

# **Attachment B**

**Draft Sydney Development Control Plan:  
Open and Creative Planning Reforms**

# Draft Sydney Development Control Plan: Open and Creative Planning Reforms

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## The purpose of the Development Control Plan

- 1) The purpose of this Development Control Plan (DCP) is to amend various development control plans applying to the City of Sydney local government area by inserting provisions that:
  - a) define small scale cultural and performance activities
  - b) outline thresholds of activity for small scale cultural and performance activities which are considered to be low impact
  - c) outline the matters to be addressed in Plans of Management for cultural activities
  - d) provide guidance on alternative solutions for small scale cultural activities to meet the *National Construction Code*
  - e) outlines sound management requirements for new entertainment sound-generating development
  - f) outlines sound management requirements for new development that may be affected by entertainment sound
  - g) outlines the methodology and matters to be addressed in a Noise Impact Assessment submitted with development applications for entertainment sound-generating uses, or noise-sensitive uses which may be affected by an existing adjacent sound-generating development
  - h) includes new maps identifying land that may be affected by entertainment sound and the criteria for acceptable sound levels that must be met by development.

## Citation

- 2) This amendment may be referred to as *Sydney Development Control Plan 2012: Open and Creative Planning Reforms*.

## Land covered by this Plan

- 3) This amendment applies to the City of Sydney Local Government area.

## Relationship of this Plan to other Development Control Plans

- 4) This plan amends *Sydney Development Control Plan 2012* as follows:
  - a) At the end of section 4.4 - insert new section 4.4.X *Small scale and other cultural activities* containing new objectives, definitions and provisions as shown at Schedule 1
  - b) Amend section 4.2.3.11 'Acoustic privacy' and insert a new section 3.18 'Entertainment sound management' under General Provisions as shown at Schedule 2.
  - c) Includes new Entertainment Sound Management maps 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23 and 24 in Appendix A to show land that may be affected by entertainment sound or high levels of entertainment activity.

- 5) This plan amends the *Green Square Town Centre Development Control Plan 2012* as follows:
- a) Include a new section '*Small scale and other cultural activities*' in section GSTC 12 'Other Development Types and Uses' to include the following text:  
  
***In accordance with clause 3.43(3) of the Environmental Planning and Assessment Act 1979 this Development Control Plan adopts the provisions of the Sydney Development Control Plan 2012 in sections 4.4.X Small scale and other cultural activities***
  - b) Include a new provision on GSTC 6.10.8 'Acoustic and Visual Privacy' to include the following text:  
  
***In accordance with clause 3.43(3) of the Environmental Planning and Assessment Act 1979 this Development Control Plan adopts the provisions of the Sydney Development Control Plan 2012 in section 3.18 'Entertainment sound management' and Entertainment Sound Impact Assessment Schedule.***
- 6) This plan amends the *Harold Park Development Control Plan 2011*, as follows:
- a) Include a new section '*Small scale and other cultural activities*' in Section 5 'Building Use, Form and Design' to include the following text:  
  
***In accordance with clause 3.43(3) of the Environmental Planning and Assessment Act 1979 this Development Control Plan adopts the provisions of the Sydney Development Control Plan 2012 in sections 4.4.X Small scale and other cultural activities***
  - b) Include a new provision in section 5.9 'Acoustic Privacy' to include the following text  
  
***In accordance with clause 3.43(3) of the Environmental Planning and Assessment Act 1979 this Development Control Plan adopts the provisions of the Sydney Development Control Plan 2012 in section 3.18 'Entertainment sound management' and Entertainment Sound Impact Assessment Schedule.***



# Schedule 1: Amendment to Sydney Development Control Plan 2012 Small scale and other cultural activities

## [1] Amendment to section 4.4 'Other development types and uses.'

### 4.4.X Small scale and other cultural activities

This section guides the provision of temporary small-scale and other cultural activities in the city, to provide social and economic benefits for residents, workers and visitors and meet the community's expectations for a vibrant, diverse and evolving cultural life.

These activities involve making or presenting creative content such as film, music, art, craft or performance. They may be irregular or one-off events held in adapted spaces on a small-scale or regular activities in permanent venues, theatres, galleries or entertainment spaces.

#### Advice on fire safety upgrades

The *National Construction Code* (NCC) and NSW land use planning definitions do not address the potential range and unique characteristics of creative uses. Despite their size and sometimes temporary nature, these uses can be classified as entertainment or Class 9b of the NCC, which is characterised by much larger uses with greater impacts. Imposing the requirements for a Class 9b space to small and often temporary creative spaces can result in onerous fire and safety provisions.

Council has prepared technical guidelines to outline alternative solutions for fire safety and building compliance standards for cultural activity taking place in existing building spaces less than 500 square metres. These include a checklist of specifications which address floor space, occupancy, travel distances between exits, exit capacities, stage size, sanitary provision and nature of stairways and ramps.

This checklist may assist operators in choosing the right types of buildings and ensure that minimal, if any works need to be done to make them suitable, while maintaining compliance with the fire safety and building requirements under the NCC and the *Environmental Planning and Assessment Act 1979*. Certifiers will be responsible for deciding whether a proposal complies with the National Construction Code.

In determining a development application for small scale cultural activities Council will take into account any measures implemented in accordance with the *Technical Guidelines for Small Scale Cultural Activities in Spaces Less than 500 Square Metres* when considering clauses 93 and 94 of the *Environmental Planning and Assessment Regulation 2000*.

#### Note

*Notwithstanding the above, these guidelines do not override the Council's statutory obligations to ensure fire protection and structural capacity in proposals for changes of use or alterations of buildings under clauses 93 and 94 of the Environmental Planning and Assessment Regulations 2000. The Technical Guidelines will be considered in the assessment of applications, however there may be situations where they will not be applicable due to unacceptable levels of fire risk.*

## Definitions

**Small scale cultural activities** include:

- (a) live entertainment, (being an event at which one or more persons are engaged to play or perform live or pre-recorded music, or a performance at which at least some of the performers are present in person), including the presentation or rehearsal of music, film, theatre, spoken word, comedy or dance, or
- (b) the production or an event in association with an exhibition of art, craft, design, media, image or immersive technology, or
- (c) teaching or discussion related to (a) or (b).

