

Attachment B

Draft Sydney Development Control Plan - Special Entertainment Precincts

Draft Sydney Development Control Plan 2012 – Special Entertainment Precincts



Purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*.

The amendment makes changes to the existing late night trading and entertainment sound management provisions to support the objectives of Planning Proposal – Special Entertainment Precincts.

This plan is to be read in conjunction with Planning Proposal – Special Entertainment Precincts and draft Special Entertainment Precincts Management Plan.

Citation

This amendment may be referred to as *Draft Sydney Development Control Plan 2012 – Special entertainment precincts*.

Land covered by this plan

This plan applies to the entirety of the City of Sydney local government area.

Relationship of this plan to other plans

This plan amends the Sydney Development Control Plan 2012 in the manner set out in Schedule 1 and 2.

This plan amends Green Square Town Centre Development Control Plan 2012 as shown in Schedule 3.

Amendments to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 by:

1. Amending Section 3.14 'Late Night Trading Management' as set out in Schedule 1.
 2. Amending DCP Schedule 3 Late Night Trading as set out in Schedule 2
 3. Amending Section 3.18.1 'Entertainment Sound Management' as set out in Schedule 3.
 4. Amending the *Late night trading areas* maps as shown in Appendix 1.
 5. Amending the *Entertainment sound management* map as shown in Appendix 2.
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Amendments to Green Square Town Centre Development Control Plan 2012

This plan amends Green Square Town Centre Development Control Plan 2012 by:

1. Amending Section GSTC 13 'Entertainment sound management' as set out in Schedule 4.

Schedule 1

Amendment to Section 3.15

Proposed edits to Section 3.15 'Late Night Trading Management' shown in red below, with strikethrough representing deletion and underline representing additions or edits.

Text shown in blue are previous amendments exhibited and approved by council in the Policy and Housekeeping Amendment. The Policy and Housekeeping Amendment is pending finalisation at the time of writing.

3.15 Late Night Trading Management

~~This section assists in encouraging diverse late night trading in the city meet the social and cultural needs of the community, while managing the effects of these uses on the neighbourhoods in which they are located.~~

~~The City's night time economy is an integral part of its commercial, cultural and social fabric. Late night trading premises are an important part of Sydney social and cultural life and play an important role in contributing to the City's economic growth and standing as a global city. Late night trading supports a 24 hour economy where residents, workers and tourists can access a diverse range of businesses for convenience, leisure and entertainment. Late night trading premises also provide employment and jobs with flexible hours.~~

~~The following provisions provide greater certainty to the community and proponents of late night trading premises in respect to appropriate operating hours and location. The provisions do not set out to curb or increase potential trading hours in a blanket fashion throughout the City, but allow opportunities for late night trading hours in appropriate locations and with appropriate management actions.~~

~~The provisions also identify shorter operating hours for late night trading in areas within a predominantly residential context. Longer trading hours are contemplated for premises located in places where impacts on amenity in residential neighbourhoods are likely to be lower and are considered capable of being adequately managed.~~

~~The provisions encourage a mix of late opening shops and businesses, like grocery stores, bookshops, hairdressers and galleries, as well as licensed theatres, pubs, cafes, small bars and restaurants in late night precincts. Having more diverse forms of late night trading attracts a wide range of people of all ages and interests, creating a safer and more balanced night time economy.~~

~~To encourage more live entertainment in a range of locations in the city, the provisions provide the possibility for additional trading hours for dedicated performance venues and licensed venues which host cultural uses and live performance.~~

~~Late trading hours are considered by the City of Sydney Council to be a privilege. Late trading hours will only be approved in circumstances where an ongoing commitment to good management is evident through a series of successful trial periods. It is particularly important for proponents of late night trading premises with greater effects on surrounding uses to demonstrate responsible management over time. This commitment should be demonstrated both at the application stage and throughout the history of the operation of the premises.~~

~~Late night trading area character statements and guidelines for preparing plans of management are included in Schedule 3 and should be referred to when preparing your application.~~

~~Generally, late night trading areas are places within the City of Sydney that already or have historically been characterised by late night trading and related activity, for example George Street and the wider CBD, or are suitable areas identified for late night trading in the future. Longer trading hours may be permitted where it is considered that there is capacity for more late night~~

~~uses to operate which reinforce the existing character of late night trading areas and do not create adverse impacts on residential areas.~~

~~There are a number of sites in the city LGA which are excluded from the Sydney Development Control Plan 2012 because Minister is the consent authority. The City is however the consent authority for proposals of less than \$10 million in value, and applies the provisions of the Late Night Trading DCP 2007 when it assesses proposals. Green Square Town Centre DCP 2012 applies to the Green Square Town Centre, which is excluded from the Sydney DCP 2012.~~

~~The Late Night Trading DCP 2007 and the Green Square Town Centre DCP 2012 will adopt the relevant provisions of the amended Sydney DCP 2012, with the late night trading maps of each plan amended accordingly.~~

This section supports a diverse, culture-rich night-time economy while managing potential impacts on surrounding neighbourhoods.

With the introduction of Special Entertainment Precincts under the Sydney LEP 2012 and SEPP - Precincts Eastern Harbour City 2021, the DCP operates alongside the precincts management plan to guide late-night trading.

