

### Item 3.

#### **Public Exhibition - Entertainment Sound Management - Sydney Development Control Plan 2012 Amendment and Special Entertainment Precincts Discussion Paper**

**File No:** X009155.021

#### **Summary**

The City of Sydney is home to a diverse nightlife, with a long history of mixed and vibrant neighbourhoods. To support the continued growth of the night-time economy while accommodating new housing in well-located areas, the City has developed a planning framework for the management of entertainment sound. This includes draft planning controls that set baseline sound requirements for venues and nearby residential development separate to, and independent of, a discussion paper regarding the introduction of Special Entertainment Precincts to further encourage the nighttime economy and live entertainment.

In October 2017, Council endorsed 'An Open and Creative City: planning for culture and the night-time economy' discussion paper for public exhibition. The discussion paper was prepared in response to actions in the City's OPEN Sydney Strategy and Action Plan, Creative City Policy and Action Plan and Live Music and Performance Action Plan.

Community consultation and engagement with industry since this discussion paper has informed the development of the discussion paper proposals into these proposed changes to the City's planning controls.

The Draft Development Control Plan – Entertainment Sound Management (draft DCP) shown at Attachment A sets council-wide sound criteria for both new entertainment venues and residential developments near existing venues and which are used in the assessment of development applications. The sound criteria for new venues embeds existing practice into the planning controls and matches that used by NSW Liquor and Gaming for compliance.

Criteria for new residential development requires that development be built so new residents are protected from existing entertainment noise in the neighbourhood.

The draft DCP controls:

- (a) establish acoustic requirements for new residential development near existing venues and late night precincts to better protect existing venues;
- (b) establish acoustic requirements for the design and construction of new and substantially changed venues to provide certainty for venue operation and protect neighbours, and
- (c) make it easier to trade later with longer trial hour increments and removing the initial one-year trial period.

The City will consult on Special Entertainment Precincts, which will:

- (a) unlock incentives from the NSW Government for liquor licence fee discounts and additional licencing hours;
- (b) allow the City to put in place bespoke sound criteria that suit the context of the area and encourage live music and entertainment; and
- (c) make it easier for licenced and unlicenced businesses to trade later without a development application.

The proposed approach is to upgrade the City's long-standing late night trading areas to Special Entertainment Precincts with adjusted trading hours and new sound criteria - to encourage live music and entertainment. This approach applies the benefits of Special Entertainment Precincts to as many late night areas and businesses as possible while avoiding the safety and economic impacts of fewer small areas becoming saturated with nighttime activity. It builds on our well understood and successful approach for late night precincts.

The discussion paper at Attachment B outlines the proposed approach to Special Entertainment Precincts and will enable the early industry and community consultation required by NSW guidelines released in August 2024.

Implementation of Special Entertainment Precincts must follow the process set out by the NSW Guidelines and it also involves the preparation of a planning proposal to amend the local environmental plan. Additional sound studies may also be required. Following the NSW Government's process to establish an Entertainment Sound Precinct is estimated to take 18 to 24 months.

The draft DCP and approach for Special Entertainment Precincts together presents a comprehensive strategy for the sustainable growth of Sydney's entertainment and nightlife sectors. By addressing both the construction of new developments and the operation of existing and new venues, these policies are intended to foster a vibrant cultural scene, encourage investment in entertainment areas, and protect residential amenity in mixed-use precincts.

This report recommends Council approve the draft DCP – Entertainment Sound Management and Special Entertainment Precincts Discussion Paper for public exhibition.

**Recommendation**

It is resolved that:

- (A) Council approve the draft Development Control Plan - Entertainment Sound Management as shown at Attachment A to the subject report for public exhibition;
- (B) Council approve the Special Entertainment Precincts Discussion Paper as shown at Attachment B to the subject report for public exhibition; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to draft Development Control Plan - Entertainment Sound Management and the Special Entertainment Precincts Discussion Paper prior to public exhibition to correct any drafting errors.

