



Council's Alternate Approach for New Housing in the Inner West

# APPENDIX 9

## Ashfield Special Entertainment Precinct Management Plan

May 2025

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# Ashfield Special Entertainment Precinct Management Plan

VI



<b>Title</b>	<b>Ashfield Special Entertainment Precincts Management Plan</b>
<b>Summary</b>	The purpose of this plan is to balance the approach to the management of sound from <i>entertainment activity</i> within the Ashfield Special Entertainment Precinct. It identifies the roles of all stakeholders including residents, businesses, Council, Liquor and Gaming NSW and the Police in managing entertainment sound, as well as outline the approach to the resolution of entertainment sound related complaints.
<b>Document Type</b>	Management plan
<b>Relevant Strategic Plan Objective</b>	<ul style="list-style-type: none"> <li>• Strategic Direction 3: Creative communities and a strong economy</li> <li>• Strategic Direction 5: Progressive responsive and effective civic leadership.</li> </ul>
<b>Legislative Reference</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Protection of the Environment Operations Act 1997</i></li> <li>• <i>Liquor Act 2007</i></li> </ul>
<b>Related Council Documents</b>	<ul style="list-style-type: none"> <li>• Model Code of Conduct</li> <li>• Good Neighbour Policy</li> <li>• Inner West Local Environmental Plan 2022</li> </ul>

This Plan will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

<b>Document</b>	Ashfield Special Entertainment Precincts Management Plan	<b><i>Uncontrolled Copy When Printed</i></b>	
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## 1 Introduction

Live Music, entertainment and cultural production are synonymous with the identity of the Inner West as Sydney's centre of creativity. Creative and performing arts activities make a significant contribution to the Inner West's economy, with an estimated value of \$153 million for the 2021/2022 financial year, a 13.4% growth from 2016/2017 (National Institute of Economic and Industry Research).

Musicians, artists, actors, comedians, dancers, production crew and a plethora of other talents and jobs that make the Inner West a vibrant and interesting place rely on the availability of venues to engage with audiences and other spaces for cultural production. Throughout Sydney many of these spaces are either under threat or have closed in recent years. One factor leading to the closure and lack of investment in venues is the current sound management framework in NSW, specifically the strong weighting given to complainants over the social, cultural, and economic value of venues. Compounding this is the ambiguity in the current framework that relies on qualitative tests and fluctuating background noise levels to determine if a business is operating within acceptable limits.

Special Entertainment Precincts (SEPs) seek to address this by recalibrating sound compliance to a more balanced approach. They also secure trading certainty for businesses with specific hours set for each precinct that businesses may trade within without needing further approval from Council.

## 2 Location

This plan is specific to the Ashfield SEP being implemented as part of Inner West Council's alternative approach to the NSW State Government's Transport Orientated Development (TOD) housing reform which identified Ashfield train station as a site for additional housing density.

The footprint of the Ashfield SEP largely follows the EI Local Centre zone in Ashfield, comprising the commercial core including parts of Liverpool Road, Hercules Street, Ashfield Mall, the back streets and laneways of the town centre as well as a smaller hub on the northern side of the train station.

Special Entertainment Precincts are identified in the Special Entertainment Precinct mapping series of the Inner West Local Environmental Plan 2022 (IWLEP 2022). The maps can be found on the [NSW Planning Portal](#).

## 3 Special Entertainment Precinct Objectives

### Objective 1 – Central objective

Special Entertainment Precincts thrive as diverse mixed-use neighbourhoods with flourishing arts and cultural production economies, including live music.

## Objective 2 – Neighbourhood amenity

Surrounding neighbourhoods are afforded with reasonable amenity and sound levels coming from the precincts.

## Objective 3 – Roles of stakeholders

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

## Objective 4 – Ongoing evaluation

Monitor the operation of each Special Entertainment Precinct and adjust the management of the precincts as required.

### 3.1 Trading allowances for businesses within the Special Entertainment Precinct

Section 202 of the *Local Government Act 1993* requires that Council define trading hours within SEPs. The table below defines the trading hours permitted within the Ashfield SEP, that are available to businesses without further approval from Council.

These hours are as follows:

Precinct	Guaranteed trading hours
Ashfield SEP area	1am

These hours are guaranteed to most businesses that have consent to operate. Business that have consents to trade later may continue to do so. Businesses may also apply to Council to extend beyond these hours through a development application.

