

Special Entertainment Precinct Management Plan

Draft

May 2025

Canley Heights & Canley Vale
Town Centres

Special Entertainment Precincts Management Plan

Strategic and Legislative Framework

Overview	<p>The purpose of this Plan is to balance the approach to the management of entertainment sound within the Canley Vale and Canley Heights Town Centre Special Entertainment Precincts having regard to the NSW Government Vibrancy Reforms implemented in 2024. It will identify the roles of all stakeholders including residents, businesses, Council, Police and NSW Liquor and Gaming in managing entertainment sound, as well as outline Councils approach to the resolution of entertainment sound related complaints.</p>
NSW Government 24-Hour Economy Strategy	<p>Preparation of this Management Plan and its contents have relied on documents published by the NSW Office of the 24-Hour Economy for Special Entertainment Precincts, including guidelines and templates. The acoustic guidelines and management framework outlined in this plan were developed having regard to the <i>NSW Special Entertainment Precinct Acoustic Toolkit: Optional Sound Guidance and Templates for Councils</i></p>
Fairfield City Strategic Plans	<p>Fairfield Local Strategic Planning Statement 2020</p> <ul style="list-style-type: none">• Priority 11: Promote a robust economy which generates diverse services and job opportunities. <p>Economic Development Strategy 2024</p> <ul style="list-style-type: none">• Priority 3: Visitor Economy• Priority 4: Creating Vibrant Precincts
Legislative Context	<ul style="list-style-type: none">• 24-Hour Economy Legislation Amendment (Vibrancy Reforms Act 2024)• Local Government Act 1993• Environmental Planning and Assessment Act 1979• Protection of the Environment Operations Act 1997• Liquor Act 2007
Related Council Documents	<ul style="list-style-type: none">• Fairfield Local Environmental Plan 2013• Local Strategic Planning Statement• Canley Heights and Canley Vale Development Control Plan No.37 (Amendment No. 9)
Version Control	<p>Draft for public exhibition.</p>

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Gulbanga Ngurragu Acknowledgement of Country

Cabrogal gulbangadyu ngurrayin wadyimanwa Fairfield City Council Ganunigang wagulra gulbangadyidanyi miwanaba Dharugngai yura.

Fairfield City Council acknowledges the traditional country of the Cabrogal of the Darug Nation and recognises their ongoing relationship to land, place, culture and spiritual beliefs.

We pay our respects to Elders past, present and emerging and acknowledge the importance that Aboriginal and Torres Strait Islander people continue to play within the Fairfield community.

Special Entertainment Precincts Management Plan

Introduction

The Canley Heights and Canley Vale Special Entertainment Precincts (SEPs) have been established under section 202 of the Local Government Act 1993 to support live entertainment and the Fairfield City night-time economy through extended operating hours for businesses within the precinct. Under the Act a SEP is an area which:

- (a) sound from entertainment activity from premises in the area is regulated in accordance with a precinct management plan, and*
- (b) requirements about sound attenuation included in a precinct management plan apply to certain types of development in the area, and*
- (c) dedicated live music and performance venues are authorised to trade for an additional 60 minutes under the Liquor Act 2007, section 12A(4).*

Following the adoption of the Fairfield Economic Development Strategy 2024, Council engaged with businesses in Canley Heights and Canley Vale Town Centre seeking their interest and support for offering live entertainment and late-night trading to support establishment of SEPs within each Centre, in line with the NSW 24-Hour Economy Strategy being implemented by the NSW 24-Hour Economy Commission across the State of NSW.

To this end, the establishment of the SEPs has been widely supported by local businesses in each Centre and will fall under by the management framework and noise control parameters set out in this Precinct Management Plan (PMP).

The overall aim of the PMP is to establish operational certainty for existing and future entertainment venues in each Centre that provide diverse late-night offerings whilst ensuring adjoining residential areas are made aware of their proximity to the SEPs and suitable measures apply to existing and future residential areas/development to maintain their amenity.

This Plan will be reviewed further in light of submissions and feedback received during initial public exhibition of the PMP and associated planning documents. This includes a planning proposal to amend the Fairfield Local Environmental Plan (2013) to formally identify and implement the SEPs in each centre under the NSW Environmental Planning and Assessment (EP&A) Act 1979.

Following public exhibition and subject to further endorsement by Council, a 12month trial period will commence for each SEPs, with a further review of the PMP to occur after this period. Throughout the above process, Council will ensure that the local businesses and community are kept up to date of the various stages in the review and implementation of this PMP.

