



Draft Precinct Management Plan

September 2022



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1. Introduction

Enmore Road is a diverse mixed-use neighbourhood. It provides a diverse range of services to locals including cafes, restaurants, take away food and drink, retail and other commercial services. At night it comes alive as one of Sydney's premier entertainment and hospitality districts with pubs, small bars, restaurants and the historic Enmore Theatre.

Alongside this commercial mix are the homes of residents; living on, beside and behind Enmore Road. It is a dense residential neighbourhood made up of flats, shop top housing, Victorian terraces, and detached houses.

The vibrancy and offerings that attract residents and businesses to the area are unfortunately also sources of amenity conflict. Residents tend to prefer a quiet environment, whilst higher sound levels are a by-product of a vibrant commercial area such as around Enmore Road that provides entertainment and hospitality services.

The purpose of this plan is to balance the approach to the management of entertainment sound within the Enmore Road Special Entertainment Precinct. It will identify the role of all stakeholders including residents, businesses, Council, and the Police in managing entertainment sound, as well as outline Council's approach to the resolution of entertainment sound related complaints from residents and businesses during the trial.

While the way Council approaches sound management will change during the trial period, it is not intended to create a free-for-all situation where businesses are entitled to raise sound levels without limitations.

1.1 2022 trial period

Initially the Enmore Road Special Entertainment Precinct is being run as a three-month trial between 1 September and 30 November 2022. The reasons for running this as a trial include:

- Enmore Road will be the first Special Entertainment Precinct in NSW established under *Chapter 8, Part 3 of the Local Government Act 1993*. It will therefore act as a pilot for the implementation of this new legislation, which may be used as an example for future precincts.
- New compliance procedures and fixed entertainment sound criteria are being introduced. To ensure these new rules are fit-for-purpose, Council is testing the proposed levels through a real-life trial prior to endorsing a permanent scheme.
- Issues may arise through the implementation of the Special Entertainment Precinct. The trial period is an opportunity to identify and resolve them.

Measures to be tested during the trial period include:

- Allowing premises that host live entertainment on the same night to operate for an additional 30 minutes beyond the time specified on their development consent. Note: Licenced premises will need to comply with their liquor licence conditions.
- Allowing footpath dining until 11 pm for any premises with a valid footpath dining licence.
- Fixed level sound criteria contained within section 8 of this plan.

At the completion of the trial period, all feedback received by the community will be considered, and Council will begin working towards a permanent Special Entertainment Precinct.

2. The Identified Area

2.1 Location and Map

Figure 1 below is a map identifying the extent of the Enmore Road Special Entertainment Precinct (ERSEP).



Figure 1: Map identifying the Enmore Road Special Entertainment Precinct

The Enmore Road Special Entertainment Precinct is centred along the commercial area of Enmore Road between the intersection of Enmore Road and Edgeware Road to the west up to number 2 Enmore Road, Newtown in the east. It includes all properties facing Enmore Road between these two points on both the northern and southern sides of the street.

A *buffer area* of 50m is identified in yellow. This buffer area has no application during the trial period. Development controls would specify higher sound attenuation measures for dwellings within the buffer area should the Special Entertainment Precinct become permanent.

A more detailed [map](#) is contained within the [Inner West Local Environmental Plan 2022](#).

3. Precinct Objectives

3.1 Position Statement

“Enmore Road is a vibrant mixed-use precinct with a flourishing arts and live music scene. Activity takes place throughout the day into the night, with a range of offerings for local residents and visitors to the area.

Good neighbourhood amenity is maintained for residents, and any disputes are settled in a proactive and neighbourly fashion.

The three-month trial period is an on the ground consultation for the community, with feedback received to inform the future of the precinct.”

3.2 Objectives

The objectives of this plan and the Enmore Road Special Entertainment Precinct:

Objective 1 – Central objective

Enmore Road thrives as a diverse mixed-use neighbourhood with a flourishing arts and cultural production economy, including live music.

Objective 2 – Neighbourhood amenity

The neighbourhood surrounding Enmore Road is afforded with reasonable amenity and sound levels coming from precinct.

Objective 3 – Roles of stakeholders

The roles of stakeholders including, businesses, residents, industry, Council and Police are clear and committed to balance amenity and reasonable sound levels coming from the precinct.

Objective 4 – Compliance

Implement a consistent and adaptable regulatory response to complaints to balance amenity and reasonable sound levels coming from the precinct.

Objectives 5 – Trial period consultation

Feedback received throughout the trial is utilised to inform the future Enmore Road Special Entertainment Precinct.

3.3 Approach to sound

Entertainment sound coming from commercial premises within the Enmore Road Special Entertainment Precinct are subject to different sound compliance criteria than other premises throughout the Inner West.

Council has worked with an expert sound consultant to develop sound criteria that will apply to the Enmore Road Special Entertainment Precinct during the trial period. Following the trial, the plan will be refined to find the balance between resident amenity and a vibrant precinct. See Chapter 8 for further information, including detailed sound management criteria.