Special Entertainment Precincts identify areas where premises may trade without development consent during the hours set out in the precincts management plan. This section of the DCP continues to apply city-wide and provides the framework for assessing trading hours outside special entertainment precinct hours.

Both documents apply a consistent structure of three late-night trading area tiers and three business categories, with trading hours calibrated to local context and likely impacts.

Base hours are approved on a permanent basis. In Special Entertainment Precincts, for Category A and B base hours match those in the precincts management plan, meaning premises may trade to these hours without approval.

Extended hours are applied for and granted on a time-limited trial to allow Council to assess amenity impacts and venue management. An additional hour on extended hours can be applied for by performance venues and premises with performance, creative or cultural uses.

This section outlines when a **Plan of Management** will be required to address potential late-night impacts. Extended hours will only be supported where responsible operations and effective management can be demonstrated.

Definitions

Category A – High Impact Premises means any of the following premises:

~~(a) a hotel within the meaning of the Liquor Act 2007 that is not designated as a general bar licence;~~

~~(b) a hotel within the meaning of the Liquor Act 2007 that has a capacity of more than 120 patrons and is designated as a general bar licence;~~

~~(c) an on-premises licence within the meaning of the Liquor Act 2007 where the primary business or activity carried out on the premises is that of a nightclub with a capacity of more than 120 patrons;~~

(a) any licensed premises that has a capacity of more than 120 patron where the sale or supply of liquor is for consumption on the premises. This includes a hotel, pub, bar, registered club or nightclub, but does not include restaurants.

(d) **a** dedicated performance venue, which ~~may be licensed and~~ includes theatres, cinema, music hall, concert hall, ~~dance hall~~ or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of 250 patrons or more, but does not include a pub, bar, karaoke venue, small bar, nightclub, adult entertainment venue or registered club;

~~(e) a club within the meaning of the Liquor Act 2007;~~

~~(f) a premises that has a capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises; or~~

(g) premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises.

Category B – Low Impact Premises means any of the following premises:

~~(a) a hotel within the meaning of the Liquor Act 2007 that has a capacity of 120 patrons or less and is designated as a small bar or general bar licence;~~

~~(b) premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;~~

~~(c) an on-premises licence within the meaning of the Liquor Act 2007;~~

~~(d) any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a Category A Premises;~~

(a) any licensed premises that has a capacity of less than 120 patron where the sale or supply of liquor is for consumption on the premises. This includes a hotel, pub, bar, registered club or nightclub.

(b) any licensed premises where the sale or supply of liquor is for consumption off the premises

(c) restaurants, takeaways and other food and drink premises.

(e) any other commercial premises, other than Category C premises, which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night, including but not limited to, ~~food and drink premises, takeaway food and drink premises, theatres,~~ karaoke venues, convenience stores, entertainment facility and standalone gyms and other indoor recreational facilities in buildings with residential accommodation and the like; or

(f) a dedicated performance venue, which ~~may be licensed and~~ includes theatres, cinema, music hall, concert hall, ~~dance hall~~ or other space that is primarily for the purpose of performance, creative or cultural uses, with the capacity of up to 250 patrons, but does not include a pub, bar, karaoke venue, small bar, nightclub, adult entertainment venue or registered club.

Category C premises means any of the following premises:

any retail premises or business premises which does not sell, supply or allow the consumption of liquor on or off the premises or hold any licence under the Liquor Act 2007. This may include premises selling groceries, personal care products, clothing, books/stationery, music, homewares, electrical goods and the like, or businesses such as drycleaners, banks and hairdressers and the like. This may include standalone gyms or other indoor recreational facilities which are not in buildings with residential accommodation. It does not include convenience stores, food and drink premises, takeaway food and drink premises, ~~gyms or other indoor recreational facilities in buildings with residential accommodation,~~ commercial kitchens, or adult entertainment venue or sex services industry premises.

Note: Category A, B and C Late night trading premises do not include sex services industry premises.

Base hours are the standard range of trading hours that a late night trading premises is entitled to if an application is approved.

Convenience store is a shop that:

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- (a) primarily offers pre-packaged, processed snack food for sale in addition to soft drinks, cigarettes, magazines and other miscellaneous grocery and convenience items; and
- (b) has a floor area generally under 200 square metres; and
- (c) located at street level in places with medium to high volume of passing traffic.

In all cases, the discretion as to what development is considered to be a 'convenience store' for the purposes of this DCP shall be solely that of the consent authority and generally in accordance with this DCP.

Extended hours mean trading hours that may be approved above base hours on a trial basis.

Outdoor areas are any areas that are not considered an enclosed place within the meaning described in the Smoke-free Environment Regulation 2007.

Patron capacity means the maximum number of patrons permitted in a development consent. Outdoor seating is included in patron capacity calculations.

Performance, creative or cultural ~~uses~~ 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 performers (or at least some of them) are present in person; or
- (b) production of an artwork, craft, design, media, image or immersive technology; or
- (c) display or projection ~~or production~~ of an artwork, craft, design, media, image or immersive technology in conjunction with live entertainment (as defined above); or
- (d) rehearsal, teaching or discussion of art, craft, design, literature or performance; or
- (e) presentation of a film or cinema.

~~Note: The definition of live entertainment is consistent with clause 102 of the Liquor Regulation 2018.~~

Standalone gym means a business operating a gymnasium which is not ancillary to uses in the same building.

