

Attachment A

Draft Entertainment Sound Management DCP – Summary of Submissions

Draft Entertainment Sound Management DCP Summary of submissions

The draft Entertainment Sound Management DCP was publicly exhibited between 21 November 2024 and 20 January 2025. During this time a total of 72 submissions were made by email and survey response, of which 63 were unique and related specifically to the draft DCP.

The following summarises the topics raised in these submissions and provides a response.

Submissions summary

63 unique submissions

Individuals (53)

Industry (6)

Merivale; Solotel; Night-Time Industries Association; Property Council of Australia; ARUP; University of Technology Sydney.

Community groups (4)

Neighbours of Harbour View Hotel; Millers Point Community Resident Action Group; Chippendale Residents Interest Group; Century Tower Owners Corporation.

Submissions summary

Support and opposition to draft DCP

Response

a) Concern about applicability to existing development

7 submissions

Mapping properties as “affected by entertainment sound” may affect existing properties, including property prices, ability to make a sound complaint, or being subject to higher levels of entertainment sound.

a) Response

All DCP provisions only apply when a development application is involved, i.e. when development is occurring. The draft DCP includes provisions specifying when it applies. This is only when a new dwelling is created.

Nothing in the draft DCP would result in lesser rights or increased sound impacts to properties shown on the Entertainment Sound DCP maps.

To avoid misunderstanding, the title of the DCP maps are proposed to change from “affected by entertainment sound” to “sensitive receivers”.

b) Questioning utility of controls applying to state listed heritage areas

4 submissions

Dawes Point and Millers Point are extensively covered by state heritage listings. As there is no likely development of new dwellings in these areas, there is no utility to having the Entertainment Sound Management DCP maps applying to properties in this area.

b) Response

The City acknowledges the state heritage listed areas of Dawes Point and Millers Point are unique and have limited potential for new dwellings to be developed. The potential for misunderstanding the map’s application outweighs any potential benefit for capturing new development.

Submissions summary	Response
Support and opposition to draft DCP	Therefore, it is recommended to remove these areas from the Entertainment Sound Management DCP maps.
c) Concern generally about late night noise from cars, emergency vehicles, waste servicing and people out and about, and other non-noise related issues such as antisocial behaviour. <i>7 submissions</i> The night-time economy generates impacts beyond entertainment sound emanating from venues. Policies that support the night-time economy will result in a growth in those other impacts.	c) Response Growing the night-time economy is a long term strategic objective of the City. Not only is it an important economic sector in its own right, but it also supports Sydney's economy more generally by increasing its attractiveness to workers, students and other groups. The scope of this DCP amendment is managing the impacts of entertainment sound from venues, and other impacts are not within scope.
d) Opposition to relaxing trial periods for extended trading hours <i>6 submissions</i> Trial periods for extended trading hours, and the increments of hours per trial period, should be kept as they currently are or reduced.	d) Response In the City's experience of handling applications for extended trading hours, it is very unlikely a venue would not have a trial renewed after 12 months, as it is a very short time to allow the venue to respond to complaints and make improvements to their operations. In practice, it takes time to prepare and lodge a development application, so that process begins before the 12 month trial has completed. The proposed change to an initial 2 year trial may result in more opportunity for venues to resolve issues, or otherwise demonstrate they are not likely to resolve issues, within the first trial period. Increasing the increments of trial hours from 2 hours to 3 is necessary to support the lengthening of the first trial, as venues have to wait until the end of their first trial before applying for the next increment.
e) Support for relaxing trial periods for extended trading hours <i>5 submissions</i> Trial periods should be relaxed in line with the proposal, even further than the proposal, or abolished altogether.	e) Response Trial periods are an important tool for the City to manage impacts of late night trading. This is because trading hour consents sit with the property rather than the current owner or operator of a venue. Permanent extended trading hours, or trial periods that are too long, are not possible to rescind regardless of changes to the venue's operations over time. Trial periods give the City the opportunity to continue to assess impacts from a venue, as