**Attachments**

- Attachment A.** Draft Development Control Plan - Entertainment Sound Management and Maps
- Attachment B.** Special Entertainment Precincts Discussion Paper
- Attachment C.** DCP Entertainment Sound Study (Acoustic Directions and PKA Acoustic Consulting)

## Background

1. The City's late night trading planning controls were first adopted in 2007. The controls mapped late night trading areas and established trading hours for venues according to the type of precinct and type of venue. It encouraged greater diversity in Sydney's nightlife with later trading for small bars and good management through trial periods for extended trading hours. The controls were reviewed in 2019 to extend and create new late night trading area and incentivise live music and performance with additional trading hours.
2. The OPEN Sydney Strategy was adopted in 2013 after extensive consultation with the community and industry and establishes the City's long term vision for its night-time economy. One of the actions of this strategy is to investigate changes to planning controls to support the night-time economy and support venues.
3. In June 2020, Council endorsed the Open and Creative Planning Reforms to deliver on the planning actions of this strategy. The reforms included acoustic design criteria that would implement the "agent of change" principle, protecting both residents from sound impacts and venues from complaints by new development. The reforms were publicly exhibited, and submissions received in response to the sound criteria highlighted technical issues with the controls and the details of their application.
4. In December 2023, the NSW Government introduced the Vibrancy Reforms, which when implemented in July 2024 significantly changed the regulatory environment for entertainment sound. Sound complaints are subject to higher requirements, especially for new residents, Liquor and Gaming NSW have taken over responsibility for handling sound complaints, and council-imposed sound conditions of consent no longer have a role in sound complaint management.
5. The draft Development Control Plan - Entertainment Sound Management at Attachment A (draft DCP) delivers on the actions and objectives of the OPEN Sydney Strategy and Open and Creative Planning Reforms, while responding to submissions raised to entertainment sound planning controls exhibited in late 2020, and the vibrancy reforms.
6. The Special Entertainment Precincts Discussion Paper at Attachment B (discussion paper) has been developed to seek industry and community input to the City's approach to introducing these precincts, which will support growth of live performance and entertainment venues. Early consultation is required by the NSW Government's recently released Draft Guidelines.
7. Some minor amendments to section 3.15 'Late Night Trading Management' of Sydney Development Control Plan 2012 are proposed to streamline outdoor trading hours and simplify the process of accessing extended hours through trial periods. This reflects the City's experience with administering the current late night trading DCP controls.

## **The vibrancy reforms have changed the role of councils and local planning controls in regulating entertainment sound**

8. In December 2023, the NSW Government passed the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 (the vibrancy reforms). This bill amended various legislation including the Liquor Act 2007, Local Government Act 1993, Environmental Planning and Assessment Act 1979 and associated Regulations.

9. The following vibrancy reforms came into effect on 1 July 2024:
  - (a) Liquor and Gaming NSW became the lead regulator for noise complaints related to licenced premises;
  - (b) conditions of consent regarding noise emissions for licenced premises ceased to have effect, allowing Liquor and Gaming NSW to use their own criteria and assessment framework for handling noise complaints; and
  - (c) noise complaints regarding licenced premises are subject to the following requirements:
    - (i) complaints must be made in writing by five or more people who are not part of the same household;
    - (ii) people must contact the licensed venue directly and attempt to resolve the problem with the venue directly prior to making a formal complaint; and
    - (iii) new residents or workers who have moved into an area after an existing venue was established must demonstrate they have been "unreasonably and seriously disturbed", which is a higher threshold than other residents and workers.
10. The reforms curtail the effect of local controls that set sound criteria that are significantly different to what Liquor and Gaming NSW use in their enforcement. Having criteria in the DCP that enables venues to cause more noise could result in venues being at risk of compliance action by Liquor and Gaming NSW, despite complying with the DCP and their conditions of consent.
11. In response, the City has considered the continued role of the DCP and conditions of consent on development approvals in regulating entertainment sound. This role is as follows:
  - (a) regulating design and construction - preventing noise complaints and protecting amenity by ensuring buildings are fit for purpose;
  - (b) rectifying building issues - where Liquor and Gaming NSW investigate and conclude that the underlying cause of a noise issue is construction inconsistent with the development approval;
  - (c) managing entertainment sound from unlicenced venues - the vibrancy reforms only apply to venues with a liquor licence, which is not all premises that hold live entertainment; and
  - (d) should elements of the vibrancy reforms be amended or rescinded in future, the conditions of consent on venues would come back into relevance for use in entertainment sound management. Hence the NSW Government's Planning circular PS 24-003 advises councils to continue applying conditions of consent to venues despite the Liquor Act.