Objectives

- (a) Identify appropriate locations and trading hours for late night trading premises.
- (b) Ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses.
- (c) Ensure that a commitment is made by operators of late night trading premises to good management through the monitoring and implementation of robust plans of management.
- (d) Encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for a Global City.
- (e) Encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in the City of Sydney as well as people who visit the City.
- (f) Encourage a diversity of night-time activity in defined areas.
- (g) Encourage a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues.
- (h) Prevent the proliferation of poorly managed high impact late night premises.
- (i) Ensure that new late night trading premises do not reduce the diversity of retail services in an area.
- (j) Encourage diverse retail and services to meet the needs of communities.

~~(k) Ensure that applications are accompanied by sufficient information so that proposals for late night trading premises can be fully and appropriately assessed.~~

(l) Provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods.

(m) Encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night.

(n) Ensure that appropriate hours are permitted for outdoor trading; and

~~(o) Ensure a consistent approach to the assessment of applications for premises seeking late night trading hours.~~

Provisions

3.15.1 General

~~(1) These provisions apply to applications made under Part 4 of the Environmental Planning and Assessment Act 1979 which includes development applications and applications to review a determination or modify a consent.~~

(1) These provisions apply to applications for new and existing Category A, B and C premises that:

(a) seek approval for trading hours;

(b) seek refurbishment, additions or extensions that will result in an intensification of an existing use;

(c) seek an extension or renewal of trial trading hours as prescribed in this section of the DCP; or

(d) seek approval for outdoor trading.

(2) These provisions do not apply to Category B and C premises that do not trade after 10pm, and Category A premises trading only between 10am to 10pm. The provisions may be applied to premises that seek approval for outdoor trading beyond 8pm where it is considered the outdoor trading may have an impact on neighbourhood amenity.

(3) Generally standard trading hours between ~~7am~~ 6am and 10pm will apply in business zones.

Note: These provisions are not retrospective and do not derogate from existing consents. Existing consents, and past operation under those consents, will be taken into account in assessing new applications.

3.15.2 Late night trading areas

(1) These provisions identify a hierarchy of three late night trading areas located throughout the City of Sydney. Late night trading areas are ~~described in Schedule 3 Late night trading~~ and identified on the late night trading areas map and include:

a. Late Night Management Areas;

b. City Living Areas; and

c. Local Centre Areas.

(2) Notwithstanding the above, all proposals for premises located outside of the late night trading areas will be subject to the requirements of these provisions.

3.15.3 Matters for consideration

~~These matters for consideration provide the basis for a consistent approach to the determination of appropriate trading hours and create greater certainty for the community and proponents of late night trading premises.~~

~~Once these factors are taken into consideration, late night trading hours may be permitted in appropriate circumstances, particularly in areas within the City that already exhibit a vibrant night-~~

~~time character, as opposed to parts of the City that are predominantly residential in character where amenity impacts can be the greatest and most difficult to manage.~~

- (1) Appropriate trading hours for late night trading premises will be determined by taking into account a number of issues, where relevant, which include, but are not limited to:
 - (1) the location and context of the premises, including proximity to residential and other sensitive land uses and other late night trading premises
 - (2) the specific nature of the premises, its activities, the proposed patron capacity and the proposed hours of operation
 - (3) the likely impact on the amenity of surrounding sensitive land uses, including noise, and the ability to manage the impacts
 - (4) the provision of indoor performance, creative or cultural use ~~and how this increases the diversity of late night activities in the area~~
 - ~~(5) the provision of indoor space for performance, creative or cultural uses in a licensed premises, including the nature of the space available for the use, programming and entertainment being provided~~
 - (6) the contribution that late night trading proposals make to street activation and vibrancy of an area at night.
 - ~~(7) the likely impacts arising from the closing times and patron dispersal of the proposed and existing late night uses, including consideration of unlicensed late night trading in an area, such as shops, businesses and food and drink premises~~
 - (8) the existing hours of operation of surrounding business uses, including licensed premises and unlicensed premises such as shops and food and drink premises;
 - ~~(9) the size and patron capacity of the premises;~~
 - ~~(10) the impact of the premises on the mix, diversity and possible concentration of late night uses in the locality;~~
 - ~~(11) the likely operation of the proposal during day time hours, including the potential for street front activation.~~
 - (12) submission of a plan of management that demonstrates a strong commitment to good management of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;
 - ~~(13) the diversity of retail and business services within an area and the impact of a late night trading proposal on this diversity;~~
 - (14) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises; and
 - (15) submission of a record of complaints kept by the venue.
 - ~~(16) the accessibility and frequency of public transport during late night trading hours.~~

3.15.4 Trading hours and trial periods

These provisions identify base and extended trading hours within the three late night trading areas and for premises located outside of these areas.

In Special Entertainment Precincts as identified the Sydney LEP 2012 and SEPP Precincts – Eastern Harbour City 2021, the DCP operates alongside the precinct management plan to guide late-night trading. Trading hours in the precinct management plan override hours in the development consent.

Base hours are approved on a permanent basis. Approvals for extended hours late-night trading premises will be limited in time to enable Council to assess the ongoing management performance

of a premise and its impacts on neighbourhood amenity. ~~These trial periods allow Council the flexibility to review the conditions on development consents and respond to such things as changes in the late night character of a neighbourhood and changes in management.~~

- (1) Base and extended hours that apply to particular late night trading areas are identified in Table 3.8 Late night trading hours.