Submissions summary	Response
Support and opposition to draft DCP	operators and offerings change over time, and ensure the extended hours are still appropriate.
f) Ability to retrofit existing dwellings with soundproofing <i>3 submissions</i> The City should support residents in soundproofing existing dwellings against entertainment sound, with heritage exemptions, fast tracked planning assessment and grants.	f) Response The City acknowledges that heritage and other planning controls can limit the ability for dwellings to implement soundproofing measures. The scope of this DCP only extends to acoustic requirements for new dwellings. Current controls do not stand in the way of sound proofing of existing dwellings. Sound proofing heritage buildings is possible with consideration of the impact on significant fabric.
g) Support for soundproofing of venues and dwellings to reduce impacts to residents <i>8 submissions</i> Soundproofing venues and new dwellings is a way to enable growth of the night-time economy and entertainment offering without increasing impacts to residents.	g) Response The intent of the DCP is to ensure new venues, and new dwellings near existing venues, are designed and built to attenuate noise as much as possible.
h) Suggested changes to the venues included in the Entertainment Sound Maps <i>11 submissions</i> Various suggestions to add and remove existing venues to the Entertainment Sound Maps.	h) Response The Entertainment Sound Management Maps are proposed to be amended with some of the suggested venues removed and added. Submissions representing The Abercrombie and the venues at the University of Technology Sydney advocated for their inclusion. These have been included as they are notable late night venues. Submissions representing venues in Central Sydney, which is a Late Night Trading Management Area, advocated their inclusion. However, as this area is subject to frequent changes over time, entire Central Sydney Late Night Trading Management Area is covered by the Entertainment Sound Management Maps. Therefore, it is not necessary to add or remove specific venues in the central area. Members of the community also suggested certain premises for inclusion. The City considered these venues, but determined they

Submissions summary	Response
Support and opposition to draft DCP	do not function as live music and entertainment venues, and do not have a history of doing so, so they have not been included.
i) Concern about the stricter late night sound criteria applying at midnight <i>2 submissions</i> The late night sound criteria should apply at 10pm, 9pm or earlier.	i) Response The current entertainment noise condition of consent, and the liquor licence condition for entertainment sound used by Liquor and Gaming NSW, both use 7am to midnight for daytime and midnight to 7am as late night. As criteria for building and construction, the DCP will require venues to be designed and built to meet the acoustic criteria that will be enforced by Liquor and Gaming NSW.
j) Electronic gaming machines are also part of entertainment sound <i>1 submission</i> The DCP fails to include electronic gaming machines (poker machines) in the definition of entertainment sound.	j) Response The City acknowledges electronic gaming machines as a source of disturbance from venues. However, section 209 of the Gaming Machines Act 2001 prohibits any planning instrument or condition of development consent from regulating the installation or operating of approved gaming machines. Any local planning control covering sound from electronic gaming machines would contravene this section of the Act.
k) Opposition to extending outdoor trading hours <i>2 submissions</i> The current situation for outdoor trading hours in the Local Centre area, being 8pm base hours and 10pm extended hours, allows for a development application where stakeholders can be heard and impacts assessed. Extending the base hours to 10pm will remove this ability.	k) Response Outdoor dining has increased significantly in the city area following the measures put in place as part of Covid-19, including reallocation of road space to outdoor dining areas. This has resulted in outdoor dining tables forming a core part of businesses' operations. The current base hours of 8pm in Local Centre and City Living areas does not allow for a second full dining setting without DAs for trial periods and restricts the utility of outdoor dining. The change is limited to Local Centre and City Living late night trading areas, where outdoor trading to 10pm should be acceptable within the noise profile of main streets. Outside these late night trading areas, where impacts to residents are higher, the base hours for outdoor trading remain at 8pm.

Submissions summary	Response
Support and opposition to draft DCP	
l) Requests to remove areas from the current late night trading area maps <i>3 submissions</i> Areas that are mostly residential should not be mapped for late night trading in the DCP, as there is no possibility for residential and late night trading to co-exist.	l) Response Changes to the late night trading area maps are not within the scope of this project. Minor changes to the boundaries of late night trading areas may be considered as part of implementing Special Entertainment Precincts and will be subject to further review and consultation.
m) Concern about internal receiver criteria for venues <i>3 submissions</i> New venues should only be subject to external sound criteria as measured outside a dwelling not internal criteria as measured inside a dwelling. It may be costly and difficult to organise testing inside dwellings that may be affected by a new venue.	m) Response Internal criteria has long been part of entertainment sound management, including in the current entertainment sound condition of consent applied in the City. Liquor and Gaming NSW use internal sound criteria when enforcing noise complaints. Therefore, it is important for new venues to calculate and plan for sound levels as they may be heard inside a dwelling. Internal sound levels can be forecast and modelled using standard assumptions about sound attenuation.
n) Clarity over whether internal criteria assumes windows and doors open or closed <i>3 submissions</i> The DCP does not specify whether the internal sound criteria assumes windows open or closed, or the use of a mechanical or passive ventilation system.	n) Response The draft DCP does not require windows and doors to be open or closed, or the use of a mechanical or passive ventilation system, in order to show compliance with sound criteria. Ventilation is a consideration where the noise source is constant, as in the case of road noise and industrial noise. As entertainment sound is transient, ventilation is not a requirement.
o) Sound criteria for non-residential receivers <i>1 submission</i> The entertainment sound DCP should contain controls for commercial, tourist and visitor accommodation, and other non-residential receivers.	o) Response The priority for the DCP is to protect residential amenity, as there is less opportunity to retrofit and redevelop residential development once it is built. Owners of commercial buildings and tourist and visitor accommodation have a commercial imperative to provide a desirable acoustic environment to their guests and occupants.