The following conditions apply to the trading allowances:

- Apart from hours of operation, development consent conditions and complying development conditions continue to apply.
- Liquor Licence trading hours continue to apply. Businesses with a liquor licence must contact Liquor and Gaming NSW to amend their licence conditions.
- Applies to indoor areas only. Outdoor areas on private land must operate in accordance with existing planning regulations.
- The following premises are excluded from accessing the trading allowances:
  - Restricted premises (as defined in the IWLEP 2022),
  - Sex services premises (as defined in the IWLEP 2022),
  - Premises hosting adult entertainment (e.g. strip clubs), and
  - Premises hosting any kind of activity alike those described above.

- Apart from those described in the point above the trading allowances defined under this section and the maps in Appendix 1 are given to all businesses within SEPs, not just where live entertainment is being provided. This recognises the contribution that all night-time trading businesses make to vibrant night-life.

### 3.2 Footpath dining on public land

Footpath and roadside dining areas granted by Council under Sections 125, 126 and 127 of the *Roads Act 1993* may operate until 11pm within Special Entertainment Precincts in accordance with the following:

- Applies to main street frontages only. Side streets and rear lanes must continue to close at 10pm unless otherwise specified on the permit.
- Applies to public land only. Outdoor dining on private land requires development approval.
- Outdoor dining furniture must be brought inside at close.

## 4 Existing Policy Considerations

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

### 4.1 Local Environmental Plan

A Local Environmental Plan (LEP) is a piece of legislation 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 document and maps. These should be viewed together to provide an understanding of zoning and development controls for an area or a particular property.

Special Entertainment Precincts are legislated under the Inner West Local Environmental Plan 2022 (IWLEP 2022). Mapping of the Ashfield precinct is contained under the IWLEP 2022, identifying which properties are included in the SEPs.

### 4.2 Development Control Plan

A Development Control Plan (DCP) guides development, complimenting the corresponding LEP.

DCPs includes sound proofing requirements for new sensitive receivers such as apartments, houses, health care facilities and tourist accommodation.

It also includes requirements for new or modified venues within the precinct, ensuring that they can operate without unreasonably impacting on neighbourhood amenity. As well as a requirement to future proof commercial tenancies in new mixed use buildings.





Anyone researching development in the area or lodging a development application must read and understand their obligations under the DCP.

At the time of issue, no such DCP is in place for the Ashfield SEP. The Future Inner West DCP will include provisions overseeing the Ashfield SEP. In absence of the Inner West DCP, controls from Section 2.26 of the Marrickville DCP can be utilised and cross referenced against the map contained in Appendix 1 of this report.

### 4.3 Development Consents and Conditions

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

Development consents for entertainment and hospitality venues will typically have a condition restricting operational sound to a standard criterion. The typical condition applied to a premises is the background sound level +3db or +5db, before midnight and 0db above background after. This means the premises cannot operate louder than these metrics.

With a SEP in place, noise conditions on development consents relating to maximum sound levels are superseded by the sound criteria contained in section 7 of this plan. This is in accordance with Section 202 of the *Local Government Act 1993*.

Trading hours for premises are also determined by development consent conditions. Section 202 of the *Local Government Act 1993* enables Council to extended trading hours for premises with SEPs. Trading hours for each precinct are detailed under section 3.1 of this plan.

### 4.4 Liquor Licenses

Liquor licences are issued and regulated by Liquor & Gaming NSW. Any premises in a SEP that serves or sells alcohol is required to have a liquor licence in place.

Liquor licences contain 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, and hours of operation.

All premises located within a SEP must comply with the conditions on their liquor licence. Extended trading hours are possible for venues deemed dedicated live music venues. Venues must contact Liquor and Gaming NSW to activate these additional trading hours.

### 4.5 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.



The Act gives effect to the offensive noise test. This is the standard qualitative test used by Council's and NSW Police in determining if noise coming from a premises is causing a disturbance.

Premises located within a SEP are not subject to the POEO Act 1997, meaning the offensive noise test and NSW Police will not have a role in entertainment sound regulation, except for emergency situations.

#### 4.6 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. Complaints received by Council will utilise the Good Neighbour Policy when the situation requires.

#### 4.7 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 SEPs as it contains the provisions 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.

## 5 Application of this plan

This plan applies to the operation of all commercial premises within SEPs. It manages the regulation and compliance procedures for commercial premises generating sound from *entertainment activity* (defined at the end of this plan).

For disturbances unrelated to the entertainment activity sound, please use existing complaint channels through [Council's online self-service portal](#).