**Amplified sound** means sound which is generated, provided or aided through the use of any electrically powered device. This includes but is not limited to the following: use of a public address system, bullhorn/megaphone, loudspeaker or any speaker or subwoofer, power amplifier, stereo system. It includes both background music and foreground music.

**Background music** means pre-recorded music played through no more than two electrically amplified speakers, which is intended as an accompaniment rather than the main focus of an audience/event. Background music is played at a soft, low volume/low amplification level which does not require persons to elevate their voices to hold conversations. It is not audible within any separate premises and does not create nuisance.

**Foreground music or sound** means any music or sound, amplified or not, which is directly played as a primary source of entertainment, or focus of entertainment to people who are attending an activity.

## Objectives

- (a) To provide guidance for the provision of small scale cultural and performance activities in existing and new buildings where amenity impacts are managed according to scale and risk.
- (b) Manage impacts of small scale cultural and performance activities on the amenity of the surrounding area.

## Provisions

### Guidance for low impact small scale cultural activities

The following guidance is provided to assist operators in understanding the suitability of building spaces for small-scale cultural and performance events. Criteria is included to demonstrate the thresholds of activity which the Council considers to result in minimal impacts.

If an operator can demonstrate in a development application that the following criteria are satisfied, the Council's assessment may focus on the site specific impacts of the proposal on neighbourhood amenity, such as sound generation.

- (1) Development applications for small scale cultural activities which meet the following criteria will be considered to be low impact. The activity:

- (a) Accommodates less than 120 patrons
- (b) Occurs in a building with an operative development consent or other legal entitlement to operate as a retail, office, industrial premises or community facility
- (c) Occurs in a building with a current annual fire safety statement which enables occupation of the building for its current approved use
- (d) Complies with the alternative technical solutions to the *National Construction Code*.
- (e) Occurs no more than 52 days a year, no more than 8 days a month, or 4 consecutive days a month
- (f) Is no longer than 4 hours in duration, excluding set up and pack down
- (g) Finishes no later than 10pm if in a B2 Local Centre or B4 Mixed Use zone
- (h) Finishes no later than midnight if in a B3 Commercial Core, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, B8 Metropolitan Centre and IN1 General Industrial zone
- (i) Does not include amplified music, but may include background music and the use of a microphone for the duration of the event
- (j) Includes the supply of alcohol subject to a liquor license or caterers authorisation
- (k) Provides adequate access to sanitary facilities. Where access is provided off site, this does not impact the amenity of separate noise sensitive locations
- (l) Is subject to a Plan of Management which manages potential impacts on adjoining and surrounding land uses in accordance with the section XX below.

### **Guidance for other cultural activities**

The following guidance is provided for other cultural activities which do not meet the low impact criteria in XX above.

Development applications for these cultural activities will be assessed taking into account a number of issues, which may include but are not limited to the:

- (a) location and context of the premises where the cultural activity will be held, including the provision of facilities for the event and proximity to residential and other sensitive land uses
- (b) specific nature of the cultural event, its patronage, programming and entertainment, liquor licensing and duration
- (c) likely impact on the amenity of surrounding sensitive land uses and the ability



to manage these impacts. This may include, but not be limited to, the impact of amplified sound and sound from set up and pack down of the event

- (d) likely impacts arising from the opening and closing time of the event and patron arrival and dispersal on local amenity, local businesses, night time vibrancy and safety
- (e) measures to be used for ensuring adequate safety, security, waste management and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises
- (f) accessibility and frequency of public transport during the operation of the event to ensure the efficient and safe movement of people and minimise impacts on local amenity
- (g) submission of a Plan of Management that includes measures for the good management of the event, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain.

### **Plans of Management for cultural activities**

Plans of Management are to include information about the operational and contextual aspects of a premises which hosts a cultural activity and the actions that will be taken to ensure that premises will be responsibly managed, for example, crowd control procedures, noise minimisation and waste management.

This will ensure that operators have considered and addressed any potential impacts that may arise from their event. It is the responsibility of the operator to facilitate a well-managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.

- (1) Where the Council is of the opinion that proposals for cultural activities have the potential to impact adversely on amenity and neighbourhood safety, applicants may be required to prepare and submit with their application a Plan of Management to ensure that it operates with minimal impact on adjoining owners and occupiers. A Plan of Management should be accompanied by a signed declaration from the operator that they have read and understood the Plan of Management.

The Plan of Management should include details of:

- (a) the name and contact details of the operator
- (b) the times and days during which events are to occur
- (c) an emergency contact and address details for medical service, hospital, and police, in addition to emergency call triple zero "000"
- (d) the music, visual, performance, creative and cultural events that may be staged at the premises

- (e) the primary use of the premises as well as any secondary/ancillary uses. This shall include a floor and/or site plan that indicates the use of all areas within the building or site
- (f) the capacity of the space to host the small scale cultural activities including the location and dimensions the space, any stage and audience (standing or seating area) and equipment to present the cultural activity
- (g) the proposed operating hours for each day of the week for the small scale cultural activities at the premises
- (h) the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at the event any one time. The maximum capacity of specific areas of the premises should be updated to reflect fire safety requirement upon the issue of a construction certificate and the final Plan of Management submitted to the Council prior to the issue of an occupation certificate
- (i) the proximity of external doors, windows and other openings to residential and other sensitive land uses shown on a floor plan. The plan should also indicate the proposed layout of all areas of the premises and the location of waste storage areas, air conditioning, exhaust fan systems and security alarms
- (j) the staffing arrangements with the assigned duties of personnel for the event, including the number of staff to employed per patrons, security and the location or 24 hour contact details of any on-site manager, off-site manager or who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises
- (k) adequate provision for sanitary facilities at the small-scale or other cultural event
- (l) any liquor licenses to be utilised at the premises
- (m) any food service delivered through a catering authorisation, or an approved development consent for the preparation and service of food and drink on the premises
- (n) compliance for any food and/or drink service with the requirements of the Food Act 2003 and Food Standards Code
- (o) a policy that describes the measures to minimise harm associated with alcohol consumption to ensure the responsible service of alcohol (if it is served)
- (p) all likely sound and vibration sources associated with the operation of the premises. This may include such sources as:
  - live performance and amplified sound; including the location of speakers and PA system and the wattage of amplification and any noise limiting devices to be installed
  - background music
  - external areas such as courtyards, rooftops, balconies etc;
  - patrons leaving and entering the premises;