		Category A		Category B		Category C
		Indoor	Outdoor	Indoor	Outdoor	Indoor
Late Night Management Area	Base	6am to midnight	9am to 10pm	6am to 2am	7am to 10pm	24 hours
	Extended	24 hours	9am to 1am	24 hours	7am to 1am	24 hours
City Living Area	Base	7am to 11pm	9am to 10pm	7am to 1am	7am to 10pm	24 hours
	Extended	7am to 5am	9am to midnight	7am 6am to 5am	7am to midnight	24 hours
Local Centre Area	Base	9am 7am to 10pm	9am to 10pm	7am to 11pm	7am to 10pm	7am to 2am
	Extended	9am 7am to midnight	9am to 10pm	7am 6am to midnight*	7am to 10pm	7am 6am to 2am
All other areas	Base	10am to 10pm	10am to 8pm	7am to 10pm	7am to 8pm	7am to midnight
	Extended	10am to midnight	10am to 10pm	7am 6am to midnight	7am to 10pm	7am 6am to midnight

* Refer to (2) below

- (2) Notwithstanding Table 3.7, proposals for extended indoor hours of Category B premises in Local Centre Areas up to 2am may be approved but only if Council is satisfied that entry and egress of all patrons will be onto a main street, or side street if it is located on the corner of a main street, and not via any rear access onto a laneway which abuts residential properties, or into a rear laneway which provides access into a predominantly residential area.

Note: Relevant main streets are identified in blue on the *late night trading areas map*.

- (3) Any hours that are beyond base hours will be subject to a trial period.
- (4) Premises seeking extended trading hours may be permitted up to three additional operating hours per on the first trial period, and each subsequent trial period, if a previous trial period is considered by the Council to have been satisfactory. The total extended hours must not exceed the maximum number identified in Table 3.7, unless the premises is eligible for an additional one trial hour under sections 3.15.4 (16) and (17).
- (5) Trial periods may be permitted up to the following durations:
- First trial – 2 years;
 - Second and subsequent trials – 5 years.

- (6) Extended trading hours beyond base hours may be permitted at the initial application stage, but only where the Council has determined that the premises have been or will be well managed, including compliance with an approved Plan of Management
- (7) At the completion of a trial period a new application must be lodged to either renew existing trial hours or to seek an extension of trading hours.
- (8) Once the full range of extended trading hours is reached an application must be lodged every 5 years to renew trading hours.
- (9) Applications for a renewal or extension of trial trading hours should be lodged 30 days prior to the expiry period and applicants will be allowed a period of 'grace' from the termination of the trial period until the new application has been determined. During this period, the premises may continue to trade during existing approved trial hours.
- (10) If an application is not lodged 30 days prior to the expiry of the trial period, then approved trading hours will revert to base trading hours.
- (11) A renewal or extension of trading hours that are subject to a trial period may only be permitted if Council is satisfied that a late night trading premises has demonstrated good management performance and compliance with a plan of management, following the completion of a satisfactory trial period.
- (12) When Council is assessing trial period applications, it will consider whether a venue has demonstrated good management performance, based on matters including but not limited to:
 - a. Whether the trial period hours have been utilised;
 - b. the nature and extent of any substantiated non-compliances with development consent or liquor license conditions, particularly those relating to public safety and impacts on amenity;
 - c. responses to substantiated complaints , including complaints recorded on the venues complaints register;
 - d. Compliance with the approved Plan of Management for the venue;
 - e. consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;
 - f. an assessment of inspections by Council Officers during trial periods; and
 - g. consideration of any submission made by Police.
- (13) If the Council determines that a trial period has been unsatisfactory then trading hours will revert to the base late night trading hours or whatever hours have been approved as the maximum trading hours prior to the commencement of this DCP. Council will consult with an applicant prior to making such a determination.
- (14) Council may permit trading hours that exceed extended hours for 'all other areas' if it has considered matters in 3.15.3 and provided that:
 - a. The premises is not located in a R1, R2 (residential) or MU1 (mixed use) zone; and
 - b. The premises is located within 800 metres walking distance of the public entrance to railway station or ferry wharf with operating and available services, or 400 metres to the public entrance to a light rail station or platform, or a bus stop with operating and available services.
- (15) Council will consider proposals for stand-alone gyms in Local Centres to exceed the trading hours in Table 3.8 if:
 - a. the gym is not located in a building with residential accommodation;

- b. the tenancy within which the gym will be located has no common wall to residential accommodation;
- c. Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area;
- d. no outdoor operation of the gym is proposed;
- e. a Plan of Management is approved which addresses noise impacts described in Schedule 3, 3.2(d).

~~Additional hour for dedicated performance venues~~

Performance venue – additional hour on extended hours

- (16) Venues which are a Category B dedicated performance venue (identified in the Definitions at Category B (vii)) and located within a late night trading area, may be permitted one additional indoor hour at closing time on a trial period basis in accordance with 3.15.4 (9).