## 6 Compliance Procedures

#### 6.1 Sound from entertainment activity from Licenced premises

Liquor and Gaming NSW take carriage of the regulation and compliance of *entertainment activity* sound generated by licenced premises within SEPs. Compliance procedures for disturbances are detailed under [Part 5, Division 3 of the Liquor Act 2007](#). Further details are also contained in Liquor and Gaming's [Disturbance Complaint Guidelines](#).

#### 6.2 Entertainment sound from un-licenced premises

This section details the procedures that Council will undertake in relation to the compliance of *entertainment activity* related sound coming from unlicensed venues in SEPs.

## Steps to take before lodging a complaint

The flow chart on the next page identifies the process that should be taken before lodging a complaint with Council regarding sound coming from *entertainment activity* in un-licensed premises.

### 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 advising a resident of when the entertainment will end.

It's also expected in these discussions concessions may need to be made by residents, including closing their windows or doors, and working around occasional episodes of higher sound 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.

## Who to contact

Within a SEP, any complaints related to *entertainment acidity* sound from an un-licensed commercial premises should first be directed in a civil manner to the venue. If a resolution is not reached, then a complaint can be made to Inner West Council. The correct agency to direct a complaint can be determined in Table 1 below.

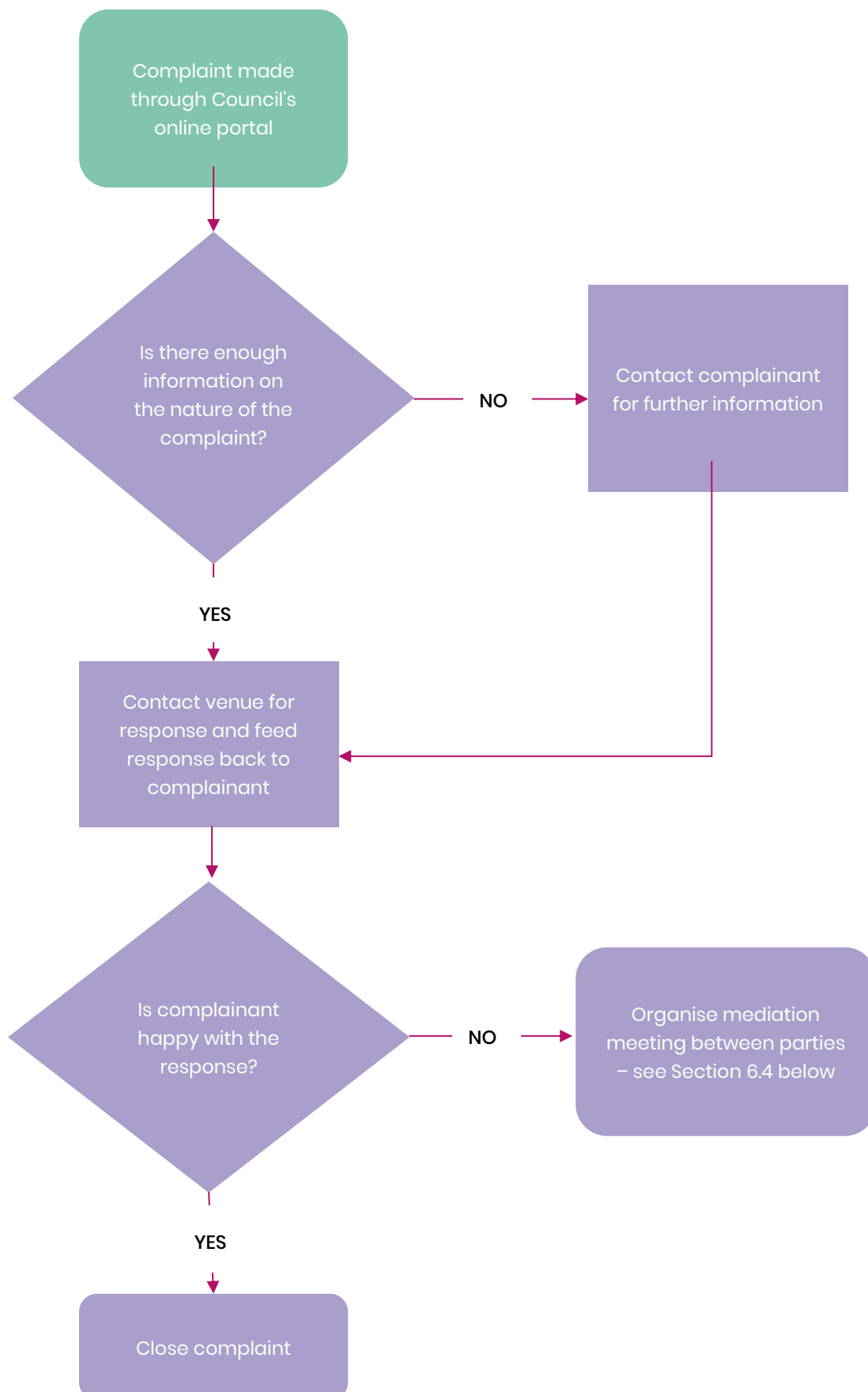
	Council – online or by phone	Liquor and Gaming NSW	Police
General feedback related to the Special Entertainment Precinct	X		
Reporting entertainment sound that from a licenced premises that exceeds the criteria in this plan		X	
Reporting entertainment sound that from an un-licensed premises that exceeds the criteria in this plan	X		
Anti-social behaviour that requires immediate attention			X
Complaints from other sources of noise e.g., air conditioners, refrigeration units, loading/unloading, deliveries	X		
Development consent condition breaches	X		