- waste disposal, sorting and collection of bottles
  - ancillary equipment supporting the event e.g. generators, refrigerated shipping containers, air compressors or lighting stacks
- (q) all sound and vibration management and attenuation measures related to the use and operation of the premises
- (r) signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises
- (s) signage detailing the nearest transport options for patrons leaving the event
- (t) measures that will be taken to ensure that any queuing is controlled in a manner that will not adversely impact the amenity of the neighbourhood and that the footpath will not be unreasonably impeded
- (u) a waste management plan that outlines the procedures for minimising and managing waste that is generated by the premises. This should address such matters as disposal of bottles, how and when waste will be removed, details of waste management facilities, waste collection and storage areas
- (v) procedures for notifying neighbours about the nights when the event(s) will be held, including signage and/or letterbox drops advising of:
- the event name, including a description of the nature of the event, commencement, duration, and
  - completion date the name and telephone number for contacting the person responsible for the event at all hours during which the premises is operating.
- (w) all actions that will be taken to respond to complaints made about the operation of the premises
- (x) procedures for addressing complaints and a complaints register for identifying issues that have caused disturbance to the neighbourhood.

## Schedule 2 Amendment to Sydney Development Control Plan 2012 Entertainment sound management

### [1] Amendment to Section 3 'General Provisions.' New section 3.18 Entertainment sound management.

Successful global cities possess a strong cultural life and economy. As Australia's global city, Sydney is home to a diverse range of uses including commercial, retail, housing, cultural, creative entertainment, and community uses.

The provisions in this Section apply to:

- all new development that includes an entertainment sound-generating activity
- alterations and additions to an existing development with entertainment sound-generating activity that is likely to increase the impact of entertainment sound to surrounding development; and
- all new sensitive development on land that may be affected by entertainment sound.

Applicants for alterations and additions to an existing sensitive development on land that may be affected by entertainment sound may also choose to apply the provisions for new sensitive development in this Section (refer to Section 3.18.2(6)).

These provisions must be read in conjunction with other relevant acoustic management requirements, standards, guidelines and policies relating to other types of sound and vibration, including mechanical, traffic and construction noise.

These provisions must also be read in conjunction with any applicable heritage considerations under Section 3.9 of this DCP, Schedule X.X (Entertainment Sound Impact Assessment Schedule).

#### Objectives

- (a) Preserve and support the vibrant character of areas with strong traditions of entertainment, live music and performance; and
- (b) Protect the community from potential adverse impacts of unacceptable levels of entertainment sound.

#### Definitions

**Acceptable Sound Level** refers to the relevant noise criteria, either primary or secondary depending on whether there is a common wall between an entertainment sound-generating activity and the affected sensitive development.

**Broadband weighting** relates to the weighting applied to instrument-measured sound levels to account for the way in which the ear responds to different frequencies of sound. In this context, the frequency weighting is specified as a suffix to decibels:

- **A-weighting/s** (represented as dB(A)) are measurement readings adjusted to mid-range frequencies so that low and very high frequencies, of which the ears are less sensitive to, are given less weight than on the standard decibel scale.
- **C-weighting/s** (represented as dB(C)) are measurement readings adjusted to suit low and high frequency sound levels (e.g. bass sound). For example, the C-weighting filters the sound the microphone picks up in the sound level

meter, used more in development with entertainment sound-generating activity.

**Decibels (dB)** is a measurement of sound intensity over the standard threshold of hearing.

**Entertainment sound-generating activity** means performance or activity including live entertainment, musical, film, rehearsal or performance, theatrical, comedy or dance performance that uses live or recorded music provided for the entertainment of patrons in the following premises:

- an entertainment facility,
- a pub or registered club,
- a restaurant or café, or
- a small bar.

*Note: Entertainment sound-generating activity does not include small-scale cultural uses as defined in Schedule 2 (Exempt development) of Sydney LEP 2012.*

**Entertainment Sound Impact Assessment Schedule** refers to *Schedule X.X of Sydney DCP 2012*.

**Existing entertainment sound-generating activity** means entertainment sound-generating activity defined in this Section that:

- was approved or commenced prior to lodgement of the proposed sensitive development, or
- was approved or commenced before the commencement of this Plan.

**Existing sensitive development** means sensitive development defined in this clause that:

- was approved or erected prior to commencement of the relevant new entertainment sound-generating activity, or
- was approved or erected before the commencement of this Plan.

**Habitable room** means a room that is intended for occupation and normal domestic activities, including:

- Includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom
- Excludes any other space not specified above of a specialised nature not occupied frequently or for extended periods including a bathroom/water closet, balconies, laundry, pantry, walk-in wardrobe, corridor, lobby, and clothes-drying area.

**High activity area** is comprised of land that is likely to be affected by entertainment sound given strong traditions of night-time activity, entertainment, live music and/or performance and ground-level activation. These areas include areas within Late Night Management areas and those within the vicinity of existing premises with an entertainment sound-generating activity, as mapped in the Entertainment Sound Management Map.

