus area 7: Industry and Employment			
7.1 Employment Zones	<p>a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in employment zones, and</p> <p>(c) support the viability of identified centres</p>	<p>The proposal will add further protections to the operation of the E1 Local Centre zoned land, by making the acceptable sound levels coming from premises clear to businesses and residents.</p> <p>Council expects the SEP to increase business confidence and lead to new and diverse</p>	Yes

Section 9.1 Direction No. & Title	Contents of Section 9.1 Direction	Planning Proposal	Comply
		businesses opening along Canley Vale Road.	
7.2 Reduction in non-hosted short-term rental accommodation period	(a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and (b) ensure the impacts of short-term rental accommodation and views of the community are considered.	Not applicable	N/A
Focus area 8: Resources and Energy			
8.1 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not applicable	N/A
Focus area 9: Primary Production			
9.1 Rural Zones	(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	Not applicable	
9.3 Oyster Aquaculture	(a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	Not applicable	

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

Not applicable (N/A)

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Increased patronage to existing venues with live music offerings and the potential establishment of live entertainment venues drawing their own audience may lead to a direct environmental noise impact.

Any additional noise generated by venues from amplified sound and patron noise from within the venue will be regulated and enforced under the PMP for the SEP and the compliance procedures for such incidents are outlined in this plan. 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. It is generally a requirement for licenced venues to maintain a venue management plan and complaints register that clearly communicate procedures and measures to limit noise disturbance at sensitive time periods including that late night trading period.

It is also proposed to introduce development controls into the Fairfield City Wide Development Control Plan 2024 to address any adverse impacts to noise attributable to the SEP precinct. These controls will be exhibited concurrently with the Planning Proposal and Precinct Management Plan.

How 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.

Economic impacts

Current regulations and compliance of noise from commercial premises are typically investigated by Council's Public Health and Environment Branch. Noise coming from a commercial premises that are considered 'offensive' by the regulatory officer on duty need to be mitigated by the premises immediately or they risk fines or other orders to cease use.

This is layered with development consent and liquor licencing conditions that regulate sound by permitting a certain decibel level (typically 5 decibels) above background noise levels before midnight, and no level above background noise levels after midnight. This measure is difficult for venues and businesses to enforce for several reasons:

- Background noise levels fluctuate over time
- Specialised equipment and expertise are required to establish background noise level
- 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, maintaining precedence of issuing development consent conditions for the offensive noise test layered with the background noise level +5 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 factors such as increased traffic, patronage, venue density etc.

An objective of this proposal is to change Council's approach to sound compliance for commercial premises along the Canley Corridor. Designating a SEP will mean that:

- Liquor and Gaming no longer play a role in sound related compliance matters
- 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 within 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 Canley Heights and Canley Vale town centres.

Supporting a growth in live entertainment venues, may lead to an increase in the number of licenced venues and could lead to an increase in anti-social behaviour. However, these impacts are considered to be manageable as there are other mechanisms and regulations to address these issues including liquor licencing assessments, Responsible Service of Alcohol, individual security and management operations for premises and Policing.

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.

Council has also prepared a 'Good Neighbour Policy' which enables Council to work with live music venues, licensed premises, and residents to manage sound and activity prior to taking formal regulatory action. It is a means of resolving music related issues in a constructive and positive manner. Policy recognises Council's commitment in ensuring that good neighbourhood amenity is maintained for residents by applying a consistent regulatory response to managing sound and activity.

Car parking

Street parking in the area is highly competitive due to the large number of households adjacent to a busy commercial strip and public transport corridor. Council currently manages street parking through timed parking and regular patrols by enforcement officers. Council also provides off-street, timed parking in public car parks accessible on streets adjacent to Canley Vale Road.

Section D – Infrastructure: Local, State and Commonwealth

Is there adequate public infrastructure for the planning proposal?

Canley Vale and Canley Heights Town Centres are serviced by frequent and late-night public transport. This includes buses, trains, and Night Ride buses. Public transport available includes:

Trains:

- Canley Vale Station is located along the eastern boundary of the Canley Vale Town Centre, at the corner of Canley Vale Road and Railway Parade.
- The station is serviced by the T2 Leppington and Inner West Line and T5 Cumberland Line.
- Services towards the Central and Parramatta are typically available until 12:30am.
- Services towards Liverpool and Leppington are typically available until 2:00am.

Buses:

- The 817 bus route services the Canley Corridor, providing connections to Fairfield, Cabramatta, Bonnyrigg, and Prairiewood.
- These are frequent bus services running typically running from 4:30am to 11:00pm.

Nightrider Buses:

- The N50 late night bus route provides services towards Town Hall and Liverpool.
- The service operates throughout the night when other train and bus services are not in operation.

Safer Cities Program

Council received funding from TfNSW to undertake public domain initiatives to improve safety for women in and around the Canley Vale Town Centre. This included approval of:

- LED Tree lighting at Adams Park
- Public LED lighting along Diggers Lane
- Tactile surface indicators along Westacott laneway to improve safety for pedestrians
- Bollards to stop cars entering the pedestrian access ingress/egress area of Westacott lane
- Public mural artwork along the blank wall facades of buildings on the corner of station street and Canley Vale Road
- Placement of parklets on Canley Vale Road to encourage rest areas within the public domain
- Beautification and placement of artistic plant pots along Canley Vale Road

Section E – State and Commonwealth Interests

What are the views of State and Commonwealth public authorities and government agencies consulted in order to inform the gateway determination?