4. Place-based Planning

In 2021 the NSW Department of Planning and Environment developed the NSW Public Spaces Charter to promote the need for high-quality public spaces across the state:

The NSW Department of Planning, Industry and Environment has developed the NSW Public Spaces Charter to support everyone in NSW to have access to high-quality public space that allows them to enjoy and participate in public life. The charter identifies 10 principles for quality public space that distil and reflect evidence-based research, best practice and consultation with Aboriginal peoples, community members and representatives from state and local government, industry, the business and cultural sectors and a diverse range of public space experts.

The Enmore Road Special Entertainment Precinct seeks to implement the values and principles of the NSW Public Spaces Charter in order to contribute to the production of high-quality public space within the Inner West LGA.

While all 10 principles are relevant to the precinct, the principles of Culture and Creativity, Local Character and Identity, and Local Business and Economies are particularly applicable to the Enmore Road Special Entertainment Precinct:

1. **Culture and Creativity:** The Enmore Road Special Entertainment Precinct is Council's way of playing our part in re-invigorating the live music industry after a difficult couple of years due to the pandemic. This in turn will foster the development of local artists across a variety of mediums.
2. **Local Character and Identity:** commitment to arts and culture has defined Enmore Road's local character and identity for decades. The Enmore Road Special Entertainment Precinct seeks to respond to this historical identity by encouraging a diversity of cultural events. Through this, Council hopes to build upon the rich cultural identity that defines Enmore.
3. **Local Businesses and Economies:** By allowing venues to open later if they provide entertainment and operate footpath dining until 11 pm, the precinct will incentivise businesses to provide services to the community in a dynamic and vibrant manner. This in turn will improve people's experience of the public space within the precinct.

Overall, the Enmore Road Special Entertainment Precinct seeks to create high-quality public space by encouraging cultural activities across the place. Furthermore, the precinct seeks to reinvigorate public interest in Enmore Road and therefore reinforce its identity of vibrancy, creativity, and culture.

5. Existing Policy Considerations

Several existing Council and NSW State plans and policies have interactions with or work alongside this document. These include:

5.1 Local Environmental Plan

A local environmental plan (LEP) is a legal document that controls development in an area. It determines what can be built, where it can be built, and what activities can occur on land.

LEPs contain both a written instrument and maps. These should be viewed together to provide an understanding of zoning and building controls across the area or for a particular property.

The Enmore Road Special Entertainment Precinct is legislated under Inner West Local Environmental Plan 2022. Mapping of the precinct is also contained under the IWLEP 2022, defining the core areas.

5.2 Development Control Plan

The primary purpose of a development control plan (DCP) is to guide development according to the aims of the corresponding local environmental plan (LEP). The DCP must be read in conjunction with the provisions of the relevant LEP.

Development controls will be developed after the trial period taking feedback received during the trial into account. Chapter 8 – Sound Criteria includes “Sound requirements for new receiver developments” which identifies the areas likely to be included a future DCP, including controls requiring the attenuation of new sensitive developments and demonstrating that new venues can meet the relevant sound criteria.

5.3 Development Consents and Conditions

Under the *Environmental Planning and Assessment Act 1979*, Council is able to issue consent for the use and development of land subject to conditions. Conditions deal with a range of matters including entertainment sound.

Development consents for premises on Enmore Road will typically have a condition restricting entertainment sound to a standard criterion. The background sound level +3db or +5db for sound coming from a specific premises are the conditions usually applied.

Maximum sound levels under this plan transitions from this background measurement +3/5db to fixed sound criteria. Further details of these criteria are contained in this plan at Section 8 – Sound Criteria.

During the trial period noise conditions on development consent relating to maximum sound levels will not be enforced. Council will instead be trialling the fixed sound criteria contained within this plan at Section 8.

Any premises hosting live entertainment on the same night will be permitted an additional 30-minute trading beyond the hours of operation stated on their development consent. Licenced premises must ensure that this does not breach their liquor licence hours.

All other development consent conditions will continue to apply. This includes conditions related to the operation of outdoor areas, the closure of windows and doors, acoustic report recommendations, plan of managements, security requirements, staffing requirements, capacity of patrons, etc.

5.4 Liquor Licenses

Liquor licences are issued and regulated by Liquor & Gaming NSW. Any premises on Enmore Road that serves or sells alcohol is required to have a liquor licence in place. This does not include BYO premises.

Liquor licences contain a range of conditions that must be upheld whilst alcohol is being served and consumed. Conditions cover a range of matters including but not limited to security requirements, licencing boundaries, noise restrictions and hours of operation.

Whilst a Special Entertainment Precinct is in operation noise conditions applied to a licence will also cease to have effect, making Council’s criteria and the offensive noise criteria the rules for entertainment sound levels. This also removes Liquor and Gaming from noise compliance relating to entertainment sound.

5.5 Protection of the Environments Operations Act 1997 (POEO)

Under the administration of the NSW Environmental Protection Agency (EPA), the objectives of the Act include protecting and enhancing the environment of NSW, as well reducing risks to human health from pollution and environmental degradation.

This Act is relevant to the Enmore Road Special Entertainment Precinct, as it defines ‘offensive noise’ and outlines the mechanism that Council, Police and the EPA can respond to and resolve noise complaints.