**L<sub>[A or C]eq,15 min</sub>** means the A or C weighted equivalent continuous sound levels with a 15-minute measurement period. In this context, L<sub>eq</sub> is the descriptor used to represent or measure all noise levels, which vary over the relevant period of



measurement (15 minutes) into a single average exposure level. It is as defined in the relevant Australian Standard.

**Low activity area** is an area that predominantly has low levels of exposure to entertainment sound or with low activation at the ground level. In the city context, these areas typically include areas that are mostly residential in character, outside of Late Night Management areas or in the vicinity of an existing entertainment sound-generating activity. These areas refer to land not identified in the Entertainment Sound Management Map.

**Low frequency noise** refers to bass sound commonly coming from amplified music and bass, fans, boilers and pumps, electrical substations and aircrafts. In the context of this section, low frequency noise is scientifically indicated as a frequency range 20 to 250 Hz – Hertz being the unit of measure representing ‘cycles per second’.

**Noise** includes sound and vibration.

**Primary design criteria** refers to the acceptable sound levels that must be achieved by development where these provisions apply:

- **Primary design criteria for development with entertainment sound-generating activity** (e.g. venues) are defined as external limits, measured as ‘free field’ at the worst affected location on or within the site boundary. Upper level receiver locations are to be assessed at any accessible location or at 1 m from the building façade with a 2.5 dB correction. Further guidance on assessment locations is provided in the *Entertainment Sound Impact Assessment Schedule*.
- **Primary design criteria for development on land that may be affected by entertainment sound** is the acceptable internal entertainment sound level that must be achieved within relevant areas of a development on land that may be affected by entertainment sound, taking into account the operation of any existing entertainment sound-generating activity in the vicinity.

**Rating Background Noise Level (RBL)** represents the background noise level to be used for assessment purposes. It is as described by the NSW EPA *Noise Policy for Industry* and may be described as a broadband noise level with accompanying frequency data in 1/1 of 1/3 octaves.

**Secondary design criteria** refers to the sound levels that must be achieved by development with an entertainment sound-generating activity with an adjoining receiver that may be affected by sound transfer via the common partition. This is an internal criteria applied to the internal transmission path, assessed with windows/doors closed. When background noise levels are to be measured, ventilation is to be set on the lowest setting that meets ventilation requirements.

**Sensitive development** means development on land that may be affected by entertainment sound, including:

- Residential accommodation (excluding hostels);
- Tourist and Visitor accommodation (including hostels);
- Educational facilities;
- Places of public worship; and
- Health services facility.

**Time Period** refers to the following periods of a calendar day:

Calendar Day	Day	Evening	Night (to following day)
Monday	7 am – 6 pm <i>Duration: 11 hours</i>	6 pm – 10 pm <i>Duration: 4 hours</i>	10 pm – 7 am <i>Duration: 9 hours</i>
Tuesday	7 am – 6 pm <i>Duration: 11 hours</i>	6 pm – 10 pm <i>Duration: 4 hours</i>	10 pm – 7 am <i>Duration: 9 hours</i>
Wednesday	7 am – 6 pm <i>Duration: 11 hours</i>	6 pm – 10 pm <i>Duration: 4 hours</i>	10 pm – 7 am <i>Duration: 9 hours</i>
Thursday	7 am – 6 pm <i>Duration: 11 hours</i>	6 pm – 10 pm <i>Duration: 4 hours</i>	10 pm – 7 am <i>Duration: 9 hours</i>
Friday	7 am – 6 pm <i>Duration: 11 hours</i>	6 pm – 11 pm <i>Duration: 5 hours</i>	11 pm – 7am <i>Duration: 8 hours</i>
Saturday	7 am – 6 pm <i>Duration: 11 hours</i>	6 pm – 12 am <i>Duration: 6 hours</i>	12 am to 8 am <i>Duration: 8 hours</i>
Sunday	8 am – 6 pm <i>Duration: 10 hours</i>	6 pm – 10 pm <i>Duration: 4 hours</i>	10 pm – 7 am <i>Duration: 9 hours</i>

## Provisions

### 3.18.1 Acoustic amenity requirements for development with an entertainment sound-generating activity

- (1) A Noise Impact Assessment prepared by suitably qualified acoustic consultant is required when submitting a development application for new development that includes or increases the potential impact of an entertainment sound-generating activity. Noise Impact Assessments must be in accordance with the City's *Entertainment Sound Impact Assessment Schedule*.
- (2) An Entertainment Sound Management Plan may be required for new development that includes or increases the potential impact of an entertainment sound-generating activity. The Entertainment Sound Management Plan should detail all sound management measures to ensure that the development can achieve acceptable sound levels and minimise impacts on the existing sound environment and any affected existing sensitive development. Entertainment Sound Management Plans must be in accordance with the City's *Entertainment Sound Impact Assessment Schedule*.

*Note: Noise attenuation measures must have regard to any applicable heritage considerations under Section 3.9 of this DCP.*

- (3) The  $L_{Aeq(15min)}$  for all development with an entertainment sound-generating activity that does not share an adjoining boundary with an existing sensitive development must, at the minimum, meet the sound levels specified in **Table 3.X**.

Existing development affected (receiver)	Time Period	Primary Design criteria for development with an entertainment sound-generating activity		
		Broadband	Assessment location <sup>3</sup>	Low frequency criteria
Residential accommodation (excluding hostels)	Day / Evening	The lesser of: <ul style="list-style-type: none"> <li>• RBL + 5 dB(A), or</li> <li>• 55 dBA in high activity areas/ 50 dBA in low activity areas<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• At the property boundary of closest existing receiver</li> </ul>	Maximum of: <ul style="list-style-type: none"> <li>• RBL + 5 dB (31.5 Hz – 250 Hz 1/1 octave bands), or</li> <li>• Reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
	Night	The lesser of: <ul style="list-style-type: none"> <li>• RBL + 0 dB(A), or</li> <li>• 45 dB(A) in high activity areas/ 40 dB(A) in low activity areas<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• At the property boundary of closest existing receiver</li> </ul>	Maximum of: <ul style="list-style-type: none"> <li>• RBL + 0 dB (31.5 Hz – 250 Hz 1/1 octave bands) , or</li> <li>• Reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
Tourist and visitor accommodation (including hostels)	Day / Evening	<ul style="list-style-type: none"> <li>• 60 dB(A) in high activity areas/ 55 dB(A) in low activity areas<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• At the property boundary of closest existing receiver</li> </ul>	Maximum of: <ul style="list-style-type: none"> <li>• dBC &lt; Broadband limit + 10 dB, or</li> <li>• Reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
	Night	<ul style="list-style-type: none"> <li>• 50 dB(A) in high activity areas/ 45 dB(A) in low activity areas<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• At the property boundary of closest existing receiver</li> </ul>	Maximum of: <ul style="list-style-type: none"> <li>• dBC &lt; Broadband limit + 10 dB, or</li> <li>• Reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>