**The draft DCP establishes a sustainable framework for fair management of entertainment sound**

12. The draft DCP includes requirements for new development to manage sound, thereby giving 'sound rights' to those already in the neighbourhood. These requirements will apply to new residential development and new and expanding venues across the council area. It sets baseline requirements for the local government area, over which Special Entertainment Precincts will provide context-appropriate variations. The sound criteria in the draft DCP has been informed by the Entertainment Sound Study at Attachment C.
13. The draft DCP includes the following:
  - (a) New residential development, also known as a 'sensitive receiver', near existing venues and 24 hour late night trading areas will need to be built to protect new residents from existing entertainment sound in the neighbourhood. This reduces the risk of complaints that could lead to existing venues having to change operations and protects the health of the new residents.
  - (b) For new and substantially changed venues, development is to be built to a standard that provides existing residents reasonable amenity. The required sound levels are largely consistent with City's current practice and compatible with Liquor and Gaming NSW conditions.
14. The proposed controls will not apply retrospectively. That is, they won't apply to an existing venue that is not undergoing substantial change nor to an existing residential building.

**New residential development will need to include measures to protect new residents from existing entertainment sound in the neighbourhood**

15. The requirements for new residential are practical and informed by evidence, based on real world expectations for internal venue sound, and the reasonable ability for people to manage sound impacts in their residence.
16. The requirements will apply to sites within 50 metres of existing venues and Late Night Trading Management areas mapped in the DCP, shown in yellow in Figure 1. They may also apply to sites between 50 to 150 metres where there is uninterrupted exposure to an existing venue, shown in blue in Figure 1.