NSW Police utilise the offensive noise criteria when responding to a complaint. This will continue to be enforced whilst the precinct is in operation.

5.6 Good Neighbour Policy

Introduced in 2017 By Inner West Council, the Good Neighbour Policy embeds resolution of disputes between residents and businesses into compliance procedures. The Good Neighbour policy is not relevant to the Enmore Road Special Entertainment Precinct during the trial period when complaints will be addressed using the procedures outlined in Part 7 of this plan.

5.7 Local Approvals Policy

Yet to be adopted at time of writing, the Local Approvals Policy will oversee the use of public land for commercial and community purposes. The policy is relevant to the Enmore Road Special Entertainment Precinct as it contains the guidelines for the use of footways for outdoor dining purposes and enables activation of public spaces for things like market stalls, small events and other commercial and community activities.

6. Application of this plan

This plan applies to the operation of all commercial premises on Enmore Road that are identified in the *core area*. It manages the regulation and compliance procedures for entertainment sound coming from commercial premises.

This plan does not apply to other sources of disturbance, including:

1. Vocal noise from people in public,
2. Plant or machinery noise
3. Vehicular or traffic noise
4. Aircraft noise
5. Anti-social behaviour
6. Littering

For other disturbances, please follow existing complaint channels.

6.1 2022 trial period

During the trial between 1 September and 30 November 2022, this plan will apply to premises identified within the *core area*. The trial involves the following:

1. Sound criteria contained within this plan will prevail over sound criteria within development consent conditions for commercial premises on Enmore Road.
2. Compliance procedures for entertainment related sound complaints will be carried out in accordance with the procedures in this plan.
3. Any premise on Enmore Road that provides live entertainment for at least 1 hour, will be eligible for an additional 30 minutes of trade on that day, or into the early morning if trading past midnight, on top of their development consent hours of operation. Licenced venues must still comply with liquor licence hours.
4. All premises in Precinct that have a footpath dining licence may extend footpath dining till 11pm (subject to restrictions on their development consent and liquor licence hours of operation).

Operation of the Precinct during the trial period will not include the following:

- Changes to the assessment of development applications for new venues
- Changes to the assessment of development applications for new residential dwellings or other sensitive land uses
- Requiring venues to provide additional sound attenuation to their premises – although they may choose to in order to comply with the fixed sound criteria under Section 8 of this plan

6.2 Application of the future precinct

If in the future the precinct is made permanent, additional measures will be put in place to future proof new dwellings and venues from sound related impacts. This would include:

1. Noise attenuation criteria for new residential dwellings in the area. New developments will need to be designed and constructed to lower the intrusion of entertainment sound into dwellings and other sensitive land uses.
2. Noise attenuation criteria for the modification of existing or establishment of new venues. Venues will need to be designed to reduce the impact of noise on surrounding dwellings and other sensitive land uses.
3. Notices will be placed on Section 10.7 planning certificates informing future home buyers that they are buying into a Special Entertainment Precinct.
4. These criteria will also inform existing residents and venues of measures they could take to proactively upgrade their own premises to deal with the intrusion or emission of noise.

These measures have not been published yet as the sound level criteria is still subject to further consultation through the trial.

7. Compliance Procedures

This section details the procedures that Council will undertake in relation to the compliance of sound coming from licenced venues identified in the ERSEP *core area*.

Compliance procedures for other types of complaints and feedback within the ERSEP such as dumped rubbish, anti-social behaviour and other noise disturbances should follow existing complaint channels. Table 2 below shows where such complaints should be directed.

7.1 Steps to take before lodging a complaint

Steps should be taken before lodging a complaint with Council to deal with the noise disturbance in a more timely and civil manner. Council recommends taking the following steps prior to making a formal complaint.

1. Identify the source

In dense urban environments it can be difficult to determine the source of a disturbance. Accurately identifying the source of the noise disturbance will assist with alleviating the impacts and approaching the venue.

2. Approach the venue

Council's experience shows that when neighbours approach one another with reasonable grievances, they tend to be resolved quickly. If possible you should contact the venue by phone, or by approaching them in person.

If a venue is an ongoing problem, requesting the number of the on-site manager will enable you to contact them directly in the event of a disturbance.

Resolutions may involve minor changes to the venues operation such as closing certain windows and doors, placing security in areas with loud patrons, lowering volume or even just advising a resident of when the entertainment is due to cease.

It's also expected in these discussions that certain concessions may need to be made by residents, including closing their windows or doors, and accepting occasional higher noise levels.

3. Re-evaluate disturbance

If you are not satisfied with the response from the venue, or the disturbance remains at an unreasonable level, feedback or a complaint should be lodged with Council and/or the Police.

7.2 Who to contact

Within a Special Entertainment Precinct, any complaints related to patron noise or entertainment sound from a commercial premises should first be made to Inner West Council. Please use the tables 1 & 2 below to determine where to make your complaint.