~~Additional operating hours for venues including performance, creative or cultural uses~~

Performance, creative or culture use – additional hour on extended hours

- (17) Category A and B premises, excluding dedicated performance venues, karaoke venues, or adult entertainment venues, which are located within a late night trading area and provide indoor space with the capacity for performance, creative and cultural uses may be permitted an additional indoor operating hour at closing time on the night the premises provides performance on a trial period basis in accordance with section 3.15.4 (9).

This hour may be in addition to any other extended hours approved as part of a trial period application. To be eligible, venues must demonstrate the capacity to provide performance.

NOTE: Venues seeking to demonstrate their capacity to provide performance as required by section 3.15.4 (17) may support their application by submitting information including the following:

- A description of the type of music, visual or performance art or other cultural events that may be staged at the premises
 - Submission of details of the space to be used and permanent or semi-permanent structure(s) and equipment to present live performance and creative and cultural uses. This may include any stage and audience standing or seating area and
 - Arrangements for booking and promoting performance, creative and cultural uses.
- (18) The performance, creative and cultural use must occur for a minimum of 45 minutes after 6pm.
- (19) Venues seeking to apply for an additional operating hour for providing a performance, creative or cultural use are required to update their Plans of Management to reflect the operation of the performance, creative and cultural use and management of the additional hour of trade.
- (20) Venues seeking to extend trial periods for an additional hour are to demonstrate that they have provided performance in accordance with the requirements of 3.15.4(16) and (17).

Category C premises

- (21) Category C premises may be approved for trading hours up to the maximum described in Table 3.8 subject to an assessment of the relevant matters in 3.15.3. Trial periods may

be imposed for premises that propose trading hours after midnight, are in sensitive locations or include uses that may be considered by the Council to be higher risk.

3.15.5 Plans of management requirements

~~Where the Council is of the opinion that proposals for late night premises have the potential to impact adversely on amenity and neighbourhood safety, applicants are required to prepare and submit with their application Plans of Management that include verifiable data and actions.~~

3.15.5.1 Preparation

~~Plans of Management are to include information about the operational and contextual aspects of a premises, for example locality description, security numbers, noise emission and trading hours, as well as details about what actions 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 proponents of late night trading premises have considered and addressed any potential impacts that may arise from their operation during late night hours, as well enabling the Council to effectively assess any impacts of a proposal. It is the responsibility of the licensee to facilitate a well managed premises and display sensitivity about the impact of the premises on the liveability of neighbourhoods.~~

- (1) A Plan of Management, prepared in accordance with the guidelines in Schedule 3 Late night trading, is required to accompany ~~an application for the following late night trading:~~
 - a. Category A premises applications involving base or extended hours.
 - b. Category B premises applications involving extended hours.
 - c. Applications for outdoor dining, where requested
 - d. ~~new Category A Premises;~~
 - e. ~~existing Category A Premises that seek a renewal or extension of existing approved trading hours;~~
 - f. ~~new Category B premises;~~
 - g. ~~existing Category B premises that seek a renewal or extension of existing approved trading hours;~~
 - h. ~~existing Category A Premises that seek extensions, additions or refurbishment which will lead to an intensification of that use;~~
 - i. ~~existing Category B Premises that seek extensions, additions or refurbishment which will result in the premises becoming a Category A premises;~~
 - j. ~~applications for outdoor trading on the same lot as a Category A or Category B Premises;~~
 - k. ~~Category A or B premises that seek an additional operating hour for the provision of performance, creative or cultural uses; and~~
 - l. ~~Category B dedicated performance venues that seek an additional operating hour at closing.~~
- (2) Plans of Management must be assessed and approved concurrently with the application for an extension of trading hours.
- (3) The operators of late night trading premises are required to review their Plan of Management following every trial period and make revisions necessary to maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.

- (4) Council may request that an applicant amend their Plan of Management to provide further information in addition to the minimum requirements listed in Schedule 3 Late Night Trading in their Plan of Management where it is considered necessary.

3.15.5.2 Monitoring and Review

~~The Council will undertake its own review of the level of compliance with the Plan of Management and whether the current operation has been successful on any application to extend a trial period or on any review. The matters considered by Council will include, but not be limited to:~~

(1) Plans of management should be updated when being lodged with trial period renewals, and will be assessed with reference to external information, including but not limited to:

- (i) consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;
- (ii) consideration of complaints to the premises;
- (iii) an assessment of inspections by Council Officers during trial periods; and
- (iv) consideration of any submission made by Police.

Schedule 2

Amendment to DCP Schedule 3 Late Night Trading

DCP Schedule 3.1 'Late Night Trading Area Character Statements' is proposed for deletion in its entirety.

Proposed edits to DCP Schedule 3.2 'Plan of management requirements' shown below, with strikethrough representing deletion and underline representing additions or edits.

