

OUTCOMES COMMITTEE

Meeting Date 13 May 2025

Item Number. 33

SUBJECT: Planning Proposal - Canley Heights and Canley Vale Special Entertainment Precincts

FILE NUMBER: 21/33307

PREVIOUS ITEMS: 75 - Fairfield City Economic Development Strategy 2024 - Outcomes Committee - 09 Jul 2024

REPORT BY: Patrick Warren, Senior Strategic Land Use Planner; Kerren Ven, Senior Strategic Land Use Planner

RECOMMENDATION:

That:

1. Council endorse the Planning Proposal (Attachment A of the report) to amend the Fairfield Local Environmental Plan 2013 to establish Canley Heights and Canley Vale as Special Entertainment Precincts and seek a Gateway Determination under Section 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979.
2. The Draft Special Entertainment Precinct Management Plan (Attachment B of the report) and Draft Special Entertainment Precinct Good Neighbour Policy (Attachment C of the report) be placed on public exhibition with the Planning Proposal in accordance with the consultation process outlined in the report.
3. Council place the Planning Proposal on public exhibition in accordance with conditions outlined in the Gateway Determination.
4. Council request delegation from the Minister for Planning for Council to be the Plan Making Authority for the Planning Proposal.
5. The outcome of the public exhibition of the Planning Proposal, Precinct Management Plan and Good Neighbour Policy and its supporting information be reported back to Council following completion of the public exhibition period.

Note: This report deals with a planning decision made in the exercise of a function of Council under the Environmental Planning & Assessment Act and a division needs to be called.

SUPPORTING DOCUMENTS:

AT-A [↓](#) Planning Proposal - Canley Heights and Canley Vale SEP

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AT-B ↓	Draft Precinct Management Plan - Canley Heights and Canley Vale SEP	23 Pages
AT-C ↓	Draft Good Neighbour Policy - Canley Heights and Canley Vale SEP	10 Pages

CITY PLAN

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

SUMMARY

At the July 2024 Outcomes Committee meeting, Council adopted the Fairfield Economic Development Strategy that included an action to designate Canley Heights and Canley Town Centres as Special Entertainment Precincts (SEPs) in line with the NSW 24 Hour Economy Vibrancy Reforms.

The key aims of a SEP is to support the nighttime economy and promote vibrancy in Town Centres by providing incentives for additional nighttime trading and live entertainment. Similar SEPs are also being considered by a number of councils in Sydney and Regional NSW.

The preparation of the Planning Proposal (PP) (Attachment A) represents a key stage in introducing SEP status to Canley Heights and Canley Vale and is supported by a Precinct Management Plan (PMP) (Attachment B) and Good Neighbours Policy (Attachment C). Preparation of these draft documents has included a detailed review of existing activities and hours of operation of existing businesses in each centre and will be refined in light of feedback from relevant stakeholders.

The documents have been prepared in line with guidelines and legislation relevant to implementation of a SEP, including the NSW Environmental Planning & Assessment (EP&A) and Local Government Acts. The PMP is based on guidelines and technical documents developed by the NSW 24 Hour Commission for implementing a sound management framework for the SEPs, that will provide the basis for managing noise from entertainment venues and dealing with complaints that may arise.

It is recommended that Council support referral of the PP to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination to facilitate public exhibition of the proposed SEPs.

It is important to note that under the NSW 24 Hour Commission Guidelines, following public exhibition of the PP and subject to Council's endorsement, an initial 12 month trial period would first apply to operation of the SEPs to monitor their operation and success prior to the SEP being formally established. Reviews of the SEP will occur at 6 and 12 months to ensure that it is working well for businesses and the amenity impact on residents is being managed.

BACKGROUND

In 2023, the NSW Office of the 24-Hour Commissioner was established under the 24-hour Commissioner Act 2023. The Commission's role is to invigorate nighttime activity across the state and boost local economies by working with Government, local councils and other stakeholders to establish SEPs.

Implementation of the SEPs will provide for greater flexibility in extending trading hours for businesses that provide live entertainment (including for licensed premises) that are set under the PMP and include:

- Additional 1hr nighttime of trading for all businesses (regardless of whether or not entertainment is provided).
- Up to an extra 2hrs trading on top of the preliminary 1hr for venues providing live entertainment, but only on the night the live entertainment is being provided.
- Maximum permissible trading time for trading hours within each SEP cannot extend beyond 4.00am (on any day).
- The PMP does not override the liquor licence hours which will continue to be regulated by Liquor & Gaming NSW (L&G NSW). Businesses with a liquor licence must contact L&G NSW to amend their licence conditions.