Table 1: Where to direct feedback and complaints related to sound from venues

		Council – online or by phone	Police – phoning station directly
General feedback related to entertainment sound in the precinct		X	
Reporting loud entertainment sound that does not require immediate attention		X	
Reporting loud entertainment sound from venues that requires immediate attention	Monday – Friday between 8:30am and 4pm	X	
	Monday – Friday after 4pm	X*	X
	Saturday, Sunday and public holidays	X*	X

Table 2: Where to direct other feedback and complaints

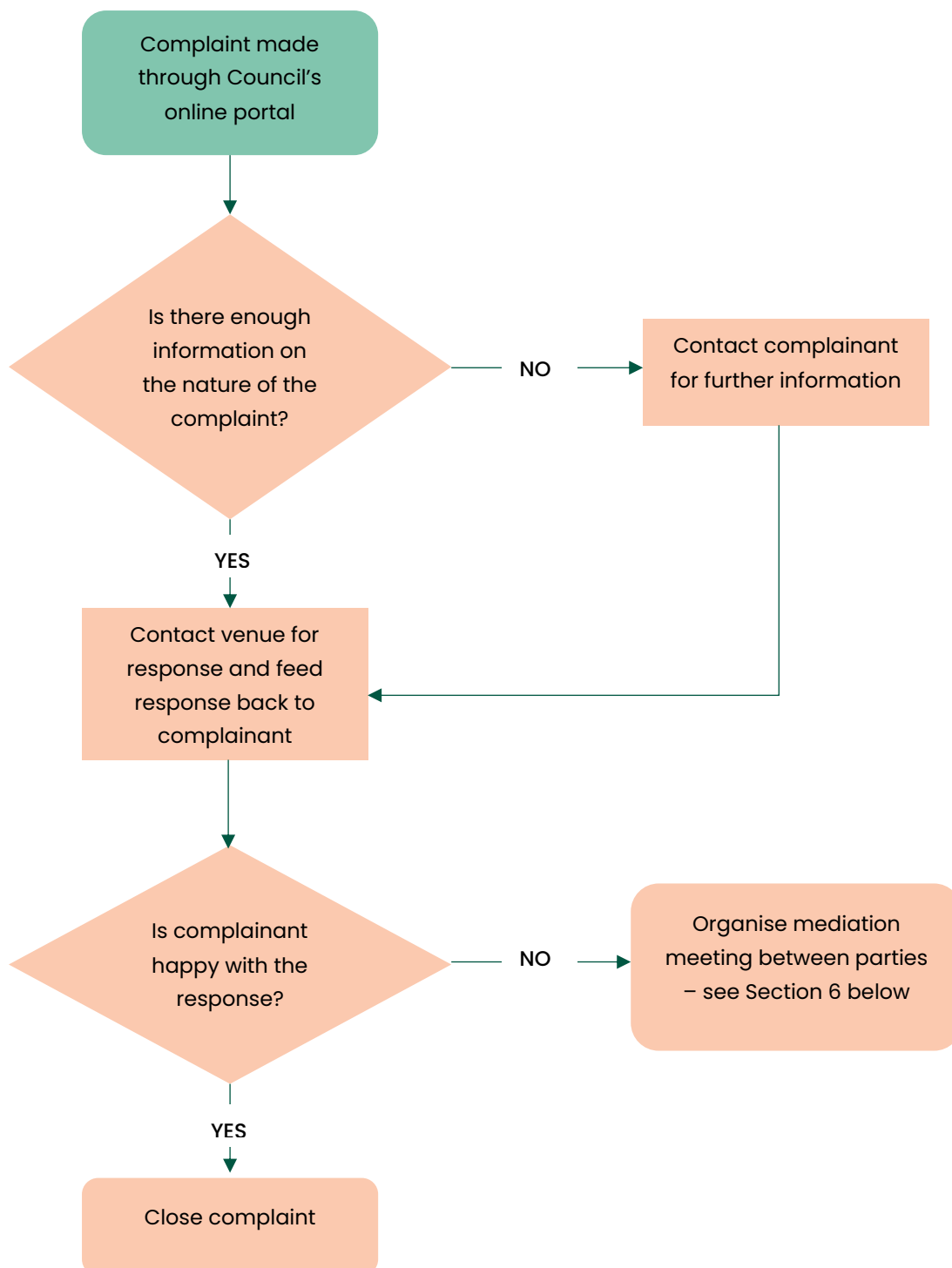
		Council – online or by phone	Police – phoning station directly
General feedback related to the precinct		X	
Anti-social behaviour that requires immediate attention			X
Reporting noise from public spaces that requires immediate attention, e.g. yelling, screaming.	Monday – Friday between 6am and 4pm	X	
	Monday – Friday after 4pm	X*	X
	Saturday, Sunday, and public holidays	X*	X
Complaints from other sources of noise e.g., air conditioners, refrigeration units, loading/unloading, deliveries		X	
Development consent condition breaches		X	

**Note: In many instances Council request that complaints made to the Police are also made to Council. This is for Council's understanding of what is happening in the precinct.*

7.3 Council procedures for complaint handling

Regardless of when it is made, complaints will be handled by Council through the same procedure. Serious breaches that require immediate attention may be expedited.

The below flow chart illustrates the typical complaint handling process.