Existing development affected (receiver)	Time Period	Primary Design criteria for development with an entertainment sound-generating activity		
		Broadband	Assessment location <sup>3</sup>	Low frequency criteria
Educational facilities including early childhood and child care facilities (CCF)	When in use <sup>2</sup>	<ul style="list-style-type: none"> <li>Indoor learning areas: refer to Secondary criteria.</li> <li>45 dB(A) Outdoor learning areas<sup>1</sup></li> <li>50 dBA Outdoor play areas<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>Indoor: refer secondary criteria,</li> <li>Outdoor: At the most affected part of the area</li> </ul>	Maximum of: <ul style="list-style-type: none"> <li>dB(C) &lt; Broadband limit + 10 dB, or</li> <li>Reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
Place of Public Worship	When in use <sup>2</sup>	<ul style="list-style-type: none"> <li>55 dBA in high activity areas/ 50 dBA in low activity areas<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>1 metre from the most affected façade</li> </ul>	Maximum of: <ul style="list-style-type: none"> <li>dB(C) &lt; Broadband limit + 10 dB, or</li> <li>Reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
Health Services Facility	Day / Evening	55 dBA	<ul style="list-style-type: none"> <li>1 metre from the most affected façade</li> </ul>	<ul style="list-style-type: none"> <li>65 dB(C), or not exceed the reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
	Night (wards only)	45 dBA	<ul style="list-style-type: none"> <li>1 metre from the most affected façade</li> </ul>	<ul style="list-style-type: none"> <li>Not exceed the reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>

**Table 3.X:** Criteria for entertainment sound-generating activity

<sup>1</sup>Criteria for high activity areas as shown in the Entertainment Sound Management Map, apply to street facing façade in an active frontage area as per Part 3.2.3 of this DCP.

<sup>2</sup>'When in use' refers to operating hours as per the affected existing development's consent at the time the new development application is lodged.

<sup>3</sup>Further guidance on measurements at assessment locations specified are provided in the Entertainment Sound Impact Assessment Schedule.

- (5) The  $L_{eq(15min)}$  for all development with an entertainment sound-generating activity that share an adjoining boundary or an internal to internal transmission path (e.g. shared wall) with an existing sensitive development must, at the minimum, meet the sound levels specified in **Table 3.X**.

Existing development affected (receiver)	Time Period	Secondary Design criteria for development with an entertainment sound-generating activity (assessed inside the affected receiver <sup>1</sup> )	
		Broadband	Low frequency criteria
Residential accommodation and tourist and visitor accommodation	Day / Evening	RBL + 0 dBA	Maximum of: <ul style="list-style-type: none"> <li>• RBL + 0 dB (31.5 Hz – 250 Hz 1/1 octave bands), or</li> <li>• Reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
	Night	RBL – 5 dBA	Maximum of: <ul style="list-style-type: none"> <li>• RBL – 5 dB (31.5 Hz – 250 Hz 1/1 octave bands), or</li> <li>• Reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
Educational facilities including early childhood and child care facilities	When in use	30 dBA	<ul style="list-style-type: none"> <li>• 40 dBC, or not exceed the reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
Place of Public Worship	When in use <sup>5</sup>	35 dBA	<ul style="list-style-type: none"> <li>• 45 dBC, or not exceed the reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
Health Services Facility	Day / Evening	35 BA	<ul style="list-style-type: none"> <li>• 45 dBC, or not exceed the reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>
	Night (wards only)	30 BA	<ul style="list-style-type: none"> <li>• 40 dBC, or not exceed the reference curve in the Entertainment Sound Impact Assessment Schedule</li> </ul>

**Table 3.X:** Criteria for entertainment sound-generating activity with an adjoining receiver development

<sup>1</sup>If access to existing affected development cannot be obtained, measurements at assessment locations must be undertaken in accordance with the methodology provided in the Entertainment Sound Impact Assessment Schedule.

### 3.18.2 Acoustic amenity requirements for development on land that may be affected by entertainment sound

- (1) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant may be required when submitting a development application for new development on land that may be affected by entertainment sound. Noise Impact Assessments must be in accordance with the City's *Entertainment Sound Impact Assessment Schedule*.



Note: Land that may be affected by entertainment sound is shown in Entertainment Sound Management Map.