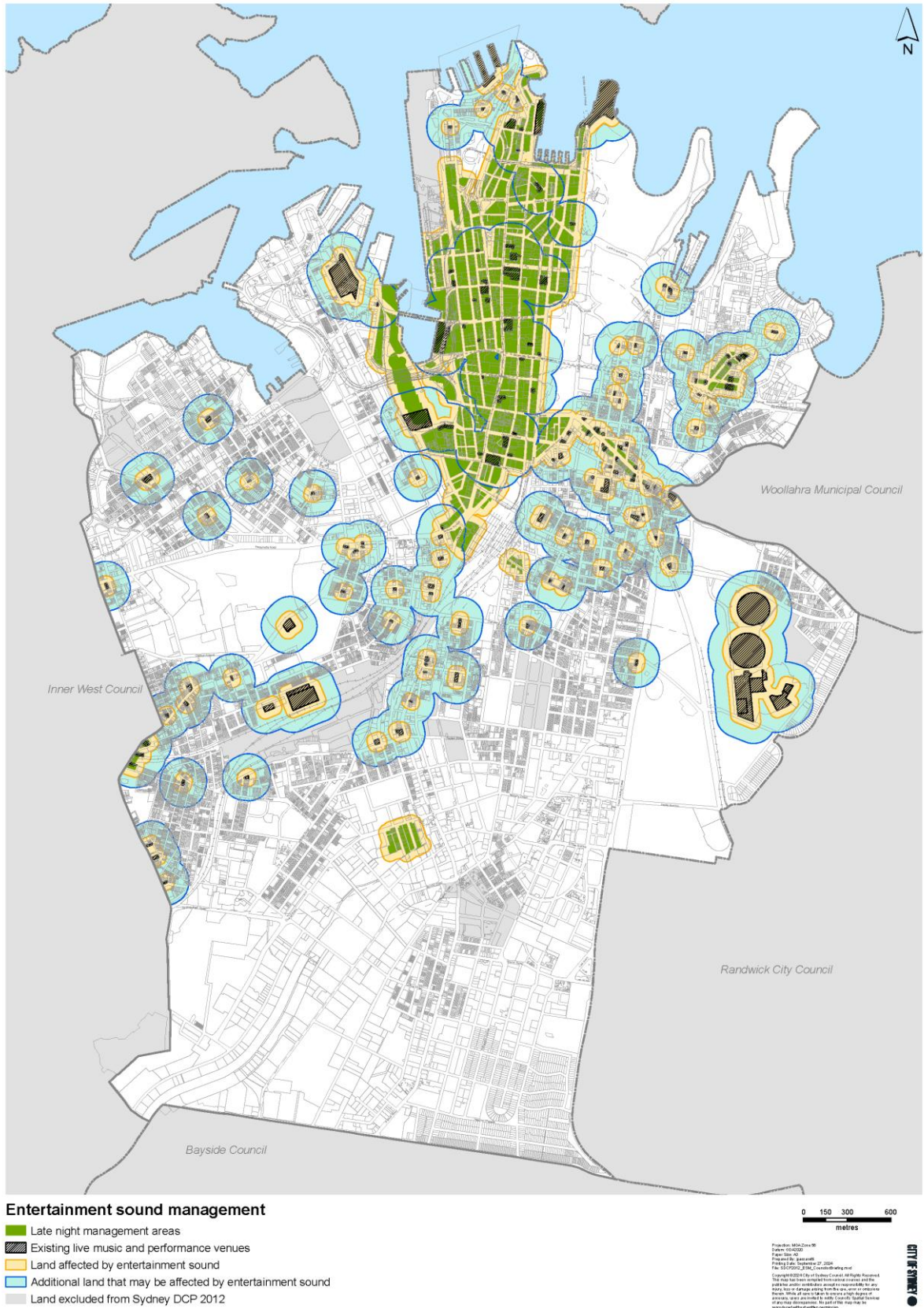


Figure 1 Entertainment sound management DCP map

17. The proposed sound criteria includes both a minimum and a relative sound level. The minimum level is used in quieter areas, so buildings are built to an expected level of sound from the future growth of nearby late night precincts. In areas that are already louder, the building must be built to a sound level relative to the existing noise of the neighbourhood.
18. The criteria require assessment across the sound spectrum, rather than an average levels, to ensure the low frequency tones common to entertainment sound are managed.
19. The criteria require achievable attenuation of residential buildings in combination with an assumed level of internal masking so entertainment sound is effectively (if not absolutely) inaudible in a dwelling.
20. The approach is to create a 12db difference between the entertainment sound and the background noise experienced in the bedroom. This involves reasonable measures to cut the entertainment noise to 23db(A). This can be done through single or double pane glazing depending on how loud it is outside. Introducing occupant controlled white noise, such as a fan, within the room to lift the background level to 35db(A) then masks the entertainment sound, making it practically inaudible. 35db is the WHO's maximum recommended healthy sound level for sleeping.
21. The approach is preferable to requiring very high levels of acoustic attenuation as it is not feasible for new residential development to attenuate entertainment sound to inaudibility. Audibility is relative to the background ambient noise. Receivers cannot selectively filter entertainment sound without also attenuating useful ambient sound, so insulation can have the effect of making music (especially the low frequency beats in music) more noticeable.
22. High levels of insulation can bring all external sounds, including entertainment sound, down to a level below the absolute threshold of audibility. However, this requirement would be highly onerous and add considerable delay and expense to the development of new housing. This level of insulation would also introduce consequences for ventilation, solar and daylight access, and internal acoustic privacy for homes. Removing all external ambient sound would have the effect of making all internal noises very noticeable, such as other occupants, neighbours, lifts, appliances, etc.
23. The Entertainment Sound Study details a precise method to mask entertainment sound using active ambient noise generation inside receivers. This involves setting levels of ambient noise generation across specific octave bands. While the study recommends adopting this as a minimum requirement in the draft DCP, the City considers this an optional step residents or developers could take to ensure inaudibility. Planning controls cannot dictate an active solution requiring specific electronic equipment.



**Managing the noise generated by new and expanding venues will continue to follow current practice and standards**

24. The draft DCP proposes acoustic requirements for new or substantially upgraded venues. The criteria are based on existing requirements for venues currently imposed in conditions of development consents, with certain changes.
25. Adopting the acoustic requirements of conditions of consent in the DCP provides greater transparency and certainty for venues. Currently, venues only see the acoustic requirements after they receive their development consent. Providing these upfront ensures that acoustic requirements can be factored into early planning, site selection, orientation, built form and the like rather than relying on adjusting the volume of entertainment sound alone.
26. The broad requirements of the current conditions of consent have been retained. The Entertainment Sound Study recommends certain changes to better reflect their role in informing design and construction of venues. They are also compatible with Liquor and Gaming NSW requirements, which is vital to providing certainty to venues as they are the lead agency for handling operational noise complaints.
27. The draft DCP includes external sound criteria, which are measured at the most affected boundary of the closest sensitive receiver (residential or tourist and visitor accommodation). The levels are relative against background, being +5dB before midnight and +0dB after midnight.
28. The draft DCP includes internal sound criteria as calculated inside the most affected dwelling. This is to ensure venues will not be affected by noise complaints, which are typically substantiated with measurements from inside a dwelling. The levels are relative against background, being +0dB before midnight and -12dB after midnight. Leq -12dB against background in each octave band is a numerical equivalent of the subjective inaudibility requirement in Liquor and Gaming NSW sound conditions. Leq -12dB does not guarantee inaudibility, as achieving absolute inaudibility requires an exponentially increasing level of insulation. However, it does strike a balance between protecting amenity and supporting a vibrant mixed use environment and is close enough to the Liquor and Gaming NSW requirement to afford sufficient certainty to venues designing to this acoustic standard.
29. The current condition of consent uses L1 -10dB against background in each octave band as a numerical equivalent of inaudibility. According to the Entertainment Sound Study, Leq is more commonly used in the acoustic industry and more practical for calculating and predicting the outcomes of design and construction interventions to attenuate entertainment sound. As Leq is more lenient compared to L1, the level of Leq -12dB is proposed for the draft DCP.