Table 1: Where to direct feedback and complaints

## Council procedures for complaint handling

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

The flow chart on the next page illustrates the typical complaint handling process.





### **Resolving complaints through mediation**

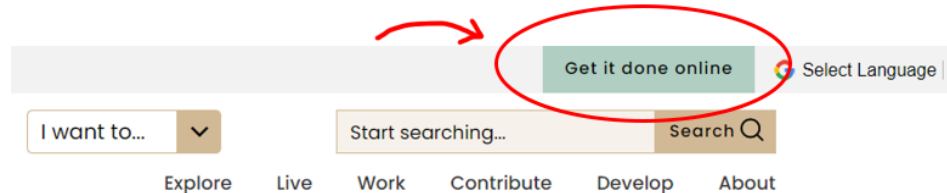
Complaints made to Council are expected to be resolved once Council has feedback from the venue. Responses from venues should include a verbal commitment to lessening the disturbance in the future.

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, although is not limited to, Environmental Health, Compliance, waste management, Economic Development and/or Planning. The licensee and/or venue manager must also be present. The complainant(s) will also need to attend the meeting.

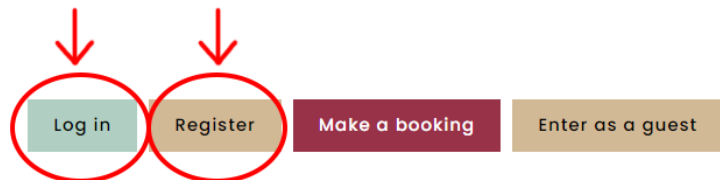
Such meetings will ideally be held face to face on site, either in the venue or on the street outside the venue. There may be circumstances with scheduling conflicts or public health concerns where an online meeting is favoured.

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

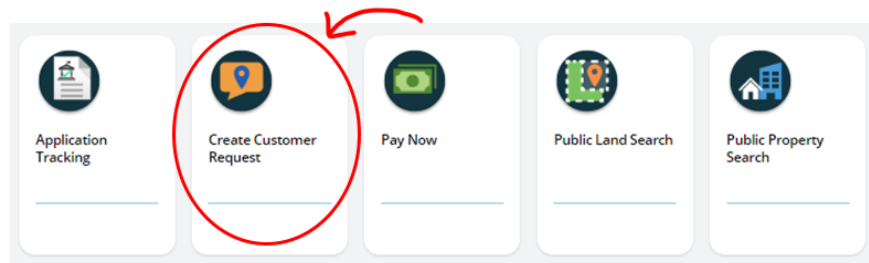
Complaints and feedback regarding the special entertainment precinct should initially be made through Council's online self-service portal. The link to this portal is located at the top of Council's webpage titled 'get it done online'.



Customers may then enter as a guest, or log-in/register (preferred).



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.

## 7 Sound Criteria

### 7.1 Overview

This section outlines fixed sound criteria for sound coming from *entertainment activity* from commercial premises within SEPs. Until the Inner West DCP is adopted, this plan should be read in conjunction with Section 2.26 of the Marrickville DCP 2011, cross referencing the map contained in Appendix 1 of this plan.