7.4 Resolving complaints through mediation

Sound related complaints made to Council are expected to be resolved once Council has feedback from the venue to the complainant. Responses from venues should include a verbal commitment to lessening the disturbance in the future.

If the disturbance is an ongoing issue that has not been resolved through previous attempts, a meeting will be facilitated by Council, bringing the complainant and venue together to understand and resolve issues. These meetings will be attended by Council staff from relevant units, which may include Environmental Health, Compliance, Economic Development and/or Planning. The licensee and/or venue manager should also be present. The complainant(s) will also need to attend the meeting.

Such meetings will ideally be held face to face on site, either in the venue or on the street outside the venue. There may be circumstances with scheduling conflicts or public health concerns where an online meeting is favoured.

7.5 Substantiating complaints

Ongoing complaints that cannot be resolved through the processes outlined above will need to be substantiated against the sound criteria contained within this plan. This will involve the deployment of staff or a consultant to conduct sound monitoring at the premises at an undisclosed time and date.

The monitoring should be conducted at a time close to when the disturbances are being made. Fair weather will also be required for testing.

The results of monitoring will substantiate if the venue is operating within allowable limits. If it is found they are, this feedback will be given to both the venue and complainant.

If there is found to be a breach, a formal notice will be given to the venue to lower their sound levels to comply with the fixed level sound criteria outlined in Section 8.

7.6 Police handling of complaints

Police play a crucial role in the compliance as they are a 24/7 operation and are granted powers under the PoEO Act 1997 to conduct offensive noise assessments.

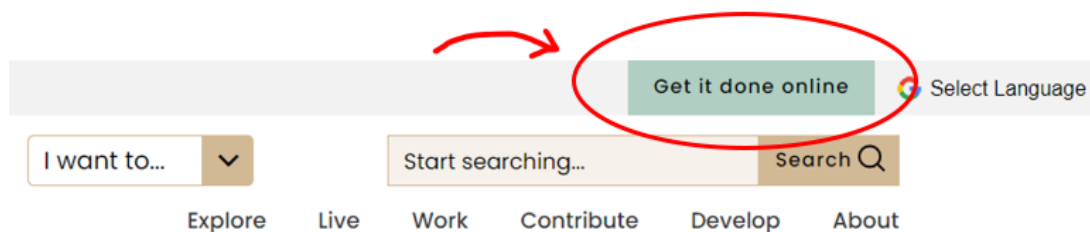
At times when Council is not available and immediate attention is required due to a noise disturbance, complaints will need to be made directly to the Police by phoning the Newtown Police station directly.

Police will attend a noise complaint as soon as possible. They will undertake an assessment of the disturbance against the offensive noise criteria on site to determine if the sound is offensive. If considered offensive, Police will attempt to resolve the issue directly with the venue. They will then contact the complainant to relay the venues response.

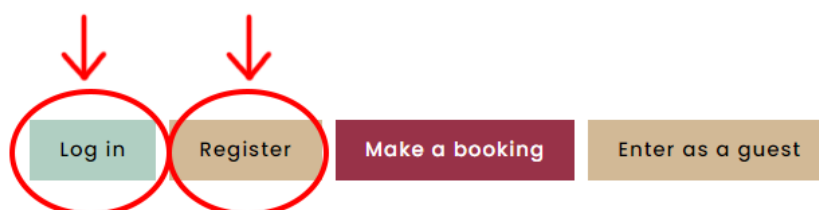
When making a complaint to Police, it is requested that a complaint is similarly lodged through Council's online portal. This will assist Council in understanding the location of disturbances.

7.7 How to use Council's online self service portal to make a complaint or provide feedback

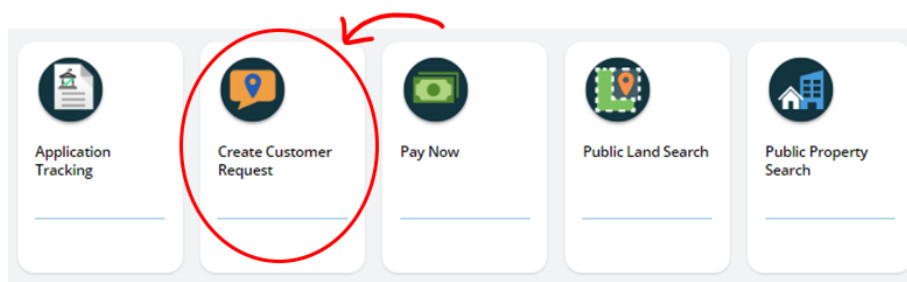
Complaints and feedback regarding the Special Entertainment Precinct should initially be made through Council's online self-service portal. The link to this portal is located at the top of Council's



Customers must then log in as a registered user. This may require you to register.



When within the portal click the icon labelled "Create Customer Request".



From the drop-down menu on the next page, select "Special Entertainment Precinct". This will create another drop down menu below where you can select from a range of sub-categories. Please select the one relevant to your request.

Attachments can also be uploaded. Submitting photographic, video or other evidence will assist Council in understanding the nature and impact of the complaint or feedback.

Fill out all required fields below and submit. This will be sent to the relevant team to be addressed as soon as is practicably possible.