**The draft DCP has responded to concerns about previously exhibited controls**

30. In June 2020, Council endorsed the Open and Creative Planning Reforms to go on public exhibition. The draft DCP contained sound criteria for both new venues and new sensitive land uses, ensuring any new land use is responsible for either reducing sound emissions or managing the existing sound context. This draft DCP was exhibited from 19 October to 18 November 2020.

31. Submissions relating to the sound criteria highlighted the following areas for consideration:
  - (a) the proposed sound criteria did not do enough to protect venues continuing their existing operations, and risked preventing new venues from opening in noisy areas;
  - (b) clarity over what type and scale of development invokes the controls, especially for existing premises; and
  - (c) technical issues relating to the low frequency noise criteria.
32. The draft DCP subject to this report has been informed by an Entertainment Sound Study and responds to key issues raised in submissions. Exhibition of the draft DCP will allow industry and residents to provide feedback on the revised approach and criteria.

**Special Entertainment Precincts provide an opportunity to further support nightlife in appropriate areas**

33. Special Entertainment Precincts allow councils to establish precinct management plans that set out bespoke entertainment sound criteria and trading hours specific to designated precincts. They were initially introduced in 2020 and were revised in 2023 with the recent Vibrancy Reforms.
34. In September 2024, the NSW Government exhibited draft Special Entertainment Precinct Guidelines and a draft Acoustic Toolkit for comment, to which the City made a submission. Legislation requires councils to follow these draft guidelines when establishing precincts. The draft Guidelines were previously unavailable and are yet to be finalised.
35. Liquor and Gaming NSW continue to be the lead regulator for noise complaints, however they must have regard to the entertainment sound criteria included in the precinct management plan. This allows the City to establish criteria appropriate to high activity and vibrant areas, while providing certainty for venues that those criteria will be used in operational enforcement of noise complaints.
36. Trading hours are also established in Special Entertainment Precincts through precinct management plans. This allows councils to designate trading hours for all venues and businesses in a designated area, without the need for businesses to lodge a development application.
37. Venues in Special Entertainment Precincts can also access additional liquor licencing hours and reduced liquor licence fees from Liquor and Gaming NSW.

**The City has prepared an approach to adopting Special Entertainment Precincts for discussion with the community**

38. The City has been investigating how Special Entertainment Precincts might best be applied in our local area. The discussion paper at Attachment B describes a preferred approach to establishing Special Entertainment Precincts in the City of Sydney area. With council endorsement, this discussion paper will be exhibited to seek community and industry feedback that will inform the next stages of implementing Special Entertainment Precincts.

39. The proposed approach for consultation is to upgrade the City's late night trading areas to Special Entertainment Precincts. The areas are shown in Figure 2 and include:
- (a) Late night management areas - the city's most active and vibrant areas with the greatest concentration of venues and where 24 hour trading can be approved.
  - (b) City living areas - active late night areas but with a greater mix of uses, including residential, than late night management areas and have a lower concentration of venues. Trading up to 5am can be approved.
  - (c) Local centre areas - typically the high streets and local retail and business centres. They are active places that are the commercial and cultural focus for a local community. They are surrounded by residential and other sensitive land uses. General trading up to midnight can be approved but venues that host live performance may trade up to 2am.
40. The trading hours differ for each area and type of venue. The late night trading controls has three categories of venues:
- (a) Category A venues - are generally larger hotels, pubs and nightclubs that have over 120 patrons.
  - (b) Category B venues - are smaller venues such as small bars and restaurants with less than 120 patrons.
  - (c) Category C venues - are unlicensed venues such as shops.
41. The approach adopts the base hours in the DCP for each area as the precinct plan hours, with the addition of the extra hours to incentivise live music and performance. Venues in special entertainment precincts will be able to trade up to the hours shown in Figure 3 as of right and without a development approval for the hours. Extended trading hours will be enabled through development application approvals. Bespoke sound criteria will also be developed for the precinct plan, informed by sound studies.
42. This approach also allows venues in designated entertainment precincts to benefit from extended live music and entertainment trading hours, with the sound plan matching the incentive liquor licence hours under the Liquor Act. As shown in Figure 3, venues can trade for an additional two hours on nights with performances lasting at least 45 minutes after 8pm. Additionally, if two or more events are scheduled within a seven-day period, venues can trade for an extra hour on non-performance days.
43. The proposed approach aims to balance the benefits and challenges of a Special Entertainment Precinct and align with the City's existing late night trading framework. This approach:
- (a) emphasises the quantity and diversity of nightlife areas in the area;
  - (b) extends the benefits of Special Entertainment Precincts to as many businesses as possible;
  - (c) provides the assurance to residents that the City will continue with our tried and tested approach to late night trading;