SECTION A

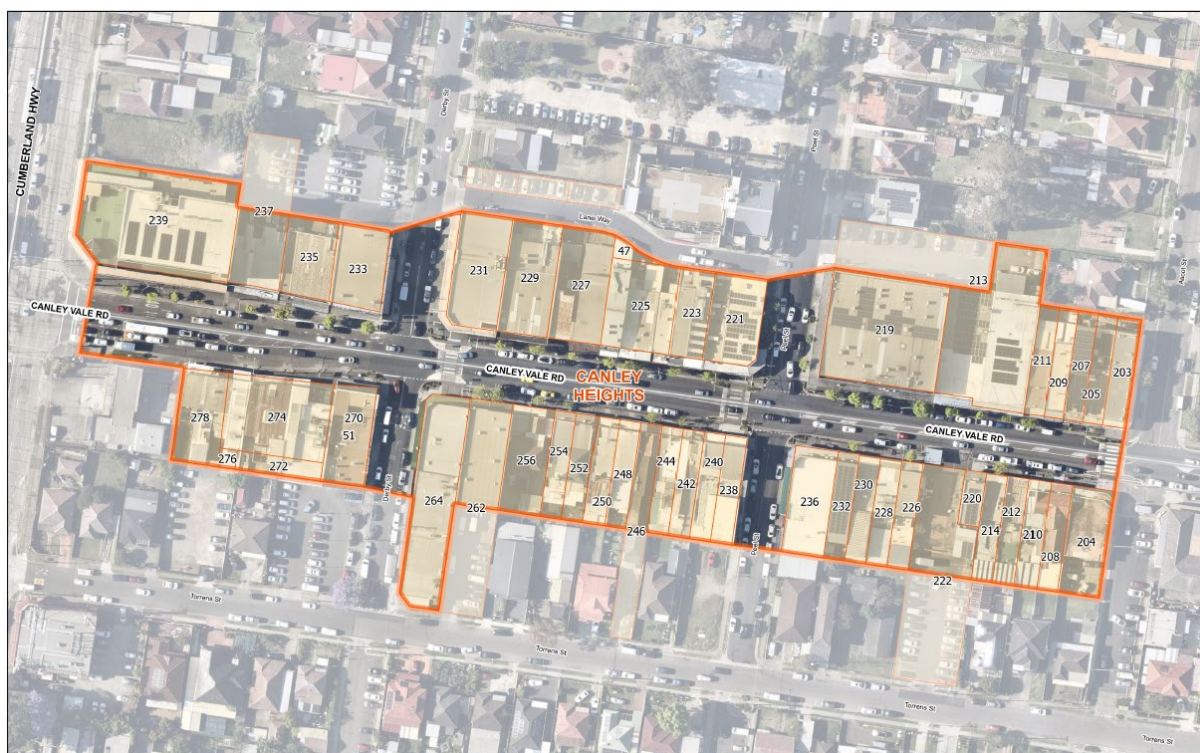
1. The identified areas

The Canley Heights and Canley Vale Town Centre areas comprising the Special Entertainment Precincts (SEPs) support a by a diverse range of commercial uses that comprise a significant number of existing entertainment venues, restaurants, bars and takeaway facilities. Under the Fairfield Local Environmental Plan (LEP) 2013, both have local centre status and also provide a broad cross section of retail and convenience goods and services to the surrounding population.

Both centres already exhibit strong levels of vibrancy and activity during the day and into the night-time that have a distinctive multi-cultural appeal. This is a drawcard for both residents from within the Fairfield LGA and visitors beyond that provides a strong foundation for designation of the Centres as a SEP.

The residential areas surrounding Canley Heights and Canley Vale Town Centres are characterised by a range of low, medium and high-density residential housing established across a well-defined grid street pattern, with significant sections dominated by housing stock constructed in the 1970's/80's and more recent terrace style buildings on narrow lots.

The following figures show the extent of the proposed SEPs where the provisions of this PMP apply.



Canley Heights Town Centre SEP

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Canley Vale Town Centre SEP

2. SEP Aims & Objectives

The SEP status for Canley Heights and Canley Vale Town Centres will build on the existing attributes of each centre to support a sustainable night-time economy characterised by vibrancy, job creation and economic development in line with the following broad aims.

- Promote and sustain night-life in each centre underpinned by live entertainment venues.
- Promote investment and redevelopment opportunities that support future population and businesses in each Centre.
- Enhance tourism and economic opportunity that the SEPs offer that includes a range of cultural experiences and activities.