8. Sound Criteria

8.1 Overview

This part outlines new sound criteria for entertainment sound coming from commercial premises within the Enmore Road Special Entertainment Precinct. In the future, the plan will also define requirements for new sensitive receiver development (such as residential apartments) built in or around the Precinct.

The proposed approach to sound management within and surrounding the Precinct has been informed by the following key factors:

1. Acknowledgement of the existing activation, vibrancy and positive contribution entertainment venues provide to the area and community
2. The need to balance this activation with the reasonable amenity expectations of co-located and nearby sensitive receivers, such as residential premises
3. To provide greater consistency and certainty for businesses, community, and compliance officers regarding allowable sound emissions and amenity expectations
4. Provide opportunity for managed growth of entertainment venues within the Precinct, minimising potential cumulative impact
5. The current minimum noise mitigation standards for sensitive development related to road and aircraft noise exposure

Currently, sound criteria are largely defined in venue Conditions of Consent and Liquor Licenses. These documents are specific to each property and a consistent approach is not applied across the precinct. Review of these documents for all venues in the Precinct found five different noise criteria which have been used. Furthermore, the sound limits vary dependent on the background sound level in the area. Background sound levels vary over time, as they are subject to significant variation dependent on activity in the area.

The combination of various sound criteria definitions and varying background noise levels results in a significant variation in the amount of sound each venue can produce across the Precinct. In addition, venues are solely responsible for ensuring they comply with the sound management requirements on their consents. Acoustic measures that have been installed within sensitive receiver development to address aircraft or road traffic noise are not taken into consideration when determining the conditions that apply. Furthermore, these controls do not acknowledge that sound will be generated on the street, which cannot be mitigated by the venues. This Plan serves to replace the existing criteria with one simplified overarching approach that can be applied holistically across the Precinct and surrounding streets. In addition, the Plan will allow for clearer communication regarding expectations of venue operators and the community.

To provide greater consistency and certainty across the Precinct, predetermined fixed sound level criteria have been defined, rather than sound criteria relative to the background level. The fixed sound levels vary by time of day, day of week and geographic location to reflect the desired balance of activation and amenity across the Precinct. Derivation of this approach has been informed by extensive review of current conditions, licenses, national and international literature review, acoustic measurements across the precinct, and community expectations.

8.2 Key principles of the technical criteria

The primary components of the technical criteria that apply within the Enmore Road Special Entertainment Precinct are:

- External Sound Categories (SCs) defined across the Precinct and boundaries.
- Fixed internal noise criteria for noise sensitive receivers that are attached to venues by a common wall or floor/ceiling.

8.3 External sound categories

The Sound Categories have been informed by the desired character and levels of vibrancy within the Precinct and immediate surrounds. In determining appropriate sound levels both the desired vibrancy to the street and the amenity of residents have been considered.

Three criteria Sound Categories have been defined, generally assigned to:

6. Enmore Road frontage (SC1)
7. Transitional zones between 1 and 3, such as side streets. (SC2)
8. Rear lanes (SC3)

The Sound Categories have been defined and assigned having consideration of the existing sound environment and where entertainment sound and patron activity are expected to be focused. The Enmore Road frontage is exposed to higher levels of ambient sound from road traffic and general activity on the street. Rear lanes are shielded from this vibrancy and have a correspondingly lower ambient noise level. The areas between these two locations transition from a more vibrant to a less vibrant soundscape. Similarly, venue sound emissions tend to be directed towards the Enmore Road frontage with far less entertainment sound being experienced in the back lanes due to orientation of the venues. These considerations have been taken into account when defining Sound Categories. These will be tested as part of the pilot program.



Figure 2: Enmore Road Special Entertainment Precinct sound criteria categories

The Sound Categories consider that entertainment sound is a desirable aspect of the Precinct, compared with industrial or mechanical sound. The Sound Categories vary by time of day, day of the week and geographic location. Varying assessment periods have been developed to be in keeping with existing time profiles and in recognition of varying levels of activation and sensitivity based on time of day and day of the week. Relative targets per time of day and day of the week are presented for each assessment area below in Table 3.

The Sound Categories have been informed by existing approval conditions, license conditions, receiver building design standards, available venue and receiver acoustic assessments, and independent surveys undertaken throughout the Precinct.

The various approval conditions that exist for developments within the Precinct were compiled and analysed to determine the range of acoustic assessment criteria that currently apply across the Precinct and surrounds. This analysis was supplemented by a review of existing license conditions for venues that currently operate within the Precinct. Equivalent ranges in assessment criteria across different time periods were then derived to provide an indicative comparison of the range of acoustic objectives that currently apply across the Precinct.

Historical acoustic assessment reports for both venues and sensitive receivers within the Precinct were also reviewed. This helped compile a database of noise measurements and predictions made at various locations across the site. The review also informed minimum sound insulation construction standards that currently apply to sensitive receivers due to considerations such as aircraft and road traffic noise.

To supplement the detailed review of historical data and conditions, attended surveys were undertaken across three representative nights throughout the week to capture a snapshot and profile the existing soundscape across the Precinct. This included a focus on sounds from currently operational entertainment venues.