- (d) enables bespoke sound criteria in certain areas, to supplement the general draft DCP entertainment sound criteria and respond better to local conditions;
- (e) avoids the potential to focus economic activity, investment and patronage to limited designated areas at the expense of other areas in the local area;
- (f) avoids the potential for change of character in designated areas, such as homogenisation of offerings, increasing rents, focus on alcohol, concentration of nightlife and loss of daytime trading and local services; and
- (g) avoids increased impacts of noise and anti-social behaviour coming from the cumulative impacts of saturation of licensed venues in an area.

The late night trading areas and trading hours are in the discussion paper at Attachment B and shown below.

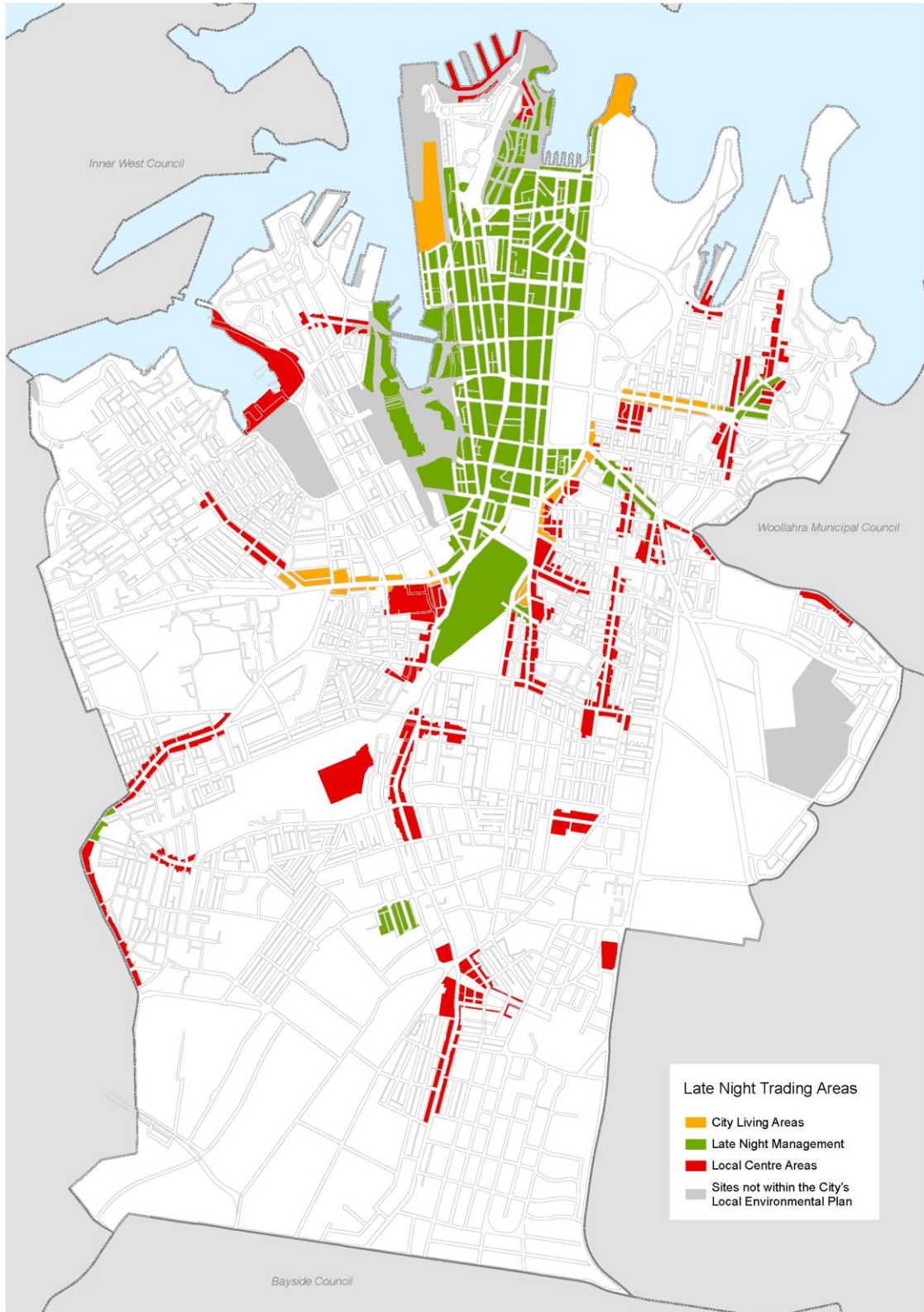


Figure 2 DCP late night trading areas which are proposed to become Special Entertainment Precincts

		Category A		Category B		Category C
		Indoor	Outdoor	Indoor	Outdoor	Indoor
<b>Late Night Management</b>	<b>Base</b>	6am to midnight	9am to 10pm	6am to 2am	7am to 10pm	6am to 2am
	<b>Program incentive*</b>	6am to 1am	–	6am to 3am	–	6am to 3am
	<b>Dedicated venue**</b>	6am to 2am	–	6am to 4am	–	6am to 4am
<b>City Living</b>	<b>Base</b>	7am to 11pm	9am to 10pm	7am to 1am	7am to 10pm	7am to 1am
	<b>Program incentive*</b>	7am to midnight	–	7am to 2am	–	7am to 2am
	<b>Dedicated venue**</b>	7am to 1am	–	7am to 3am	–	7am to 3am
<b>Local Centre</b>	<b>Base</b>	9am to 10pm	9am to 10pm	7am to 11pm	7am to 10pm	7am to 11pm
	<b>Program incentive*</b>	9am to 11pm	–	7am to midnight	–	7am to midnight
	<b>Dedicated venue**</b>	9am to midnight	–	7am to 1am	–	7am to 1am

Figure 3 proposed Special Entertainment Precinct trading hours

**Designating a Special Entertainment Precinct is a 12-step process**

44. The NSW Government's draft Special Entertainment Precinct Guidelines requires the following 12 step process to implement precincts:
  - (a) identify and map the precinct areas (the discussion paper);
  - (b) establish strategic intent (the discussion paper);
  - (c) obtain a Council mandate to proceed (report to Council of the outcomes of exhibition of the discussion paper);
  - (d) prepare a precinct management plan;
  - (e) prepare a sound management framework;
  - (f) prepare a compliance framework;
  - (g) prepare a planning proposal to amend the local environmental plan;
  - (h) prepare a development control plan amendment;
  - (i) undertake targeted community consultation;

- (j) submit the planning proposal for NSW Government approval and publicly exhibit;