The following approach to *entertainment activity* related sound management within and surrounding the precincts has been informed by the following key factors:

1. Acknowledgement of the existing ambient noise levels, activation, vibrancy and positive contribution entertainment venues provide to neighbourhoods and the community.
2. Acknowledgement of the intended future uses of the precinct. To set noise emission requirements that are consistent with enabling the uses that are envisaged within the precinct.
3. The need to balance this activation with the reasonable amenity expectations of co-located and nearby sensitive receivers, such as residential premises
4. To provide greater consistency and certainty for businesses, residents, and compliance officers regarding allowable sound emissions and amenity expectations
5. Provide opportunity for managed growth of entertainment venues within the SEPs, minimising potential cumulative impact
6. The current minimum noise mitigation standards for sensitive development related to road and aircraft noise exposure

This Plan replaces existing development consent and liquor licence noise criteria with one simplified overarching approach that can be applied holistically across the SEPs 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 SEPs, 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 SEPs. Derivation of this approach has been informed by extensive review of current conditions, licenses, national and international literature review, acoustic measurements across the precincts, and community expectations.



## 7.2 Key principles of the technical criteria

The primary components of the technical criteria that apply within the SEPs are:

- External Sound Category Areas (SCAs) defined across the SEPs.
- Fixed internal noise criteria for sensitive receivers that are attached to venues by a common wall or floor/ceiling.

## 7.3 External sound categories

The SCAs have been informed by the desired character, existing sound levels and levels of vibrancy across the SEPs.

Five SCAs have been defined, generally assigned to:

1. Main Road Frontages in High Traffic/Activation Areas (SCA 1)
2. Main Road/side street Frontages in Moderate Traffic/Activation Areas (SCA 2)
3. Side streets and rear lanes close to the SEP interface (SCA 3)
4. Residences on side street, away from the SEP interface (SCA 4) (*unmapped*)

Areas with louder permitted noise emissions are concentrated on main streets with commercial activities. Permitted noise emissions are reduced at the rear of commercial properties and in side streets and lanes leading from commercial centres.

SCA maps of each precinct are contained within Attachment 1. SCA 4 is not marked on the maps. Areas that are not designated as SCA 1, 2, or 3 would have the SCA 4 noise controls applied.

The SCAs 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 2.

The Sound Category Areas have been informed by existing ambient acoustic conditions (road traffic, venue noise) approval conditions, receiver building design standards, available venue and venue acoustic assessments, and independent surveys undertaken throughout the precincts.

## 7.4 Internal sound criteria

While the primary sound criteria are to apply when receivers are separated from venues by streets, lanes, open spaces or gaps between buildings, 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 party wall or floor/ceiling. In this situation, compliance with the external Sound Category Area level may be insufficient to appropriately address potential impact on sensitive receivers.

The derivation of internal criteria has been based on various global standards, criteria, and literature, inclusive of Australian Standard 2107.

## 7.5 Technical parameters

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

Parameter	Discussion of principle followed
Fixed vs relative to background criteria	Relative criteria, such as 'background + 5 dB', are a fundamental component of NSW policy. However relative criteria can be inappropriate when it is desired to change the character of an area, as is the case here. Fixed criteria have therefore been adopted.
Measurement descriptor	Current conditions of consent vary between use of the $L_{eq}$ and $L_{10}$ noise parameters. $L_{10}$ , 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) are taken in into account, however the degree of influence will depend the duration of the event. A 15 minute period has been used as it is sufficiently long to avoid temporary loud events excessively influencing the noise level.  A 15-minute period has been adopted for consistency with other NSW noise policy.
Broadband / Octave band criteria	Broadband dB(A) and dB(C) criteria are proposed in place of the octave band assessment commonly adopted in the assessment of entertainment activity sound.  Adoption of broadband dB(A) criteria will simplify acoustic reporting and compliance measurement.  A dB(C) noise limit is a simplified means of applying a low frequency noise control compared to use of octave band analysis. This will be particularly important in the assessment of noise emitted from venues when trading with windows/doors closed.
Time of day / days of the week	Criteria, particularly fixed criteria, often vary by time of day. There is limited consistency across existing policy, for example: <ul style="list-style-type: none"> <li>• Liquor and Gaming NSW use 7am to midnight, and midnight to 7am</li> <li>• 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</li> <li>• The Environmental Protection Agency's road and rail criteria adopt 7am to 10pm and 10pm to 7am.</li> </ul>

Parameter	Discussion of principle followed											
	<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 sound from <i>entertainment activity</i>, it is recommended to utilise a period representing the day and evening together, with two night periods (before and after midnight). These periods address the need for varying entertainment sound 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 border="1"> <thead> <tr> <th>Days</th><th>Period 1 'Day/Evening'</th><th>Period 2 'Early night'</th><th>Period 3 'Late night'</th></tr> </thead> <tbody> <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> </tbody> </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												

## 7.6 Sound requirements for Venues

The criteria in this Section are proposed to apply to all *entertainment activity* related sound coming from commercial premises within the SEPs.