It is noted that both Canley Heights and Canley Vale already contain a large number of licensed premises (31 total) including restaurants, function centres, small bars and 2 hotels that generate an existing high degree of vibrancy and activity for each centre into the late-night hours.

Further implementation and monitoring of the SEPs will be coordinated by Council's Economic Development Team who have been working with key stakeholders including business owners, NSW Police, L&G NSW and key Council staff to progress establishment of the SEPs.

1. PLANNING PROPOSAL

The draft PP will implement a new local clause and associated maps into Fairfield Local Environmental Plan (LEP) 2013 identifying the Canley Vale and Canley Heights Town Centre SEPs as shown in Figures 1 and 2.

The LEP clause and establishment of the SEP is linked to Section 202B of the Local Government Act 1993 that defines a SEP as an area where entertainment from premises is regulated in accordance with a PMP and requirements about sound attenuation apply to certain types of development. The objectives of the PP and implementation of the SEPs are to:

- Support the Canley Vale and Canley Heights Town Centres' nighttime economy by supporting venues that wish to provide live entertainment.
- Strike a balance between reasonable amenity for residents and entertainment sound being emitted from venues in the SEP.

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- 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 in and adjoining the SEP, including sound proofing new mixed use residential and commercial development from the impacts of entertainment sound.



Figure 1: Canley Heights SEP Area Map



Figure 2: Canley Vale SEP Area Map

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Detailed planning controls relating to noise control and reduction measures in existing and future venues are proposed to be incorporated in the Fairfield City Wide Development Control Plan (FCW DCP) (subject to Council's endorsement of the PP) via referral to the June 2025 Outcomes Meeting.

2. PRECINCT MANAGEMENT PLAN

A SEP is required to be supported by a PMP, the purpose of the which is to facilitate a balanced approach to the management of entertainment sound within the SEP. It identifies the role of all stakeholders including residents, businesses, Council, NSW Police and L&G NSW in managing entertainment sound as well as outline the resolution of entertainment sound related complaints from residents and businesses.

It also gives residents an understanding of potential noise levels 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 procedure but also the sound level criteria that complaints are measured against.

The following table provides an overview of the key contents and provisions of the Canley Heights and Canley Vale PMP and is based the guidelines and template provided made available by the NSW 24 Hour Commission.

Section A – Place & Policy Settings

Part	Content
1. Identified Areas 2. Aims & Objectives 3. Place Planning 4. Existing Policy 5. Application	<ul style="list-style-type: none">• Provides details of relevant Council and State Government Strategies underpinning creation of SEPs.• Identifies SEP boundaries and aims of the PMP.• Provides information on existing place characteristics, business activity, infrastructure and services that support establishment of the SEPs.
6. Communication & Engagement	<ul style="list-style-type: none">• Identifies the stages covering establishment of SEP and engagement with the community/stakeholders including:<ul style="list-style-type: none">○ Engagement with businesses○ PP○ Trial period and ongoing monitoring
7. Monitoring & Evaluation	<ul style="list-style-type: none">• Provides details of monitoring and evaluation program to be undertaken with stakeholders to guide continual improvement and refinements of the PMP to facilitate a successful nighttime economy.• This work will be coordinated by Council's Economic Development Team on a 6 monthly basis.
8. Suspension & revocation	<ul style="list-style-type: none">• Can consider removing businesses from the SEP or removing the SEP status based on information and processes recommended by the 24-Hour Commission including:

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Part	Content
	<ul style="list-style-type: none">○ Threshold criteria○ Suspension process○ Revocation and reinstatement of a business's precinct status

Section B – Management, Assessment & Conciliation Processes

The criteria and requirements of this Section, in particular Part 9 – Sound Management Framework, are based on detailed investigations and monitoring undertaken by qualified acoustic consultants engaged by Council into existing sound emissions and the acoustic conditions for each town centre. The acoustic report is being finalised and will form part of the package that is sent to the DPHI for Gateway Determination and will be available during public exhibition.

The consultant's recommendations and criteria contained in the PMP sound management framework have also relied on Guidelines contained in the NSW 24 Hour Commission NSW SEP Acoustic Toolkit. In accordance with the Guidelines, the proposed sound management criteria have been referred to L&G NSW for review.