  - (k) finalise the local environmental plan amendment for the Special Entertainment Precinct to come into effect; and
  - (l) evaluate the Special Entertainment Precinct after a trial period.
45. The discussion paper encompasses the first three steps and is estimated to take four to six months, including a post exhibition report back to Council. Steps (d) to (f) involve engaging consultants to undertake acoustic studies and is estimated to take at least six months. Steps (g) onwards are NSW Government mandated processes including a planning proposal and are estimated at eight to 12 months. Overall, the timeframe to establish a trial is approximately 18 to 24 months, with the trial recommended by the NSW Government to run for 12 to 18 months before a special entertainment precinct is made permanent.

**Minor changes to the existing trading hours framework in the DCP are proposed**

46. Trial periods for extended hours are an important tool for the City to ensure good management by venue operators. As base trading hours stay with the premises regardless of the current owner or tenant, trial periods allow the City to review the extended hours available to the current operator of the venue with reference to their recent track record.
47. As part of a review of the City's existing late night trading framework, certain changes are proposed to the trading hours in section 3.14 of Sydney DCP 2012. These changes reflect the City's experience in handling development applications and trial periods for late night trading hours.
48. Opening hours for Category A "high impact premises" are proposed to change to 9am in all late night trading areas where they are currently 10am, including in local centres and for outdoor areas. This is to enable a more diverse offering by venues, supporting their economic viability in a way that does not increase impacts, and encourage better and more diverse daytime offerings in entertainment precincts.
49. Closing trading hours for outdoor areas in Category A "high impact premises" and Category B "low impact premises" are proposed to change to 10pm in all late night trading areas where they are currently 8pm. Since the Covid-19 incentives for outdoor dining and conversion of car parking spaces to dining areas, the City has seen a rapid expansion of take-up for outdoor dining across the local area and approved hundreds of development applications for outdoor dining with few issues. A 10pm end time allows for a second seating, while still protecting night-time amenity for residents.