- (2) Where necessary, new development on land that may be affected by entertainment sound is to include noise attenuation measures to achieve acceptable sound levels, taking into account the operation of existing, planned or approved development with an entertainment sound-generating activity. This involves incorporating measures that reduce the entry of noise from external sources into dwellings.
- (3) Where possible, noise attenuation may be at its source. Where this option is adopted, the applicant will need to demonstrate that the measures to be undertaken:
  - (a) have the consent of relevant parties associated with that noise source; and
  - (b) last for the life of the development proposal.
- (4) The  $L_{eq(15min)}$  for new development must, at a minimum, achieve the levels specified in **Table 3.X**:

Development type/use	Time Period	Primary design criteria for sensitive development or development on land that may be affected by entertainment sound - $dBL_{eq(15min)}$ (measured internally)	
		Broadband	Low frequency criteria
Residential accommodation (excluding hostels)	All periods (habitable rooms excluding bedrooms)	35 dBA	45 dBC, or not exceed the reference curve specified in the Entertainment Sound Impact Assessment Schedule
	Day / Evening (bedrooms)	35 dBA	45 dBC, or not exceed the reference curve specified in the Entertainment Sound Impact Assessment Schedule
	Night (bedrooms)	30 dBA	40 dBC, or not exceed the reference curve specified in the Entertainment Sound Impact Assessment Schedule
Tourist and visitor accommodation (including hostels)	Day / Evening	40 dBA	50 dBC, or not exceed the reference curve specified in the Entertainment Sound Impact Assessment Schedule
	Night	35 dBA	45 dBC, or not exceed the reference curve specified in the Entertainment Sound Impact Assessment Schedule

Development type/use	Time Period	Primary design criteria for sensitive development or development on land that may be affected by entertainment sound - dBL <sub>eq(15min)</sub> (measured internally)	
		Broadband	Low frequency criteria
Educational facilities including early childhood and child care facilities	When in use	35 dBA	45 dBC, or not exceed the reference curve specified the Entertainment Sound Impact Assessment Schedule
Place of Public Worship	When in use	35 dBA	45 dBC, or not exceed the reference curve specified in the Entertainment Sound Impact Assessment Schedule
Health Services Facility	Day / Evening	35 dBA	45 dBC, or not exceed the reference curve specified in the Entertainment Sound Impact Assessment Schedule
	Night (wards only)	30 dBA	40 dBC, or not exceed the reference curve specified in the Entertainment Sound Impact Assessment Schedule

**Table 3.X:** Criteria for development on land that may be affected by entertainment sound

- (6) Applicants for alterations and additions to an existing sensitive development on land that may be affected by entertainment sound may choose to include noise attenuation measures to achieve acceptable sound levels as indicated in **Table 3.X**. Where noise attenuation measures are provided, applicant should take into account the sound implications and operation of any existing or approved entertainment sound-generating activity within its vicinity and any relevant heritage considerations under Section 3.9 of this DCP.

*Note: Where noise attenuation measures are not provided, the City will consider that the applicant acknowledges:*

- (a) *that the maximum allowable sound generated by any planned or existing entertainment sound-generating activity at the time of the application are acceptable, and*
- (b) *acceptable sound levels within all habitable areas of the existing sensitive development, including alterations and additions can be achieved given any existing, approved or planned or entertainment sound-generating activity within its vicinity.*

## **[2] Amendment to sections 4.2.3.11(1) and 4.2.3.11(2) 'Acoustic privacy'**

Add notes shown in italics below:

- (1) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant may be required when submitting a development application for

commercial and retail uses which may affect the acoustic privacy of the adjacent residential use.

*Note: Refer to Part X.X. of this DCP for provisions relating to new and alterations and additions to development with an entertainment sound-generating activity and sensitive development on land that may be affected by entertainment sound.*

- (2) Where necessary, a residential development is to include acoustic measures to reduce the impact of noise from existing or planned external sources (for example busy roads, adjoining industries, live music venues and public parks and plazas in which people may congregate or host live music or events).

*Note: Refer to Part X.X. of this DCP for provisions relating to development on land that may be affected by entertainment sound.*

### **[3] Amendment to Schedules**

Insert the following at the end of the Schedules in Sydney DCP 2012.

#### **Schedule X.X: Entertainment Sound Impact Assessment Schedule**

##### **1. The purpose of the Schedule**

The purpose of the Entertainment Sound Impact Assessment Schedule (Schedule), which forms part of Sydney Development Control Plan 2012 is to provide:

- guidance on allocation of entertainment sound management responsibility
- technical methodology and guidance for assessing entertainment sound levels and meeting acceptable sound levels set in the DCP controls
- outlines the matters to be addressed in Plans of Management for development with or affected by an entertainment sound generating activity

##### **2. Relationship to other noise management controls, policies, standards and requirements**

This Schedule relates to development to which **Section 3.18** of the Sydney DCP 2012 applies. For development that generates or is affected by noise from other external sources, including patron, traffic and mechanical noise, refer to all relevant provisions under Sections 3 and 4 of the Sydney DCP 2012.

This Schedule must be read in conjunction with other relevant noise management policies, standards and requirements, including but are not limited to:

- *State Environmental Planning Policy No. 65 – Design Quality of Apartment Development and Apartment Design Guide*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *NSW Environment Protection Authority Noise Policy for Industry 2017*
- *NSW Department of Planning Development near Rail Corridors and Busy Roads Interim Guideline 2008*
- *World Health Organisation Guidelines for Community Noise*

##### **3. Technical guidance on design criteria**

###### **3.1 New and modifications to development with an entertainment sound generating activity**

###### **3.1.1 Requirement for evaluation**

All applications for new development with an entertainment sound-generating activity and development that is likely to increase the impact of an existing entertainment sound-generating activity must include an Entertainment Sound Impact Assessment and meet the sound levels specified in Section 3.18.1(4) of the DCP. The Entertainment Sound Impact Assessment must be in accordance with Section 7.2 of this Schedule.

It is highly recommended that a pre-lodgement meeting is scheduled to determine the level of assessment required as part of the application depending on the site's context.

Applications for new or alterations and additions to development that generates noise from activities or uses other than entertainment sound-generating activity (e.g. restaurants and cafes with no entertainment provided but generates patron noise, development that generates poker machine noise, etc.), must be in accordance with all relevant provisions under Sections 3 and 4 of the Sydney DCP 2012.