Specific objectives of the PMP that support the above aims are:

- Strike a balance in managing entertainment noise through the provision of sound management criteria for entertainment venues within the SEPs,
- Allow Canley Heights and Canley Vale Town Centres to grow as a food, entertainment and destination for broader cultural experiences.
- Permit live entertainment in the SEP Precinct in both licensed and unlicensed premises.
- Provide management measures that safeguard the amenity of surrounding residential neighbourhoods, whilst ensuring existing and future residents are made aware of and understand the context of their proximity to the SEPs.
- Outline processes and roles of key stakeholders in supporting operation of the SEPs including Council, businesses, NSW Police, NSW Liquor and Gaming.
- Monitor ongoing activities and operations of the SEP and update this PMP as required.

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While the approach to noise management in this SEPs will differ from current arrangements, Council's aim is not to allow unrestricted noise levels from businesses, but rather to achieve a suitable balance for both businesses and resident interests for late night trading and entertainment activities.

To this end, the sound criteria and management framework provided under this Plan includes a range of measures that have regard to current and potential acoustic environments of each SEP that aims to minimise potential negative outcomes on sensitive uses balanced between the needs and expectations of all stakeholders.

Preparation of the PMP has included a number of steps, including liaison with the NSW 24 Hour Commission, Local Police, internal sections of Council, Councillors, existing businesses and visitors to each centre. A survey and review was undertaken of current activities in each centre, including existing DA approvals, previous acoustic studies for restaurants and entertainment venues and approved hours of operation to inform preparation of the Plan.

Council engaged qualified acoustic consultants to undertake an analysis of the nature and extent of the existing acoustic environment of each centre and to develop the acoustic criteria and management provisions included in Part 9 – Sound Management Framework for the SEPs that is based guidelines contain in the 24 Hour Commissions Acoustic Toolkit .

3. Place-based planning

Both Canley Heights and Canley Vale Town Centres currently contain a significant number of restaurants and entertainment venues, including small bars, function centres and pubs that are licensed premises and provide late night trading. These activities make the Centres well suited for transition to SEP status. A range of place attributes and planning arrangements also provide further support for establishment of the SEPs as follows.

- [Accessibility of precinct](#) – The Town Centre SEPs are located between the Cumberland Highway (a key north- south arterial road within the sub-region) and Canley Vale Rail Station, both Centres are readily access via the local and state road networks.

Accessible via an approximately 30-minute train ride from Sydney's CBD to Canley Vale Station. The precinct is serviced by four bus services that run along Cumberland Highway, Canley Vale Road and St Johns Road providing access to Prairiewood, Fairfield, Cabramatta, Blacktown, Liverpool, and Parramatta centres.

There is convenient on and off-street parking within each centre behind the central business areas, with a high degree of accessibility and visibility for pedestrians and vehicles, including pick-up and drop-off zones for taxis and Ubers and public transport along the Canley Vale Road.

- [Business precinct collaboration](#) – Canley Vale Road is a key movement corridor between Canley Heights and Canley Vale Town Centres, with a number of businesses in each centre contributing to the vibrancy of the SEPs that includes dining, bars and restaurants that include family friendly options.

Currently there are 31 businesses operating with liquor licenses in Canley Heights and Canley Vale. Many are associated with the Canley Heights Nights and the Little Asia 2166 associations formed under the 24-Hour Commissions Uptown Accelerator Program, that supports local businesses communities committed to facilitating economic activity and vibrancy in town centres.

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These attributes are vital in supporting transition to SEP status for each centre that will help to consolidate Canley Heights and Canley Vale as food and cultural destinations, underpinning a sustainable 24 Hour Economy.

- Land use conflict and amenity – Key factors limiting the potential for impacts on the nearby sensitive uses (including residential development) as a result of the SEP status include:
 - The smaller size/scale and nature of operations associated with of the majority of existing and future venues, restaurants and bars in each centre that do have capacity for large scale entertainment events that have potential to generate significant noise levels or attract large crowds.
 - The established medium to scale larger venues (e.g. function centres, karaoke bar) have previous approvals that required a range of noise insulation measures and management practices to help mitigate impacts on nearby residential development.
 - Each centre is relatively 'self-contained' with access and entertainment areas of venues generally focussed toward the Canley Vale Road corridor rather than the surrounding residential areas.
 - There are limited residential receivers (i.e. shop top housing) within each centre and the acoustic measures outlined in this PMP will ensure that any future residential developments will be required to include measures to safeguard residential buildings within new residential development that is mostly to comprise appartement buildings directly within and adjoining the Town Centre SEPs.
- Public domain – Both Canley Vale and Canley Heights have wide street pavements and traffic management measures in place that provide for a safe and highly accessible public domain. In addition, in recent years under Council's place management and improvement program a number of public domain improvements and upgrades have been provided in each centre, including, new street planting, toilet facilities, street furniture and seating. Council regularly services and maintains the public domain areas and facilities located in each centre. Both centres have pedestrian and cycleway connections to surrounding open space and parks, including nearby connections running along Orphan School Creek.