3.2 Plan of management requirements

(1) A Plan of Management should be in the form of a separate attachment with an application and should be accompanied by a signed declaration from the licensee/manager that they have read and understood the Plan of Management. At a minimum, a Plan of Management should contain the following information:

(a) Site and locality details

- (i) A description of the primary use of the premises as well as any secondary/ancillary uses (eg. retail liquor sales, public entertainment, outside trading areas, gaming areas etc). This may be in the form of a floor and/or site plan that indicates the use of all areas within the building or site;
- (ii) Identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (eg. Outdoor seating, footway dining, queuing areas, parking etc);
- (iii) A floor plan that indicates the proximity of external doors, windows and other openings to residential and other sensitive land uses. The floor plan should also indicate the proposed layout of all areas of the premises, such as internal queuing areas, seating, dining, gaming, dance floors, entertainment, lounge, etc;
- (iv) Details of the maximum capacity of the premises and the maximum number of patrons that will be standing and/or sitting at any one time;
- (v) The location of waste storage areas;
- ~~(vi) Location of air conditioning, exhaust fan systems and security alarms;~~
- ~~(vii) Identification of the most commonly used pedestrian routes to and from the premises, including any safety corridors.~~

(b) Operational details

(i) An overview of the organisation in the form of a brief statement that provides details about the company/licensee/proprietor that includes information regarding:

- the number and type of staff (including security);
- ~~• other similar premises within the company's portfolio (if relevant);~~
- any Liquor Licenses for the premises;
- ~~• a description of any actions that the proprietor/licensee has taken to co-operate with NSW Police, the local community and incorporated resident groups regarding the management of the premises;~~
- ~~• membership of a Licensing Accord within the City of Sydney (please refer to the City's website for details of Licensing Accord operating within the City).~~

(c) Hours of Operation

(i) For existing premises seeking a renewal or extension of trading hours, a schedule of the current trading hours showing the range for each day. For example; this should be expressed in the following format:

- 9am Friday to 2am Saturday
- 9am Saturday to 2am Sunday
- 9am Sunday to 1am Monday
- 9am Monday to midnight Monday
- 9am Tuesday to 11pm Tuesday
- 9am Wednesday to 2am Thursday

(ii) A schedule of the proposed operating hours for each day of the week for all areas of the premises (eg. courtyards, rooftop, balcony, footway, gaming room etc.) showing the range of hours proposed for each day in the format above. If the nature of an area changes, for example, a dining area becomes a dance floor after the kitchen closes, then this should be noted and operational hours for the different uses detailed and

(iii) If applicable, a schedule of proposed entertainment hours for each day of the week in the format above.

(d) Noise

(i) The identification of all likely noise and vibration sources associated with the operation of the premises. This may include such sources as:

- Live entertainment and amplified sound;
- external (outside) areas such as courtyards, rooftops, balconies etc;
- patrons leaving and entering the premises;
- the operation of mechanical plant and equipment;
- waste disposal, sorting and collection of bottles etc
- in stand-alone gyms in buildings with residential accommodation, background music, air conditioning and the use of exercise machines and free weights.

(ii) Details of all noise and vibration attenuation measures related to the use and operation of the premises.

(iii) A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (eg. Australian Standards, Protection of the Environment Operations Act 1997, EPA Industrial Noise Guidelines, etc.);

(iv) Details of how management will address complaints relating to noise, and any noise control strategies that will be implemented to minimise the potential for complaints (eg. liaison with neighbours and local police, maintaining a complaint register etc);

(v) Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies or designated smoking areas etc; and

(vi) Details of any noise limiting devices to be installed;

(di) Security and safety – may only be applicable for licensed premises or takeaway food and drink premises located close to late night licensed premises.

(i) A description of any arrangements that will be made for the provision of security staff. This is to include (but is not limited to) the following:

- any recommendations from Local Licensing Police regarding appropriate security provision and a statement outlining the extent of compliance with police recommendations;

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- the number of security personnel that will be patrolling inside and outside the premises including the frequency of security patrols;
- Identification of the physical extent of any patrolled areas outside the premises;
- Hours that security personnel will be on duty (including the period after closing time);
- Staff security training, weapons detection, and other security response methods.

(ii) Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras, and camera technical specifications (eg. recording capacity, frames per second etc.)

(iii) Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises; and

~~(iv) Details of any liaisons or outcomes of any meeting with local NSW police~~

(iv) Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:

- Complaint date and time;
- Name, contact and address details of person(s) making the complaint;
- Nature of complaint;
- Name of staff on duty;
- Action taken by premises to resolve the complaint;
- Follow-up; and
- Outcome.

(f) Management Measures

General Amenity:

(i) Details of all measures that will be taken to ensure that amenity impacts that may result from the operation of the premises are minimised.

(ii) Details of all actions that will be taken to respond to complaints made about the operation of the premises (including but not limited to consultations with residents, discussions with Council Officers, liaison with Police, public access to Plans of Management, review of existing Plan of Management etc.);

(iii) 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 etc;

~~(iv) Details of methods that will increase patron awareness of public transport availability(eg. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (eg. provision of a shuttle service, taxi assistance etc.); and~~

~~(v) Details of methods that will increase patron awareness of responsible disposal of cigarette butts;~~

(vi) Any other measures that will be undertaken to ensure that amenity impacts that may arise from the operation of the premises are addressed.

Security and Safety (where applicable):

(i) Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering or leaving the premises will minimise disturbance to the neighbourhood.