8.4 Internal sound criteria

While the primary sound criteria are to apply when receivers are separated from venues by streets, lanes or other open spaces, internal criteria are required to address situations where sound transfer is within the same or an adjoining building i.e. predominantly via a shared partition such as a wall or floor/ceiling. In this situation, compliance with the external Sound Category level may be insufficient to appropriately address potential impact on sensitive receivers.

Unlike external sound criteria, the internal sound criteria does not change by day of the week. This is due to how sound transfers through a building and the difficulty in ameliorating impacts as a receiver of internal sound transmission.

The derivation of internal criteria has been based on various global standards, criteria and literature.

8.5 Technical parameters

The following summarises key technical parameters and principles that were taken into account in the process of deriving the Precinct criteria:

Parameter	Discussion of principle followed
Fixed vs relative to background criteria	Although relative criteria, such as 'background + 5 dB', are a fundamental component of current IWC/NSW policy, they are complex to implement, create uncertainty, do not future proof or factor a changing environment. Fixed criteria have therefore been adopted.
Measurement descriptor	Current conditions of consent vary between use of the L_{eq} and L_{10} noise parameter. L_{10} , being the sound level that is exceeded for 10% of the time, is currently adopted by Liquor and Gaming NSW. However, L_{eq} , being the average exposure level, is considered a good representation of on-going noise exposure over the course of an activity and is most widely correlated with the subjective effect of noise. L_{eq} has been broadly adopted in NSW policy for assessment of most environmental sound, including road and rail traffic, construction, industrial premises, and more recently, large scale entertainment events held at Western Sydney Stadium and the Sydney Opera House. The L_{eq} sound measurement parameter has been adopted.
Measurement time period	The logarithmic averaging nature of the L_{eq} parameter means that isolated loud events (e.g. entry doors opening, patrons leaving and gathering temporarily, etc) will influence the L_{eq} however it will depend on their cumulative duration. While a shorter measurement period, e.g. 5 mins vs. 15 mins, could more readily evaluate the influence of these short

Parameter	Discussion of principle followed									
	<p>term events, setting an assessment period that is inconsistent with existing NSW policy was not considered to provide an overall benefit.</p> <p>A 15-minute period has been adopted for consistency with other NSW noise policy.</p>									
Broadband / Octave band criteria	<p>Broadband dB(A) criteria are proposed to be supplemented by criteria in octave bands 31.5 Hz–125 Hz. The octave bands relate to low frequency ‘bass’ content.</p> <p>The low-frequency criteria have been defined for two primary purposes:</p> <ul style="list-style-type: none">• For the assessment of low frequency ‘bass’ content of music, as the broadband ‘dB(A)’ criteria does not appropriately respond to a person’s level of annoyance, and• To enable the assessment and design of sound insulation for receiver buildings, as it is the low-frequency content that more often determines the sound insulation construction requirements of a building. <p>It is noted that the L&GNSW criteria include an octave band requirement for low and high frequencies (31.5 Hz to 8 kHz), however none of the reviewed literature suggested a need for high frequency octave band criteria.</p> <p>It is noted that research related to low-frequency noise often considers more detailed 1/3 octave band frequencies, however 1/1 octave bands have been utilised to reduce complexity of design, assessment, and compliance.</p> <p>In the application of criteria for new receiver development, much of the research factors masking effects of background noise, which can reduce the audibility and annoyance of low-frequency sound. However, in the case of encroaching development, future internal background levels cannot be readily predicted.</p>									
Time of day / days of the week	<p>Criteria, particularly fixed criteria, often vary by time of day. There is limited consistency across existing policy, for example:</p> <ul style="list-style-type: none">• Liquor and Gaming NSW use 7am to midnight, and midnight to 7am• NSW Noise Policy for Industry have day, evening and night periods, generally being 7am to 6pm, 6pm to 10pm, and 10pm to 7am respectively, and• The Environmental Protection Agency’s road and rail criteria adopt 7am to 10pm and 10pm to 7am. <p>Where existing criteria are relative to the background level criteria will also vary accordingly. Fixed criteria often seek to follow a similar approach that different criteria will be set for each period.</p> <p>With consideration to operating hours of entertainment venues and the community’s sensitivity to entertainment noise, it is recommended to utilise a period representing the day and evening together, with two night periods. These periods address the need for varying entertainment noise profiles, with a focus on providing adequate resolution during the night to allow changing noise environments in different areas of the precinct and across different days of the week.</p> <p>Further, different targets have been set for different days of the week in recognition of varying levels of activation and tolerance at different times of the week. Period definitions are presented below:</p> <table><tr><th>Days</th><th>Period 1 ‘Day/Evening’</th><th>Period 2 ‘Early night’</th><th>Period 3 ‘Late night’</th></tr><tr><td>Sunday 7am to Thursday 7am</td><td rowspan="2">7am to 10pm</td><td rowspan="2">10pm to midnight</td><td rowspan="2">Midnight to 7am</td></tr><tr><td>Thursday 7am to Sunday 7am</td></tr></table>	Days	Period 1 ‘Day/Evening’	Period 2 ‘Early night’	Period 3 ‘Late night’	Sunday 7am to Thursday 7am	7am to 10pm	10pm to midnight	Midnight to 7am	Thursday 7am to Sunday 7am
Days	Period 1 ‘Day/Evening’	Period 2 ‘Early night’	Period 3 ‘Late night’							
Sunday 7am to Thursday 7am	7am to 10pm	10pm to midnight	Midnight to 7am							
Thursday 7am to Sunday 7am										

8.6 Sound requirements for Venues

The criteria in this Section are proposed to apply to all entertainment sound coming from commercial premises within the Enmore Road Special Entertainment Precinct. Assessment of 'offensive noise' under the POEO Act shall remain in place, the assessment of which should be informed by the criteria in this plan.