In 2024 as part of the 'Her Way' program sponsored by Transport for NSW, Council undertook a number of works within and around the public domain areas of Canley Vale Town Centre to enhance the sense of safety and security for women and girls accessing these areas and Canley Vale Station. The works included measures that promote passive surveillance and at making these areas safer and more activated through the provision of new lighting, improved delineation of pedestrian areas and separation from cars, new artwork/murals and enhanced passive recreation spaces.

- Strategies and proposals – Establish of the Canley Heights and Canley Vale SEPs is supported by Council's Local Strategic Planning Statement and Economic Development Strategy that received unanimous endorsement from Council. Council has also prepared urban design studies and endorsed planning controls aimed at supporting urban renewable, activation and growth in each centre.

4. Existing policy considerations

Establishment of the Canley Heights and Canley Vale SEPs is supported by an amendment to the Fairfield Local Environmental Plan (LEP) 2013, that under the NSW EP&A Act will formally implement the SEPs into the legal framework of the NSW Planning System. In addition, the sound criteria applying to the SEPs (contained in Part 9 – Sound Management of this PMP), will be incorporated into the Fairfield City Wide DCP 2024 and will apply to the construction of new mixed used development in the each of the SEP areas.

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The amendments to the Fairfield LEP and DCP provisions will accompany public exhibition of the PMP.

Premises holding a liquor license will be regulated by Liquor and Gaming NSW under the Liquor Act 2007 and any future premises servicing or selling alcohol will be required to have a liquor license in place and comply with relevant conditions, including but not limited to security requirements, licencing boundaries, and hours of operation.

The objectives of the NSW Protection of the Environments Operations (POEO) Act 1997 is to protect and enhance the environment of NSW and reduce risk to human health from pollution and environmental degradation. Premises within a SEP are not subject to the POEO Act 1997 meaning that noise pollution will be tested by Section B of this PMP by the relevant compliance authority.

Council has previously adopted an Outdoor Dining Policy and Busking Policy that apply to Canley Height and Canley Vale SEP areas and govern the use of public land for outdoor dining and busking. These policies are relevant to the SEP as it contains the provisions for the use of footways for the purpose of activation of public spaces.

As part of implementation the SEP, Council has also prepared a Good Neighbourhood Policy to support ongoing operation of each SEP and will accompany public exhibition of this Plan.

5. Application of this plan

This PMP provides management and regulation of all entertainment venues and licensed premises within the SEP as well as compliance procedures for sound originating from indoor and outdoor areas associated with entertainment venues or public space. The Plan will set trading hours for all venues in the SEP and but does not set liquor licence trading hours, these continue to be regulated by L&GNSW.

The PMP does not apply to other sources of noise or sound disturbances associated with people utilising public space, plant, mechanical, servicing or machinery noise, traffic or aircraft-noise. To be eligible for ongoing extended trading hours, premises must satisfy the requirements for the sound category area and sound levels outlined in Section B of the PMP.

Once a SEP is established, venues will need to apply to L&GNSW to be on the live music and performance venue list and meet eligibility criteria. Information on how to apply is available on the [Liquor and Gaming NSW website](#).

The Sound Category Areas (Attachment 1) in the PMP will address sound criteria for different types of development and uses within a SEP that apply for:

- Existing sound-emitting venue or premises
- New or modified sound-emitting venue or premises
- Outdoor entertainment both on private and public land
- Temporary uses, including outdoor events
- Existing or modified receiver development
- New receiver development

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6. Communication and engagement

Successful implementation of the SEP will require ongoing communication and liaison with all stakeholders, particularly at stages involving review of the PMP, that may need refinements to ensure the management framework of the PMP is clear and functioning well. The stages of communication and engagement for establishment, trial period, operation, ongoing and evaluation of the SEPs as well as the process for the community and businesses to obtain regular updates are as follows:

Stage 1. Preliminary engagement with businesses

Preliminary early engagement has been undertaken with businesses owners through direct discussions and surveys of businesses that indicated strong level of support for establishing SEPs and opportunities to incentivise night-time operation hours.