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(ii) Any provisions that will be made to increase security in times where higher than average patronage is expected (eg. during public entertainment, peak periods on weekends, New Years Eve, following large sporting events in the locality, during special events and functions etc.);

~~(iii) Liaison that will be undertaken with other licensees or operators of late trading premises in the locality/area to improve security at night;~~

(iv) Detail procedures and provisions that will be implemented to improve premises security. This could include:

- ~~• emergency procedures;~~
- ~~• crowd control;~~
- ~~• search procedures;~~
- ~~• maintenance of an incident register;~~
- monitoring of patron behaviour;
- monitoring of numbers of patrons within the premises;
- recording of complaints and reporting of incidents to Police;
- ~~• membership of the proprietor/licensee to a Licensing Accord (see the City's website for details of Licensing Accords operating within the City);~~
- ~~• dress codes;~~
- ~~• staff security training;~~
- ~~• distinctive security attire;~~
- ~~• availability of cloak rooms;~~
- internal and external security patrols; and
- ~~• measures to prevent glass being carried from the premises by patrons;~~
- ~~• measures to ensure safe capacities (eg. electronic counting of patrons, occupancy limits, signage); and~~
- actions to be taken during 'wind down' periods prior to closing time.

(v) If queuing outside the premises is to occur, a description of any measures that will be taken to ensure that 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. This description may address such matters as:

- A description of how and how often security guards will monitor queues (e.g. security guards will monitor queues every 10 minutes to identify inappropriate behaviour before patrons enter); the use of temporary ropes and bollards;
- maximum queue numbers;
- actions taken to minimise loitering; and
- actions ensuring the fast and efficient movement of a queue.

~~Optional issues that may be required in relation to an application for a liquor license~~

~~(vi) Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements such as:~~

- ~~• employee training and awareness regarding RSA and harm minimisation;~~
- ~~• approaches that will be used to manage intoxicated and/or disorderly persons;~~
- ~~• promotion of non-alcoholic beverages and provision of free water;~~
- ~~• display of the premises' house policy;~~

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- ~~• assisting patrons in accessing safe transportation from the premises (eg. arranging taxis, public transport timetable information);~~
- ~~• encouraging responsible drinking;~~
- ~~• number of RSA marshalls employed for each shift and details on how they will monitor RSA; and~~
- ~~• actions taken to discourage drug use and to manage drug related incidents.~~

(vii) Detail emergency and evacuation procedures in accordance with the relevant Australian Standard and provide details of staff training in those procedures.

(g) Performance, creative or cultural uses (where applicable)

- (i) A description of the music, visual, performance, creative and cultural events that may be staged at the premises;
- (ii) Details of the capacity of the space to host performance, creative or cultural uses including the location and dimensions the space, stage audience (standing or seating area) and equipment to present the performance, creative or cultural use;
- (iii) Arrangements for booking and promoting performance, creative and cultural uses; and
- (iv) Procedures for notifying neighbours about the nights when operating hours are extended to provide for performance, creative and cultural uses.

Schedule 3

Amendment to Section 3.18

Proposed edits to Section 3.18 'Entertainment Sound Management' shown below, with strikethrough representing deletion and underline representing additions or edits.

3.18.1 Entertainment sound management

Definitions

Entertainment sound means amplified or live sound associated with music, entertainment and performance, and from patrons while they are inside the development. It does not include other sound associated with the operation of a venue, such as mechanical ventilation, construction and waste management.

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, which is typical but not exclusive to the following land uses:

- Entertainment facility
- Pub or registered club
- Restaurant or café
- Small bar

Sensitive receiver means residential accommodation and serviced apartments.

3.18.1.1 Development generating entertainment sound

Objectives

- (a) Ensure development is capable of providing diverse entertainment activities without resulting in amenity impacts to existing and future sensitive receivers.
- (b) Protect the health and amenity of people by managing entertainment sound ingress to sensitive receivers.

Provisions

- (1) This section applies to the following development:
 - (a) introducing a new entertainment sound generating activity;
 - (b) extending the trading hours of an existing entertainment sound generating activity beyond midnight;
 - (c) increasing the patron capacity of an existing entertainment sound generating activity by more than a third of the existing patron capacity;
 - (d) changing the external structure containing an existing entertainment sound generating activity by introducing new external penetrations, windows or doors; or
 - (e) internal alterations to an existing entertainment sound generating activity, where it is located in a mixed-use development with residential accommodation.
- (2) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant is required, detailing the physical noise attenuation and other measures required to meet the requirements of this section, and demonstrating compliance with the sound criteria in Table 1 and 2 or a relevant precinct management plan for a special entertainment precinct (where applicable).
- (3) Development specified for this section must comply with the external entertainment sound criteria shown in Table 1 or precinct management plan as measured at the most affected

property boundary of the nearest existing sensitive receiver. The measurement location is to be 1.5 metres from ground level at the site boundary.

Table 1 External sound criteria as measured at the property boundary of the nearest identified sensitive receiver

Sensitive receiver	Time period	Sound criteria
		L_{Zeq} (15 minute)
Residential accommodation or serviced apartments	7am to midnight	Must not exceed 5dB above RBL in each octave band
	Midnight to 7am	Must not exceed RBL in each octave band

- (4) Development specified for this section must comply with the internal entertainment sound criteria shown in Table 2 or [precinct management plan](#) as measured inside any habitable room of the nearest existing sensitive receiver.
- (5) For Table 1, the rating background level (RBL) is the background L_{Z90} level for each 1/1 octave band from 31.5 Hz to 4 kHz, for the following periods measured in accordance with Fact Sheet B of the NSW Noise Policy for Industry:
- (a) 7am to 10pm
 - (b) 10pm to midnight
 - (c) midnight to 3am
 - (d) 3am to 8am