**The trial period process for extended trading hours in the DCP is proposed to be simplified and streamlined**

50. Trial periods for extended trading hours are proposed to be simplified to reduce number and frequency of development applications businesses need to lodge. This change is informed by the City's experience assessing these development applications and responding to noise complaints associated with venues and provides businesses with less regulatory burden while retaining the ability for the City to manage negative impacts.

51. Currently, trial periods allow an increase in two hour increments, up to the maximum permitted in the relevant late night trading area. Each additional increment requires a 1-year trial, which can then be renewed with one 2-year, and then rolling 5-year, additional trial periods.
52. The proposed changes will allow an increase in three hour increments and make the first trial a 2-year period, followed by rolling 5-year additional renewal periods. This removes the initial 1-year trial period and allows additional three hours of extended trading per trial.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

53. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
  - (a) Direction 1 - Responsible governance and stewardship - The draft DCP demonstrates responsible governance by setting clear entertainment sound controls that balance the needs of a vibrant night-time economy with protecting residential amenity. The controls work in alignment with the NSW Government Vibrancy Reforms without causing confusion for venues or the community. By focusing on venue design and construction standards rather than operational noise enforcement, the DCP defines the City's role in managing entertainment sound, ensuring compliance while fostering responsible urban growth.
  - (b) Direction 4 - Design excellence and sustainable development - The draft DCP promotes design excellence by requiring consideration of entertainment sound impacts early in the development assessment process. This approach allows developers to proactively address sound management through siting, orientation, and other passive solutions, reducing the need for compromised design outcomes or solutions that impact amenity. By embedding sound performance criteria into the early stages of development, the DCP ensures that new entertainment venues and residential buildings are designed to manage sound effectively, fostering sustainable, well-integrated urban environments.
  - (c) Direction 7 - Resilient and diverse communities - The City's proposed approach to Special Entertainment Precincts supports resilient and diverse communities by designating all late-night trading areas within the local area as entertainment precincts. This ensures a wide distribution of venues, promoting diversity in late night activities, entertainment offerings and locations all over the local area, rather than concentrating activity and benefits to a few areas to a select group of venues.
  - (d) Direction 8 - A thriving cultural and creative life - The DCP supports a thriving cultural life by protecting live music and entertainment venues from noise complaints, ensuring they can continue to operate while coexisting with nearby residential areas. This policy aligns with the City's goal of growing creative industries and protecting cultural uses and floor space.



- (e) Direction 9 - A transformed and innovative economy - The sound management strategy aligns with the City's vision for an innovative economy by supporting the entertainment and hospitality sectors. It fosters an environment where businesses can thrive, contributing to Sydney's global competitiveness.

### **Relevant Legislation**

- 54. Environmental Planning and Assessment Act 1979.
- 55. Environmental Planning and Assessment Regulation 2021.
- 56. Liquor Act 2007.
- 57. Liquor Regulation 2018.
- 58. Local Government Act 1993.

### **Public Consultation**

- 59. It is proposed that public exhibition of the draft DCP and Special Entertainment Precincts Discussion Paper will occur following Council approval of this report. Public exhibition for both documents will be for a minimum of 28 days.
- 60. Consultation will be in accordance with the requirements of:
  - (a) the Environmental Planning and Assessment Regulation 2021
  - (b) the City of Sydney Community Engagement Strategy and Community Participation Plan 2024.

**Next steps**

61. The draft DCP and Discussion Paper will be placed on public exhibition. Following review of submissions, a report will be prepared for Council on proceeding with the DCP and establishing special entertainment precincts.
62. For the draft DCP, the report will recommend whether to adopt the DCP with or without changes that respond to submissions. If adopted, the DCP will come into effect on a date specified by Council and will then be used in the assessment of development applications.
63. For Special Entertainment Precincts, the report will recommend whether to proceed with establishing Special Entertainment Precincts and if so, the need to prepare a precinct management plan, sound management framework, compliance framework and planning proposal as required by the NSW Government's guidelines.

**GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Jarrood Booth, Specialist Planner