A number of businesses in Canley Heights and Canley Vale area also part of the 24-hour Economy Commission's Uptown Accelerator Program and have been actively in helping to boost the City's night-time economy.

Stage 2. Planning proposal stage

Implementation of the SEPs is subject to public exhibition of a Planning Proposal to amend the Fairfield LEP 2013 to implement the formal status for each precinct under the NSW EP&A Act.

This process will include notification to all businesses within each town centre and surrounding residential properties located within proximity of each SEP precinct and will have a minimum of 28 days to make a written submission to Council. Relevant public authorities including NSW Police and NSW Liquor and Gaming, will also be notified.

The comments and issues raised by the community and public authorities to public exhibition will be reported to Council for consideration prior the SEP and PMP being formally endorsed.

Stage 3. Trial period and ongoing monitoring for SEP

Subject to Council's endorsement and finalisation of the planning proposal (that includes notification on the NSW legislation website), Council's Special Entertainment Precinct webpage will be updated to keep the community informed of the operations of the SEP.

Council will work relevant sections of Council, NSW Police and NSW Liquor and Gaming during a 12month trial period to review the operation of the SEP in accordance with the monitoring and evaluation provisions detailed under Part 7 of this PMP.

7. Monitoring and evaluation

The purpose of the monitoring and evaluation framework is to measure the success of the program through recording quantitative and qualitative data of the operation of the SEP to guide continual improvements and refinements intended to facilitate a successful night-time economy.

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The performance indicators will be measured in accordance with the 24-hour Economy Commissioner Monitoring and Evaluation Plan and will be collected on a 6-month basis. In addition, the following local performance indicators provide information on desired outcomes for the SEP and will be monitored every quarter as part of reporting outputs.

Desired outcome	Indicator	Data source	Collection	Responsibility
Businesses providing different types of entertainment and activities beyond the traditional operating hours.	Number of businesses taking on SEP incentives.	Surveys Local data	<ul style="list-style-type: none"> • Surveys sent to businesses. • Community submissions & information available on Council system • Onsite observations 	Economic Development Team
Sufficient infrastructure (transportation, facilities, lighting etc.) to support late-night operations	Amenity impacts are minimised through built form and place.	Surveys Inspections	<ul style="list-style-type: none"> • Surveys sent to businesses and visitors. • Onsite observations 	Economic Development Team
Promotion of activities and events inclusive for everyone.	Number of events hosted by businesses, organisations or Council open to the public.	Surveys	<ul style="list-style-type: none"> • Surveys sent to businesses. • Community submissions & information available on Council system • Onsite observations 	Economic Development Team
A vibrant active nightlife.	People with a positive view of nightlife.	Surveys	<ul style="list-style-type: none"> • Surveys sent to businesses and visitors. • Discussions with working group in handling and resolving issues of the operating SEP. 	Economic Development Team

8. Suspension and revocation

Suspension or revocation of a business premises or precinct from the SEPs may occur in the event of ongoing issues that cannot be resolved. This means that those businesses or precinct will not be able to take advantage of the incentives of providing entertainment and operating hour allowances applying under the PMP. Council is committed to the long-term viability of the SEP and will explore all options for remediation before the suspension or revocation.

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Before consideration of the suspension or revocation, Council, NSW Police and NSW L&G will work with businesses and residents to resolve potential non-compliance issues. Part 12 - Compliance procedures and Good Neighbour Guidance of this PMP outlines the process and procedures to be followed prior to consideration of suspension or revocation.

This section sets out threshold criteria and its processes for suspension or revocation of a business premises or precinct.

8.1 Threshold criteria

The threshold criteria outline a number of reasons why suspension or revocation is in place. A number of reasons Council, NSW Police and NSW L&G will consider the revocation of a business premises or precinct:

- Licensed venues failure to comply with their liquor license and upon NSW L&G request to Council of business for suspension or revocation with justified explanation and reasoning.
- Upon request from NSW Police to Council of business for suspension or revocation with justified explanation or reasoning.
- Businesses failing to mediate and resolve complaints received regarding sound or operational dispute in the locality.
- Businesses on going non-compliance and breach of the precinct management plan.
- On going alcohol related incidents.
- Anti-social behaviour attributed to the operation of businesses.
- The operation of the business is considered to likely cause unreasonable disturbance or impact on the natural and built environment, and social and economic impact in the locality.