1. Entertainment Sound from Venues within the Special Entertainment Precinct must not exceed the Venue Sound Criteria, equivalent to the Sound Category Levels specified in Table 3 by reference to Figure 2.
 - a. The Sound Category Levels apply at the identified frontages of the receiver at the lot boundary, 1.5 metres above the floor level of all floors up to the maximum LEP building height or existing if higher than LEP.
 - b. The Sound Categories will apply to all uses emitting Entertainment Sound, defined as music or patron noise emanating from activities associated with the entertainment and hospitality venues within the Special Entertainment Precinct.

Table 3: Sound category - venue external levels

Sound category (SC)	Days of the week	Venue external assessment criteria, dBL _{Aeq(15minute)}											
		Day / Evening (7am to 10pm)				Early Night (10pm to midnight)				Late Night (midnight to 7am)			
		Overall				Overall				Overall			
		dB(A)	31.5	63	125	dB(A)	31.5	63	125	dB(A)	31.5	63	125
SC 1 Enmore Road Frontage	Sun 7am to Thurs 7am	60	64	63	61	55	59	58	56	50	54	53	51
	Thurs 7am to Sun 7am	65	69	68	66	65	69	68	66	55	59	58	56
SC 2 Transitory Zones (ie laneways of Enmore Road)	Sun 7am to Thurs 7am	55	59	58	56	50	54	53	51	45	54	53	51
	Thurs 7am to Sun 7am	60	64	63	61	60	64	63	61	50	54	53	51
SC 3 Rear Lane frontages	Sun 7am to Thurs 7am	55	59	58	56	50	54	53	51	45	54	53	51
	Thurs 7am to Sun 7am	55	59	58	56	55	59	58	56	45	54	53	51

2. Entertainment Sound from Venues with an adjoining Receiver, that may be affected by noise transfer via the common partition shall be evaluated against the Receiver Internal Sound Criteria specified in 4, at the most-potentially affected location (no less than 1 metre) from the common partition.

Table 4: Internal venue criteria for adjoining premises, LAeq(15 minute)

Receiver ¹	Period ²	Broadband, dBA	Octave band centre frequency, dB		
			31.5 Hz	63 Hz	125 Hz
Residential accommodation - excluding hostels:	1 - Day / Evening	35	54	47	41
Habitable rooms ³ excluding bedrooms	2 – Early Night & 3 – Late Night	30	54	47	41
Residential accommodation - excluding hostels:	1 – Day / Evening	30	54	47	41
Bedrooms	2 – Early Night & 3 – Late Night	25	49	42	36
Educational facilities including early childhood and child care facilities	When in use ⁴	30	54	47	41
Place of Public Worship	When in use ⁴	30	54	47	41
Health Services Facility	1 - Day / Evening	30	54	47	41
	2 – Early Night and 3 – Late Night (Wards only)	25	49	42	36
Hotels and visitor accommodation	1 - Day / Evening & 2 - Night (bedrooms)	35	54	47	41
	3 – Late Night (bedrooms)	30	54	47	41
Commercial premises (excluding retail premises, but including offices as part of industrial premises)	8am – 6pm, Monday to Friday	40	59	52	46

Notes:

- Internal criteria apply to entertainment sound only.
- Habitable room is defined as a room used for normal domestic activities, and—
 - includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
 - excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Glossary

Entertainment sound refers to music or patron noise emanating from Venues in the Precinct.

Existing use is a venue or premises that has an activated development consent for a specific location.

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

- 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.

Sound Category Level is the external Venue Sound limit from Venues in the Precinct.

Venue refers to a premise in the Precinct that generates Entertainment Sound.

Period 1 – Day/Evening refers to the period of time between 7am to 10pm.

Period 2 – Early Night refers to the period of time between 10pm to Midnight.

Period 3 – Late Night refers to the period of time between Midnight to 7am.

Receiver refers to the following uses: residential accommodation (excluding hostels), educational facilities including early childhood and child care facilities (CCF), places of public worship, health services facilities, tourist and visitor accommodation (including hostels), and commercial premises (excluding retail premises, but including offices as part of industrial premises).

Receiver Internal Noise Criteria is the Internal noise level to be achieved through Receiver building envelope noise attenuation of the external Sound Category cumulative level.

Suitably qualified acoustic consultant is a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

Venue Sound Criteria is the external entertainment sound limit from a single Venue, equal to the Sound Category level.