


# Explanation of intended effect

Proposed changes to support the delivery of special entertainment precincts

June 2022



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The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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# Overview

To support live music and entertainment venues, the NSW Department of Planning and Environment (the department) is exhibiting a proposal to establish a trial special entertainment precinct. The department is seeking feedback on:

- plans for a State Environmental Planning Policy to amend the relevant local environmental plan (LEP) for the Inner West Council
- a proposed 3-month trial of a special entertainment precinct along Enmore Road.

Consultation on these proposed changes is open from 10 June until 8 July 2022. Specifically, these changes will allow the Inner West Council to:

- map the proposed precinct area
- investigate proposed compliance processes and sound management approaches
- engage meaningfully with residents and businesses, allowing a temporary experience of a proposed special entertainment precinct.

Outcomes from the trial will inform the Special Entertainment Precinct Guidelines, a set of guidelines for councils considering precincts within their own local government areas.

The NSW planning system has an important role to play in the state's economic recovery. This change is part of broader plans to keep the economy moving, support our art and cultural sector and keep artists and performers in jobs, both now and in the future.

# About special entertainment precincts

A special entertainment precinct is an area that can be established by local councils. Changes to the *Local Government Act 1993* and the *Liquor Act 2007* allow councils to formally establish a precinct in their local area.

Precincts can contribute to an active night-time economy and are an important consideration for councils in planning for future uses of an area. A precinct may be made up of a single premise, a precinct or streetscape. How a potential precinct is identified and defined by council will depend on local amenities, existing infrastructure, and current (or intended) neighbourhood character.

## How councils establish precincts

To establish a precinct, council must prepare a plan to regulate amplified music noise from venues in the precinct. This plan will outline council's approach to managing sound in the precinct, including compliance processes. The plan will include guidance for venues, businesses and potential new developers. The compliance approach will outline how council will respond to concerns or complaints about sound in the precinct alongside other agencies such as Liquor and Gaming NSW, and the NSW Police Force. Councils must also notify existing residents and potential residents about the precinct so that the community is aware of council support for entertainment venues. Once a precinct is formalised, the special entertainment precinct will be included on Section 10.7 planning certificates for properties in the area and advertised through council communications such as on the website.

## Special Entertainment Precinct Guidelines

The department is preparing guidelines to support councils when deciding to identify a precinct in their own area. These Guidelines will provide information and guidance on how to establish and operate special entertainment precincts in NSW. They are being co-designed with the department, the Office of Local Government NSW and the Office of the 24-Hour Economy Commissioner.

The Guidelines are intended to support both metropolitan and regional councils and includes information about special entertainment precincts for:

- businesses and venues operating (or considering operating)
- developers considering projects, particularly for noise-sensitive projects
- residents and members of the community.

The department will use the Inner West trial to refine the Guidelines. The Guidelines will be finalised and published in 2023.

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## About the Inner West Trial

This is a temporary trial for a section of Enmore Road in the Inner West local government area. The intent is to allow Council to trial its approach to a special entertainment precinct.

The trial will test new approaches to compliance and sound management. It will not suspend any existing licence or consent conditions; however, businesses may choose to temporarily opt-into the proposed criteria where appropriate. Some of the activities that communities could expect are:

- a different way to manage concerns or complaints about sound in a precinct area (proposed new compliance approaches)
- more opportunities to enjoy night-time activities such as live music or shows
- increased activity for businesses supporting the night-time economy
- some increased activity and ambient sound in and around the precinct area.

### What is being tested in the trial

Inner West Council will test:

- community feedback to the precinct boundaries and area
- sound management processes (such as proposed sound levels, ways to manage impacts)
- compliance processes and monitoring
- extended operating hours for permitted live music venues.

### Trial special entertainment precinct map and dates

#### Enmore Road Precinct

1 September to 30 November 2022

For more information, please contact

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Figure 1 Proposed Enmore Road Precinct

The proposed precinct includes Enmore Road from the top of Edgeware Road (intersection of Stanmore, Enmore and Edgeware Roads), to Newtown Station (intersection of Enmore Road and King Street).





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## Proposed change

The proposed State Environmental Planning Policy (SEPP) amendment makes temporary insertions into the relevant LEP for the Inner West Council.

The proposed SEPP will:

- only apply to venues in the mapped area for the special entertainment precinct
- support Council's draft management plan for the special entertainment precinct by facilitating the Enmore Road Precinct trial
- temporarily operate from 1 September to 30 November 2022.

After the 30 November, the measures will cease to apply and venues must operate in line with their existing conditions.

## Reason for the change

The department proposes making this change to support the delivery of the Special Entertainment Precinct Guidelines. Special entertainment precincts will support NSW's growing night-time economy both across the regions and Greater Sydney. They have the potential to generate jobs, attract visitors and support the live music, art, performance and other creative industries. Outcomes from this pilot will inform a set of guidelines that will help all councils considering setting up precincts within their own local government areas.

The LEP amendment will let the Inner West Council deliver an operational trial for a set period in its local government area. This allows the community and businesses to experience what is proposed for the precinct and is an opportunity to provide feedback as part of the trial. This will allow the council to consider pragmatic solutions and tailor its precinct plan, before consulting with their community and deciding if they wish to make the precinct permanent.

## The need for an operational trial

As part of the pilot program, an operational trial of special entertainment precincts is needed to explore the practicalities, and demonstrate the potential benefits and impacts. A trial will allow the local community, residents and businesses to experience what is proposed for the precinct.

Through this trial, the Inner West Council will engage with the community to evaluate and refine the measures proposed under a precinct. This will help council ensure that local plans and conditions for venues are supportive of a thriving live music and entertainment scene.

Findings from the pilot and trial will inform the guidelines the department is developing for other councils considering the implementation of a special entertainment precinct.

## Responsibility for the trial

The Inner West Council is responsible for delivering the Enmore Road Precinct trial. This includes undertaking any community consultation, developing a management plan for the proposed special entertainment precinct and compliance activities.



## When the trial ends

After the trial, the Inner West Council would decide if it would like to make the precinct permanent. If Council wishes to permanently formalise the precinct, the changes to the Inner West LEP would need to be made permanent. The department will work with the council to facilitate this process.

# Have your say

The department is exhibiting this document in line with its Community Participation Plan.

To make a submission on the changes proposed in this document, please visit [www.planningportal.nsw.gov.au/draftplans/on-exhibition](http://www.planningportal.nsw.gov.au/draftplans/on-exhibition) and complete the submission form.

For more information on the proposed Inner West trial, please contact:

### Inner West Council:

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For more information on the **Special Entertainment Precinct Guidelines**, please contact:

**Department of Planning and Environment** policy team: [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)