8.2 Suspension

Council must in writing notify the business premises or precinct in the first instance of its reason for suspension. This must be consistent with Part 8 and 12 of this PMP to ensure all mediation measures have been exhausted before considering suspension.

A decision to suspend a business premises or precinct must be informed by consultation where relevant, with L&GNSW, NSW Police and Office of the 24-Hour Economy Commissioner justifying the reasons why suspension should occur before a determination is made by Council.

Should Council resolve to suspend a business premises or precinct, an amendment to the PMP must list the excluded business premises or precinct from the SEP and be published on Council's Public Notice webpage.

8.3 Revocation

As similar to the suspension process, Council must in writing notify the business premises or precinct in the first instance of its reason for revocation. This must be consistent with Chapter 8 and 12 of this PMP to ensure all mediation measures have been exhausted.

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A decision to revoke a premises must be informed by consultation where relevant, with L&GNSW, NSW Police and Office of the 24-Hour Economy Commissioner. Revocation of a premises or precinct must be informed by a Council resolution for exclusion and must be an expedited amendment under section 3.22 of the EP&A Act to remove land from the SEP boundary in the FLEP 2013.

8.4 Reinstatement of business premises or precincts

There is no appeal process to lift a suspension or the revocation of a business premises or precinct. An assessment of the operation will be considered based on the business premises and precinct compliance with the PMP and go through Council's decision process and the legislative planning requirements to reinstate a businesses premises or precinct.

SECTION B

9. Sound Management Framework

Council has undertaken preliminary consultation with relevant stakeholders including businesses contained within the SEPs and NSW Police. The sound management criteria contained in this PMP were prepared by specialist acoustic consultants and have been referred to L&G NSW for review, with necessary refinements to be made as required.

The PMP including sound management criteria will accompany public exhibition of the Planning Proposal that will establish the SEPs. Subsequently, a post exhibition report will be prepared which will consider feedback from the community and relevant state agencies including L&G NSW, the community and the NSW Police.

The aim of the PMP sound management criteria is to ensure existing businesses can operate within the external entertainment sound criteria adopted under the PMP and that existing businesses will not need to undertake any acoustic treatments to achieve compliance with the adopted fixed sound criteria.

9.1 Objectives and principles of the sound management framework

The SEP sound criteria management framework adopts the following objectives and key principles:

- Acknowledgement of the current ambient noise levels and activation of the proposed CCSEP and the positive contribution that entertainment venues provide to the vibrancy of the neighbourhood and community.
- Acknowledgement of existing and intended future uses of the precinct to set noise emission requirements that are consistent with the safeguarding of ongoing entertainment venue activities in the SEP's and enabling the future uses that are envisaged within the precinct.
- The requirement to balance the activation of the proposed SEP's with reasonable amenity expectations of sensitive receivers (such as residential premises) within the surrounding the CCSEPP.
- To provide greater consistency and certainty for businesses, residents and compliance officers regarding allowable sound emission and amenity expectations.
- Provide opportunities to manage the growth of the SEP's and minimise the potential for cumulative noise impacts from new live music venues.

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- This PMP does not permit trading hours beyond those specified in existing development consents for outdoor areas of live entertainment venues. Should a live entertainment venue wish to operate within outdoor areas of its venue later than the trading hours specified in the existing development consent then a development application will be required to be lodged to Fairfield City Council for assessment and determination.

9.2 External sound category areas

The sound category areas (SCA's) have been informed by the desired character, existing sound levels and project levels of activity across the SEP with the SCA mapping for each precinct included Attachment A.

The template external sound criteria set out in the Acoustic Toolkit has been used in the proposed SEP. A higher SCA band has been utilised for areas where greater entertainment noise is acceptable along Canley Vale Road at peak weekend periods (Saturday 7pm to midnight).

Lower bands have been utilised along laneways and residential streets adjoining the SEP area at off peak times weekday and periods after midnight. This approach ensures residential amenity is maintained.

9.3 Desired activities and nature of activity at street level

The SEP promotes and encourages the extended trading hours permitted under the 24 hour commission vibrancy reforms including an trading hours for all premises in each SEP to 3am. Activities associated with existing venues will operate under the approved use associated with the DA consent issued for the premises.

Existing premises are required to keep a sound management plan including an active strategy to reduce sound disturbance from their venue. This includes managing patron behaviour through limits on patron numbers, ensuring loitering outside venues before and after performances does not occur through signage (no loitering) and having a clear complaints handling process including an incident register.