The key steps involved in preparing an Entertainment Sound Impact Assessment and Management Plan are:

1. Identify any **entertainment sound-generating activity** within the proposed development
2. Identify existing sensitive developments that may be affected by the **entertainment sound-generating activity**
3. Determine an appropriate assessment location for each **sensitive development**
4. Establish **acceptable sound levels** at each **sensitive development**
5. Prepare documentation in accordance with the City's reporting requirements and procedures

### 3.1.2 Appropriate assessment locations

Following the identification of sensitive receivers to be assessed, the most appropriate assessment location shall be determined. The assessment location is dependent on:

- the type of sensitive receiver;
- whether the development shares a common wall or building floor or ceiling separation with the sensitive receiver.

Multiple assessment locations and criteria may apply depending on the existing sensitive receivers identified. **Table X** below outlines the appropriate assessment locations for different scenarios.

Type of receiver	Adjoins the venue via a common partition <sup>1</sup>	Building floor	Assessment location
Residential	Not adjoining – primary criteria apply	Ground	External - Most affected location on or within site boundary <sup>2</sup>
		Upper	External - 1m from most affected façade <sup>3</sup>
	Adjoins – secondary criteria apply	Any	Internal – Centre of most affected room



Type of receiver	Adjoins the venue via a common partition <sup>1</sup>	Building floor	Assessment location
Non-residential	Not adjoining – primary criteria apply	Any	External – 1 m from most affected facade <sup>3</sup>
	Adjoins – secondary criteria apply	Any	Internal - Centre of most affected room

**Table X:** Assessment location summary

**Notes:**

All measurements to be conducted at a height of 1.2 - 1.5 m off the floor.

1. Partition may include wall, floor or ceiling partition, i.e. venue may be horizontally adjacent to, directly above or below a receiver.
2. Measurements to be conducted at a 'free field' location, i.e. no closer than 3 metres from a reflective surface or measurements may be conducted at 1m from the reflective surface and corrected with a -2.5 dB correction.
3. Measurements to be conducted at 1m from the façade and to be adjusted by -2.5 dB to correct for surface reflections.

Where external assessment locations are specified, the noise level is to be assessed at the reasonably most-affected point on or within the property boundary. This requirement should not be read to infer that the noise level **only** applies at the 'reasonably worst-affected location'.

### 3.1.3 Alternative assessment methods

#### Primary design criteria

Where access to the most affected location on or within the site boundary, or at 1 metre from the most affected facade cannot be obtained, a representative measurement location may be used to determine noise levels.

A well-established theoretical and/or empirical relationship between the representative location and the assessment location in terms of noise exposure would be required to be demonstrated. This relationship should consider such factors as distance correction, shielding, reflections and source directionality.

#### Secondary design criteria

In the case that access to existing affected development cannot be obtained, determination of the of the noise level at the assessment location using measurement results within the venue, and calculation of the noise level at the assessment location in the adjacent receiver room may be permissible.

A well-established theoretical and/or empirical relationship between the representative location and the assessment location in terms of noise exposure would be required to be demonstrated. This relationship should consider such factors as the transmission loss of the common partition, flanking paths and reverberant noise build up within the room as applicable.

An application should show that reasonable endeavours have been made to gain access to the affected development before assessing at an alternative location.

#### 3.1.4 Proxy assessment locations for compliance

To expedite compliance measurements, it may be appropriate to assess on-going compliance at a proxy assessment location. Similarly, to the methods outlined above, alternative assessment methods may be used to establish an on-going 'proxy' assessment location for sensitive developments.

For this approach to be acceptable there needs to be well-established theoretical and/or empirical relationships between the 'proxy' location and the assessment location in terms of noise exposure. Measurement and/or noise modelling may be utilised to establish this relationship.

#### 3.1.5 Establishing design criteria

Following the establishment of appropriate assessment locations for each **sensitive development**, establishment of **acceptable sound levels** is required.

**Acceptable sound levels** may be primary or secondary, dependent on whether the **sensitive development** adjoins the venue via a common partition, see Table X. Both primary and secondary design criteria are made up of two components: broadband criteria and low-frequency criteria. Compliance with both components is required.

##### 3.1.5.1 Rating Background Levels

In some cases, design criteria are based on Rating Background Levels (RBLs). RBLs are to be established in accordance with the methodology laid out in the *Noise Policy for Industry Fact Sheet B: Measurement procedures for determining background noise*.

When RBLs are to be measured internally, ventilation is to be set on the lowest setting that meets ventilation requirements and all external windows and doors shall be closed.

##### 3.1.5.2 High and low activity areas

In some cases, broadband criteria are established based on whether the **sensitive development** is in a **high activity area** or a **low activity area**. The activity area for a **sensitive development** is defined in the Entertainment Sound Management Map, which shows high activity areas across the Local Government Area, and low activity areas as all other areas not identified.

##### 3.1.5.3 Low-frequency criteria

In some cases, low-frequency criteria are based on the 'low-frequency reference curve' below.

Frequency <sup>1</sup>	20	25	31.5	40	50	63	80	100	125	160	200	250
dB(Z)	61	64	56	49	40	36	33	29	26	23	21	19

**Table X:** Low frequency reference curve

<sup>1</sup>Note: 1/3 octave band centre frequency

#### 3.1.5.4 Appropriate periods of the day

**Acceptable sound levels** vary across the periods of the day to reflect the community's sensitivity to noise. Entertainment sound levels must comply with the **acceptable sound level** for the period of the day the **entertainment sound generating activity** occurs.

### 3.2 New sensitive development on land that may be affected by entertainment sound

#### 3.2.1 Requirement for evaluation

All applications for new sensitive development on land mapped in the DCP as land that may be affected by entertainment sound must include an Entertainment Sound Impact Assessment and meet the sound levels specified in Section 3.18.2(5) of the DCP.

It is highly recommended that a pre-lodgement meeting is scheduled to determine the level of assessment required as part of the application depending on the site's context.

For all applications relating to sensitive uses on land not identified in Figure XX of the DCP that are affected by other noise sources, refer to all other relevant provisions under Sections 3 and 4 of the Sydney DCP 2012.