Submissions summary	Response
Support and opposition to draft DCP p) Sites with bespoke acoustic master plans <i>1 submission</i> Some sites such as Barangaroo, Darling Square and Loftus Lane have bespoke acoustic master plans in place. The DCP provisions should not override these master plans.	p) Response In development assessment site-specific controls typically override general DCP controls where they overlap.
q) Mixed-use development with dwellings in the same building as venues <i>1 submission</i> The before-midnight internal sound criteria for dwellings in the same building as venues should not be more stringent than other dwellings.	q) Response The internal sound criteria where the most affected dwelling is in the same building as a venue are more stringent because of the way sound transfers through the building, rather than from one direction through a facade. This means the impact of the sound is greater even at the same level.
r) Concern about the entertainment sound planning levels for new residential development <i>1 submission</i> The DCP requires development to assume a minimum level of entertainment sound, however this assumption may not always be necessary. For example, the case of a single venue being the source of entertainment sound, and that venue having existing noise limits on their conditions of consent or liquor license.	r) Response The DCP requires entertainment sound levels to be established with real world measurements, to inform the design, layout and level of acoustic attenuation required for new dwellings. The minimum assumed planning levels are established to ensure new dwellings are designed with sufficient sound attenuation, in the case where measurements are lower than these levels. This can occur because of seasonal variations, temporary operational factors, or the way sound levels are recorded by a proponent. While there may be cases where dwellings are never subject to the amount of sound assumed by the planning levels, the controls are only triggered where a site is identified on the Entertainment Sound Management maps, where it can be reasonably assumed there will be some level of entertainment sound, either now or in the future.
s) Time of day consideration for new residential receivers <i>1 submission</i> The DCP should include guidance for whether new residential receivers should build to the pre-midnight or post-midnight criteria.	s) Response Post midnight trading is possible in most instances therefore developers will need to build to address that potential noise level.

Submissions summary	Response
Support and opposition to draft DCP t) Technical comments made to the acoustic report and passive ventilation guide <i>3 submissions</i> A wide range of comments about specific details in the acoustic report exhibited with the DCP, and the City's alternative ventilation guide not exhibited with the DCP.	t) Response There is a lack of absolute consensus in the acoustic industry on certain technical aspects of entertainment sound. The City has engaged qualified and reputable experts in the field of entertainment sound management to inform the draft DCP. Compliance with the draft DCP is possible with a range of approaches and does not require strict consideration of all details in the acoustic report or other documents.
u) Interaction with Special Entertainment Precincts <i>3 submissions</i> Special Entertainment Precincts will include sound plans, potentially with different sound criteria to the DCP. The interaction between the DCP criteria and the Special Entertainment Precinct sound plans should be better explained, and the DCP criteria should be delayed until SEPs are implemented.	u) Response Special Entertainment Precincts will have sound plans that will be used for managing entertainment sound in the operation of venues, including substantiating noise complaints by Liquor and Gaming NSW. The sound plans may be different to those in the entertainment sound DCP. They may not cover the same criteria or measurement locations. The City has not yet developed any sound plans for use in Special Entertainment Precincts. The DCP includes requirements for the design and construction of new venues and residential development. They are not for operational sound levels or substantiating noise complaints. Preparation of the SEP sound plan and establishment of the SEPs will consider any necessary changes to the DCP.
v) Concern about the controls applying for low impact development <i>1 submission</i> The DCP controls include thresholds for when the entertainment sound criteria apply to existing venues. These thresholds may capture low impact and minor amendments.	v) Response The DCP does not determine when a development application is required. The DCP provisions will only be applied where a development application is required, and where those provisions are relevant to the development being proposed. Low impact development covered by exempt and complying development provisions in local or state planning instruments, will not result in the entertainment sound criteria applying.