7. *Entertainment activity* sound from venues within a SEP must not exceed the Venue Sound Criteria, equivalent to the Sound Category Area Levels specified in Table 2 by reference to the relevant map in Appendix 1.
  - a. The Sound Category Area levels apply at the identified frontages of the receiver at the lot boundary, 1.5 metres above the floor level of all floors up an existing building.
  - b. Where the boundary line is located away from the street (side or rear boundaries), the SCA identified on the nearest boundary on the same lot shall be utilised, minus 3dB(A), although not below 45dB(A)
  - c. The Sound Category Areas will apply to all uses emitting sound related to *entertainment activity*.
  - d. The criteria below are cumulative noise levels. Where a venue is adjoined by another venue, the noise targets below are to be reduced by 3dB(A) unless reporting demonstrates that cumulative noise emissions will not cause an exceedance of the criteria below.

Venue external assessment criteria, dBL <sub>eq</sub> (15minute)													
Sound Category Area (SCA)	Days of the week	Day / Evening (7am to 10pm)				Early Night (10pm to midnight)				Late Night (midnight to 7am)			
		Broad band dB(A)	Octave band (Hz) dB			Broad band dB(A)	Octave band (Hz) dB			Broadb and dB(A)	Octave band (Hz) dB		
			31.5	63	125		31.5	63	125		31.5	63	125
SCA 1	Sun 7am to Thurs 7am	65	69	68	66	60	64	63	61	55	59	58	56
	Thurs 7am to Sun 7am	65	69	68	66	65	69	68	66	60	64	63	61
SCA 2	Sun 7am to Thurs 7am	60	64	63	61	55	59	58	56	50	54	50	46
	Thurs 7am to Sun 7am	65	69	68	66	60	64	63	61	55	59	58	56
SCA 3	Sun 7am to Thurs 7am	55	59	58	56	50	54	50	46	45	54	50	46
	Thurs 7am to Sun 7am	55	59	58	56	55	59	58	56	50	54	50	46
SCA 4	Sun 7am to Thurs 7am	50	54	50	46	50	54	50	46	45	54	50	46
	Thurs 7am to Sun 7am	55	59	58	56	50	54	50	46	45	54	50	46

Table 2: Venue external sound assessment criteria

- Entertainment Sound from venues with an adjoining sensitive receiver, that may be affected by noise transfer via the common partition shall be evaluated against the Receiver Internal Sound Criteria specified in Table 3, at the most-potentially affected location (no less than 1 metre) from the common partition.

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

Receiver <sup>1</sup>	Period <sup>2</sup>	Broadband dBLAeq(15min)	Octave band centre frequency (Hz), dBZ <sup>2</sup>		
			31.5	63	125
Residential accommodation - bedrooms	7am – 10pm	35	59	52	46
	10pm – 7am	30	54	47	41
Residential accommodation – other habitable rooms	7am – 10pm	35	59	52	46
	10pm – 7am	35	59	52	46
Tourist and visitor accommodation (bedrooms & sleeping areas)	–7am - midnight	38	62	55	49
	midnight - 7am	33	57	50	44
Information and education facilities	All times	35	59	52	46
Place of public worship	All times	38	62	55	59
Health services facility	7am – 10pm	40	64	57	51
	10pm – 7am (wards only)	35	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.
- Noise level criteria in Table 4 relate to single venue noise contributions. Noise levels experienced in the precinct may be above those stated where there is a cumulative impact from entertainment sound from multiple sources/venues. The potential for cumulative impact has been factored into the single venue criteria.

## 8 Breaches of this Policy

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

## 9 Glossary

**Common Partition** is a shared wall, floor, ceiling, or other built divider between two premises that is shared. This includes party walls but does not include independent boundary walls wholly contained within separate properties.

**Entertainment activity** as defined under Section 202A of the *Local Government Act 1993*.

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

**Special Entertainment Precinct** as defined under Section 202B of the *Local Government Act 1993*.

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

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