The key steps involved in preparing an Entertainment Sound Impact Assessment and Management Plan for sensitive uses are:

1. Identify whether proposed sensitive development is on land that may be affected by entertainment sound identified in Figure XX of the DCP
2. Identify any existing or approved entertainment sound-generating activity in the vicinity of the subject site
3. Conduct consultation with the existing entertainment sound-generating activity
4. Determine entertainment sound levels affecting the sensitive development based on development consent of any existing or approved entertainment sound-generating activity
5. Establish acceptable sound levels at the sensitive development
6. Prepare documentation in accordance with the City's reporting requirements and procedures

### 3.2.2 Consultation with existing development with entertainment sound-generating activity ('venues')

Consultation with venue operators or managers is recommended to understand the nature of entertainment sound activities carried out at the venue. Consultation with the venue can both inform the level of noise control required to achieve **acceptable sound levels** within the **new sensitive development**, as well encourage communication between parties which may prevent future issues from occurring or escalating.

Initiating a conversation with local venues is recommended to obtain such useful information as:

- Types of entertainment sound generating activities which take place at the venue;
- Nature of sound generated by the activities;
- Frequency of the activities;
- Time and duration of the activities;
- Location of the activities

### 3.2.3 Determining entertainment sound levels

Quantification of entertainment sound levels which will be impacting the new **sensitive development** is required. As no development would yet exist, entertainment sound levels at the most affected façade of the proposed development should be determined. Where possible, this should take into account the relevant existing venue's maximum permissible sound emission based on its development consent.

Consideration should be given to the loudest types of **entertainment sound generating activity** hosted at the venue when determining sound levels at the **sensitive development**.

#### 3.2.3.1 Measurement procedure

The most effective method for determining the entertainment sound contribution is measuring levels both during and outside of an entertainment sound generating activity. Subtracting the ambient noise level when no activity is taking place from the level during an activity will result in the entertainment sound level, provided both measurements are conducted at similar times of the day when extraneous ambient noise sources are consistent.

The following procedure should be followed when undertaking measurements of entertainment sound generating activities:

- Consideration should be given to the particular **entertainment sound generating activity** to ensure it represents the loudest typical entertainment sound level from the venue, e.g. levels during an acoustic performance may not be representative of the loudest sound levels generated by the venue if it also hosts rock concerts or dance events.

- While the **entertainment sound generating activity** is occurring, determine the time when the greatest impact is likely to occur and take measurements at this time. (Note: this is likely to be the beginning or the end of a live performance)
- Field-calibrate the noise monitoring equipment.
- Measure the entertainment sound level continuously for 15-minutes, in minimum 1/3 octave bands from 31.5 Hz to 8 kHz centre frequencies. All distinct extraneous noises shall be excluded. (Because of the short period over which the entertainment sound is being measured, distinct extraneous noises, including noise from transportation, birds and insects, should be excluded from the measurements.) If extraneous noise is present, post-process data, pause the meter when this noise occurs or choose another measuring time or location.
- Check the field calibration at the end of the monitoring period in accordance with AS IEC 61672.1 and AS2659. Re-monitoring may be required if there is a calibration drift greater than that allowed by the standards.
- If two or more valid entertainment sound levels are recorded at the one location, adopt the highest level as the entertainment sound level.
- Where vibration has the potential to generate structure-borne noise transfer, this must also be addressed in the assessment.

### 3.2.3.2 Measurement locations

In quantifying the entertainment sound levels from a venue at a new sensitive development, the following options may be employed.

#### **Direct measurement at a receiver location**

Entertainment sound levels at the sensitive development may be determined through operator-attended direct measurement of noise at the appropriate assessment location during a typical **entertainment sound generating activity**, using a sound level meter.

Where the compliance location is dominated by entertainment sound, this can be an effective and simple exercise. However, some locations are not controlled by a single noise source, and techniques, including professional judgement, are often needed to determine the entertainment sound level.

Description of the measurement location must include justification of its appropriateness for the assessment.

#### **Direct measurement at alternative or intermediate location/s**

Where direct measurement of entertainment sound at the assessment location is not practical because of poor signal-to-noise ratios (that is, extraneous noise is louder than the noise under investigation), measurements near the **entertainment sound generating activity** or at intermediate locations between the venue and the receiver location, where signal-to-noise ratios are higher, may be a viable option.

For this approach to be effective there needs to be well-established theoretical and/or empirical relationships between the intermediate



location and the receiver location in terms of noise exposure. Noise modelling may be one option to establish this relationship.

The techniques under the above section 'Direct measurement at a receiver location' would also be relevant in terms of quantifying the level of noise from the source at the intermediate location(s). Where this technique is relied upon, it is the responsibility of the proponent to demonstrate a robust acoustic relationship between the compliance location and the intermediate location.

#### **3.2.4 Determining acceptable sound level**

**Acceptable sound levels** for new sensitive developments are made up of two components; broadband criteria and low-frequency criteria. Compliance with both components is required.

In some cases, low-frequency criteria are based on the 'low-frequency reference curve' as shown section 3.1.5.3 of this Schedule.

### **3.3 Alterations and additions to development on land that may be affected by entertainment sound**

Applicants for alterations and additions to existing sensitive development on land that may be affected by entertainment sound has the option to include noise attenuation measures to achieve acceptable sound levels as per Section 3.18 of the DCP. Measures can either be for the new component of the sensitive use or the entirety of the sensitive development.

If proponents choose to do so, key steps involved in preparing an Entertainment Sound Impact Assessment and Management Plan for alterations and additions to sensitive uses affected by entertainment sound are the same as those indicated in Section 8.2 of this Schedule.

Where noise attenuation measures are not provided, the City will consider:

- (c) that the maximum allowable sound generated by any planned or existing entertainment sound-generating activity at the time of the application are acceptable, and
- (d) acceptable sound levels within all habitable areas of the existing sensitive development, including alterations and additions can be achieved given any existing, approved or planned or entertainment sound-generating activity within its vicinity.

## **Appendix A: Sydney Development Control Plan 2012 Entertainment Sound Management Map**