PART	Content
9. Sound Management Framework	<p>This part of the PMP will play a central and critical role for management of sound from entertainment venues and ensuring impacts on sensitive receivers (e.g. residential). It includes tables, maps and criteria relating to:</p> <ul style="list-style-type: none">• Sound category areas and criteria for each centre indicating the maximum levels for sound emissions permitted from existing entertainment venues for various times of the day/night.• These areas and criteria are based on investigations into the existing acoustic environment of each centre and nearby residential receivers.• Noise insulation criteria for future residential and mixed-use development within each centre to minimise sleep disturbance and ensure appropriate levels of amenity for future residents.• Criteria the new entertainment venues will need to comply with to minimise impacts on residential properties.
10. Development Assessment Guidelines	<p>This part clarifies the relationship between the PMP and existing conditions of approval that businesses operate under including:</p> <ul style="list-style-type: none">• Venues can trade to the hours stipulated in the PMP, subject to compliance with the sound management criteria for the location.• Extended trading hours beyond those allowed under the PMP is subject to submission of a Development Application (DA) with Council, accompanied by relevant sound reports

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PART	Content
	and management arrangements for the venue to minimise impacts on the community.
11. Trading Hours	<ul style="list-style-type: none">• Additional 1hr nighttime trading for all businesses (regardless of whether or not entertainment is provided).• Extra 2hrs trading on top of the preliminary 1hr for venues providing live entertainment, but only on the night the live entertainment is being provided.• Maximum permissible trading time for trading hours within each SEP cannot extend beyond 4.00am (on any day).• The PMP does not override the liquor licence hours, which will continue to be regulated by L&G NSW. Businesses with a liquor licence must contact L&G NSW to amend their licence conditions.
12. Compliance & Good Neighbour Guidance	<p>This part sets out arrangements for dealing with noise and other complaints for various venues, with Council, L&G NSW or Police. In summary, this comprises:</p> <ul style="list-style-type: none">• Council will deal with non-compliance issues for unlicensed venues.• L&G NSW with non-compliance issues for licensed venues.• NSW Police activity and anti-social behaviour from licensed or un-licensed premises that requires immediate attention.• In accordance with the NSW 24 Hour Commission recommendations for SEPs, a Good Neighbour Policy (Attachment C) has also been prepared to assist businesses and the general community to understand the process for resolving complaints.

Development controls referencing the sound criteria framework for existing venues and developers within the Canley Heights and Canley Vale Town Centres are proposed to be incorporated in the FCW DCP 2024 that will be reported in the upcoming June 2025 Outcomes Meeting.

3. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

The PP complies with relevant state, regional and local strategies including:

- Greater Sydney Regional Plan a Metropolis of 3 cities
- Western City District Plan
- Fairfield City 2040 A Land Use Vision – Local Strategic Planning Statement
- 2022 – 2032 Fairfield City Plan: Community Strategic Plan
- Fairfield City Economic Development Strategy 2024

The PP has also been assessed against relevant State Environmental Planning Policies and Section 9.1 Directions contained within the Environmental Planning & Assessment Act 1979 and deemed to have merit.

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4. CONSULTATION AND NEXT STEPS

Should Council resolve to support the PP, it will be forwarded to the DPHI for a Gateway determination. Upon receiving the determination, Council will publicly exhibit the PP, associated PMP and Good Neighbour Policy for the period specified in the Gateway Determination.

After the conclusion of the public exhibition and agency consultation period the results, including any post exhibition amendments, will be reported to Council.

5. CONCLUSION

The SEP PP seeks to amend the Fairfield LEP 2013 to establish SEPs in Canley Heights and Canley Vale Town Centres that aim to promote economic activity and vibrancy which supports the nighttime economy of these centres through extended trading hours where live entertainment is provided to patrons.

The SEPs will be supported by the PMP and sound management controls which establish sound criteria for existing venues and new mixed-use development to minimise impacts on sensitive receivers, including residential properties within and in close proximity to the centres.

It is recommended that the PP document be submitted for a Gateway Determination to the DPHI and a further report be submitted to Council at the conclusion of the public exhibition period.

A separate report will be submitted to the June 2025 Outcomes Committee meeting regarding proposed amendments to the FCW DCP regarding acoustic requirements for future development in the SEPs based on the sound management framework of the PMP.

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File Name: **OUT13052025_19.DOCX**

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