Table 2 Internal sound criteria as measured inside any habitable room of the nearest sensitive receiver

Sensitive receiver	Time period	Sound criteria
		L_{Zeq} (15 minute)
Residential accommodation or serviced apartments	7am to midnight	Must not exceed L_{Z90} (15 minute) in each octave band
	Midnight to 7am	Must not exceed 12dB below L_{Z90} (15 minute) or the threshold of audibility in each octave band
Where the dwelling is inside the same building	7am to midnight	Must not exceed 3dB below L_{Z90} (15 minute) in each octave band
	Midnight to 7am	Must not exceed 12dB below L_{Z90} (15 minute) or the threshold of audibility in each octave band

- (6) For Table 2, if the L_{Z90} (15 minute) level in the octave bands 31 Hz to 500 Hz is less than the threshold of audibility values listed in Table 3, the values in that table shall be used.

Table 3 Threshold of audibility by octave band

Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz
L_{Zeq}	51 dB	32 dB	18 dB	9 dB	3 dB

The internal sound criteria in Table 2 and provision (4) prevail to the extent of any inconsistency with the external sound criteria in Table 1 and provision (3).

- (7) For sites in designated special entertainment precincts, the external and internal sound criteria in the relevant precinct management plan prevails to the extent of any inconsistency with the sound criteria in Table 1 or 2.

3.18.1.2 Development affected by entertainment sound

Objectives

- (a) Protect the amenity of residents by reducing entertainment sound ingress.
- (b) Enable the delivery of housing in mixed-use areas with entertainment sound generating activities.

Provisions

- (1) The section applies to development for the purposes of new residential accommodation and/or serviced apartments, or where an alteration to an existing development involves conversion to or delivery of additional dwellings, on the following sites:
 - (a) on land where any part is identified on the *Entertainment Sound Management Map* as 'Sensitive receivers – Radius 1';
 - (b) on land identified on the *Entertainment Sound Management Map* as 'Sensitive receivers – Radius 2', to the extent that the part of the site or proposed built form has uninterrupted exposure to a mapped 'Existing live music and performance venue'; or
 - (c) on the same site as an existing entertainment sound generating activity.
- (2) A preliminary Noise Impact Assessment prepared by a suitably qualified acoustic consultant is to be submitted with a Site Specific DCP or Concept DA for development specified for this section, demonstrating how exposure to entertainment noise from a mapped existing venue has been reduced with appropriate siting, orientation and built form elements.
- (3) Development specified for this section must comply with the internal criteria for sound from any pre-existing, planned or approved entertainment sound generating activities shown in Table 1.

Table 1 Internal criteria for entertainment sound

Residential accommodation	Octave Band Centre Frequency dB							
L _{Ze} q (15 minute)								
Bedrooms								
Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	1 <u>2</u> kHz	4 kHz
7am to midnight	60	50	39	30	25	20	15	13
Midnight to 7am	53	43	32	23	18	13	8	6
Other living areas								
Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	1 <u>2</u> kHz	4 kHz

7am to midnight	65	55	44	35	30	25	20	18
Midnight to 7am	55	48	37	28	23	18	13	11

Note: For reference, the octave bands in Table 1 are approximately equivalent to the dBA levels in Table 2.

Table 2 Approximate dBA equivalent entertainment sound levels of Table 1. Note these are provided for reference only.

Residential accommodation

L_{Aeq} (15 minute)

Bedrooms

7am to midnight 30 dB

Midnight to 7am 23 dB

Other living areas

7am to midnight 35 dB

Midnight to 7am 28 dB

- (4) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant is required for development specified for this section. The assessment is to establish the loudest existing L_{Zeq} (15 minute) sound context for any one hour period during the operation of venues for each 1/1 octave band between 31.5 Hz and 4 kHz. The assessment is to demonstrate attenuation from either the existing L_{Zeq} (15 minute) or the levels in Table 3, whichever is higher per octave band, to the internal sound criteria shown in Table 1.

Table 3 Minimum planned external entertainment noise spectrum

Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
L_{Zeq}	69	63	53	49	47	44	42	45

Note: For reference, the octave bands in Table 3 are approximately equivalent to 51 dBA.

- (5) For sites in or adjacent to a special entertainment precinct, the external sound criteria in a relevant precinct management plan may be used to establish the existing sound context for the purposes of provision (4).
- (6) For the purposes of (1)(b), “uninterrupted exposure” means a direct line of sight without intervening built form, or facing a street or road corridor with an uninterrupted street wall on both sides between the venue and the site. A preliminary urban design analysis with 3D modelling may be required to establish which parts of the site are exposed and which are protected by existing or proposed built form elements.
- (7) To meet the criteria shown in Table 1, development may propose to attenuate the entertainment sound at an existing source. Where this is proposed, the proponent must demonstrate the attenuation measures:
- (a) will be effective at meeting the sound criteria in Table 1;

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- (b) have the consent of relevant parties associated with the source of the entertainment sound; and
- (c) will last for the life of the proposed development, or have a management plan to ensure their maintenance and continued use through change of ownership at the source.

Schedule 4

Amendment to Green Square Town Centre DCP Section 13

Delete the text in GSTC 13 Entertainment sound management and replace it with the below:

GSTC 13 Entertainment sound management

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.