It is expected that venues with existing acoustic reports that have recommended operating parameters for late night trading e.g. closing windows after midnight continue to operate using these methods to reduce noise disturbance.

The PMP will not permit additional activities on public land, with the exception of outdoor dining which will be allowed until 11pm for those businesses with existing outdoor dining approvals. Outdoor events will require separate assessment and approval through a Local Activity Application under the Local Government Act 1993 and are not included as activities permitted under the SEP.

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9.4 Criteria for sound from entertainment activity

Tale 1 sets out external entertainment sound levels for the various SCAs – cumulative, Leq(15 min) for venues within the SEPs.

Sound Category ID	7am to 10pm				10pm to midnight				Midnight to 7am			
	Overall dB(A)	Octave band Hz (dBZ)			Overall dB(A)	Octave band Hz (dBZ)			Overall dB(A)	Octave band Hz (dBZ)		
		31.5	63	125		31.5	63	125		31.5	63	125
SCA 2.5	70	74	73	71	70	74	73	71	65	69	68	66
SCA 3	65	69	68	66	65	69	68	66	60	64	63	61
SCA 3.5	65	69	68	66	60	64	63	61	55	59	58	56
SCA 4	60	64	63	61	60	64	63	61	50	59	58	56
SCA 4.5	60	64	63	61	55	59	58	56	50	59	58	56
SCA 5	55	59	58	56	55	59	55	51	50	54	50	46
SCA 6	50	54	50	46	45	54	50	46	40	54	50	46

Table 1 – SCA Internal Cumulative Sound Criteria

9.5 Sound criteria for new sensitive receivers

Existing mixed-use buildings and proposed mixed use buildings withing the CCSEP centres that share walls or ceiling with entertainment venues will be required to adhere to the following performance criteria set out below.

9.6 New Mixed-Use Building

A new mixed-use building with ground floor commercial with residential above will be required to comply with the below internal sound criteria – cumulative entertainment sound criteria – cumulative entertainment noise level Leq (15 min). The derivation of the below criteria has been based on the internal sound criteria set out in the Acoustic Toolkit which in turn, reference various global standard criteria and literature (inclusive of Australian Standard 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors).

Receiver	Period	Overall dB(A)	Octave band Hz (dBZ)		
			31.5	63	125
Residential accommodation (excluding hotels and hostels) – habitable rooms excluding bedrooms	Day / evening	35	59	52	46
	Early night	35	59	52	46
	Late night	35	59	52	46
Residential accommodation (excluding hotels and hostels) – bedrooms	Day / evening	35	59	52	46
	Early night	30	54	47	41
	Late night	30	54	47	41

Table 2 – Internal Sound Criteria – Cumulative Entertainment Noise Level

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Taking into consideration the location of these potential mixed-use buildings to existing entertainment venues, Canley Vale road and rail corridor adjacent to the eastern boundary of the Canley Vale SEP (which includes the T2 Leppington & Inner West Line/Cumberland Line), the proponents of these mixed use buildings will be required to undertake an assessment of entertainment and road/ rail traffic noise intrusion into the residential dwellings and provide the appropriate sound insulation performance to meet:

- The internal criteria set out in Table 4-3 for entertainment noise; and
- The internal criteria set out in the NSW State Environmental Planning Policy (Transport and Infrastructure) ("T&I SEPP") for road and rail traffic noise.

In addition to the above proponents must demonstrate compliance with The Fairfield City Wide DCP 2024 – Chapter 7 – Residential Flat Buildings and Shop Top Housing including requirements for natural ventilation whilst decreasing internal pathways for internal entertainment sound to travel into residential areas of the building.

9.7 Existing Mixed- Use Building

For existing mixed-use buildings with entertainment venues and sensitive receiver premises, the 'agent of change' approach is an appropriate framework for determining the responsible party with respect to the provision of sound insulation performance upgrades and meeting internal noise contribution level criteria. That is.

- A new entertainment venue establishing into the commercial premises of a mixed-use building with existing residential occupancies is required to implement sound insulation performance upgrades to the building and operate in a manner such that the transmission of entertainment noise into the residential component of the mixed – use building satisfies the internal noise criteria.
- A new residential premises being developed in a mixed-use building with an existing entertainment venue is required to implement sound insulation performance upgrades to the building such that the transmission of entertainment noise from the existing venue operations satisfies the internal noise criteria in the residential premises.