The relevant State Government agencies and stakeholder groups to be consulted through the Gateway process as required per the below condition of the Gateway.

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- *Transport for NSW.*
- *Office of the 24-Hour Economy Commissioner.*
- *NSW Liquor and Gaming.*
- *NSW Police (Fairfield Local Area Command).*
- *Office of Local Government.*
- *Fire and Rescue NSW.*

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

Feedback received during the public exhibition and consultation stage will be reported to Council upon closure of the exhibition period to inform the outcomes to be addressed as part of the Proposal.

Part 4 – Maps

This part of the Planning Proposal deals with the maps associated with the Fairfield Local Environmental Plan 2013 that are to be amended to facilitate the necessary changes as described in this report.

To achieve the objectives of the Planning Proposal, Fairfield Local Environmental Plan 2013 will be amended as follows:

- Inclusion of Special Entertainment Precinct Maps to identify sites within the Special Entertainment Precinct.

Appendix A contains maps of proposed sites subject to this Planning Proposal.

Part 5 - Community Consultation

The *Environmental Planning and Assessment Act 1979* sets out the consultation requirements for planning proposals and are determined at the Gateway.

In accordance with Sections 3.34 and Schedule 1, clause 4 of the EP&A Act 1979, the planning proposal will be made publicly available for exhibition of a specified period as per the gateway determination. If no period is specified in the gateway determination, exhibition will be subject to a minimum of 28 days.

Community consultation will be undertaken in accordance with Council's Community Engagement Strategy. This is generally notified in a number of different methods, including but not limited to:

- Public notice on Council's website,
- Available at Council's Administrative Centre,
- Notification letter to landowners directly affected by the proposal,
- Notification letter to neighbours and adjoining properties,
- Drop-in sessions
- Where appropriate, social media, interactive web mapping, information stalls etc.

As a minimum, the following stakeholders will be consulted during public exhibition stage and may be subject to additional stakeholders as determined in the gateway conditions.

- Properties located within the Special Entertainment Precinct boundary
- Adjoining nearby landowners
- Transport for NSW (as per the Gateway)
- Office of the 24-Hour Economy Commissioner (as per the Gateway)
- NSW Liquor and Gaming (as per the Gateway)
- NSW Police (Fairfield Local Area Command) (as per the Gateway)
- Office of Local Government (as per the Gateway)
- Fire and Rescue NSW (as per the Gateway)

Part 6 – Project Timeline

The proposal is considered to not have minimal potential for any adverse impacts on the environment and adjoining land. Furthermore, it is considered that the proposal meets the categorisation as a basic planning proposal and did not require advice from the Fairfield Local Planning Panel as determined by the General Manager as prescribed within Direction 1 of the Local Planning Panel Directions for Planning Proposals.

In this regard, the project timeline is intended to be used only as a guide and may be subject to changes such as changes to issues that may arise during the public consultation process and/or community submissions.

No.	Step	Process content	Timeframe
1	Consideration by Council	<ul style="list-style-type: none"> Prepare and report Planning Proposal to Council 	May 2025
2	Council decision	<ul style="list-style-type: none"> Assessment by Council. (including LEP Panel) Advice to Council 	May 2025
3	Gateway determination	<ul style="list-style-type: none"> Prepare draft controls for Planning Proposal Update report on Gateway requirements 	June/July 2025
4	Pre-exhibition	<ul style="list-style-type: none"> In accordance with Council resolution and conditions of the Gateway Determination. 	July/August 2025
5	Commencement and completion of public exhibition period	<ul style="list-style-type: none"> Notification letters to Government Agencies as required by Gateway Determination 	August/September 2025
6	Consideration of submissions	<ul style="list-style-type: none"> Under the Gateway Determination issued by DPI&E public hearing is not required. 	September 2025
7	Post-exhibition review and additional studies	<ul style="list-style-type: none"> Assessment and consideration of submissions 	October 2025
8	Submission to the Department for finalisation (where applicable)	<ul style="list-style-type: none"> Includes assessment and preparation of report to Council 	October 2025
9	Gazettal of LEP amendment	<ul style="list-style-type: none"> Covering possible changes to draft Planning Proposal in light of community consultation 	October 2025
Estimated Time Frame			7 Months

Conclusion

The planning proposal seeks to amend the Fairfield Local Environmental Plan 2013 to establish Special Entertainment Precincts within the Canley Heights and Canley Vale town centres.

Canley Heights and Canley Vale are established local centres and have organically grown into night-time districts. The SEPs will protect the existing character and cultural institutions within these areas and support the growth of these centres as diverse creative and cultural precincts with thriving night-time economies.

The SEPs will provide certainty for local businesses and residents in the neighbourhoods surrounding the town centres over reasonable sound levels and amenity. The SEP precincts are supported by Precinct Management Plans, Acoustic Studies and proposed Development Control Plan amendments.

Appendices

Planning Proposal

- 1.1. Special Entertainment Precinct Boundary Maps
- 1.2. Gateway Determination issued 16 June 2025
- 1.3. Council report endorsing Gateway request dated 13 May 2025
- 1.4. Council resolution endorsing Gateway request dated 13 May 2025
- 1.5. Draft Precinct Management Plan
- 1.6. Draft Good Neighbourhood Policy

Development Control Plan amendments associated with Planning Proposal

- 2.1. Draft Development Controls
- 2.2. Council report endorsing exhibition of draft Development Controls dated 10 June 2025
- 2.3. Council resolution endorsing exhibition of draft Development Controls dated 10 June 2025