Receiver	Period	Overall dB(A)	Octave band Hz (dBZ)		
			31.5	63	125
Residential accommodation (excluding hotels and hostels) – habitable rooms excluding bedrooms	Day / evening	30	54	47	41
	Early night	30	54	47	41
	Late night	30	54	47	41
Residential accommodation (excluding hotels and hostels) – bedrooms	Day / evening	30	54	47	41
	Early night	25	49	42	36
	Late night	25	49	42	36

Table 3 - Internal Sound Criteria – Entertainment Noise through contribution through internal path

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10. Development Assessment Guidelines

Pursuant to Clause XX of the Fairfield Local Environmental Plan 2013 and Section 202E Local Government Act 1993, conditions relating to trading hours and sound from entertainment activities are overridden by the provisions of Part 11 – Trading Hours of this PMP for premises in located in the Canley Heights and Canley Vale PMP.

In accordance with Section 202E of the Local Government Act, development application (DA) conditions applying to venues in the SEPs and regulate noise control levels, are superseded by the sound criteria contained in Part 9 – Sound Management Framework of this PMP.

Under the PMP, Council will be regularly monitor and review the above concessions and consider the need for amendments.

What if I want to operate past the extended operating hours allowed under the precinct management plan?

You will need to lodge a development application with the proposed operating hours. The application will need to be accompanied with an individual plan of management and acoustic assessment report addressing the requirements of this PMP to assessing the impacts relating to noise and the operations to ensure that the business will not impact on the amenity of the neighbourhood.

What if I currently operate beyond the allowed extended operating hours?

You can continue to operate as per your consent.

Do the extended operating hours apply to my outdoor dining license?

Yes, Chapter 11 - Trading Hours include a 1 hour extension for outdoor dining areas.

Businesses who are interested in providing outdoor dining will first be required to submit an application to Council to obtain a license/permit for trading in accordance with Council's Outdoor Dining Policy.

What happens if I want to host live entertainment performances or events?

Existing and new business premises, and new developments located in the applicable sound category areas must comply with the sound levels identified in Part 9 - Sound management framework. It is recommended that a suitably qualified acoustic consultant be engaged to ensure compliance with the relevant acoustic criteria.

Structural changes to buildings or entertainment area to meet the sound criteria of Part 9 may also require approval through a development application if the works cannot be don't under the SEPP (Exempt and Complying Development Codes). For more information contact the Council's duty officer.

What are the approval requirements for construction of new mixed use developments in the special entertainment precinct?

Construction of new residential or commercial development will be required to lodge a development application with Council and comply with Chp. XX of the Fairfield City Wide DCP 2024 which sets out acoustic criteria based on the provisions of Part 9 of this PMP.

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11. Trading hours

To support establishment of SEP and vibrancy in Canley Heights and Canley Vale Town Centres, under the Plan, Council has endorsed the following allowances for businesses located within the SEP areas only.

1. An additional 1 hour of trade for all businesses on approved DA trading hours, up to a maximum of 4am close time. This applies to trade for 7 days per week.
2. An extra 2hrs trading on top of the preliminary 1hr for venues providing live entertainment, up to a maximum of 4am close time. This only applies on the day of the live entertainment.
3. Businesses permitted to trade beyond 4am can continue doing so. This applies to indoor trading areas only. Outdoor areas on private land must operate in accordance with DA conditions.
4. The PMP does not override the liquor licence hours, which will continue to be regulated by L&GNSW. Businesses with a liquor licence must contact Liquor and Gaming NSW to amend their licence conditions.

Additional information can be view via the link: [L&G Live music and performance venues](#)

5. Footpath dining permitted until 11pm.
 - This only applies to footpath dining within the SEP area on Council land.
 - Outdoor dining furniture must be brought inside at close.

The above allowances will be reviewed by Council following completion of a 12month trial period commencing from the date that this PMP comes into force and will have regard to submissions received from the community, advice and feedback provided by relevant stakeholders included in preparation of this Plan.

Extended hours beyond the maximum permitted in this PMP can be approved considered through a development application submitted to Council. The PMP may also need to be periodically updated to include later trading venues, approved through the development application process.

12. Compliance procedures and Good Neighbour Guidance

12.1 Responsible Authorities,

NSW Liquor and Gaming - entertainment sound from licensed premises

Since 1 July 2024, Liquor and Gaming NSW (L&G NSW) is responsible for managing any noise and disturbance complaints and compliance issues in accordance with Part 5, Division 3 Disturbance of quiet and good order of neighbourhood of Liquor Act 2007.

More information available on the NSW Liquor and Gaming website: [Statutory disturbance complaints - Liquor & Gaming NSW](#)

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NSW Police

Since 1 July 2024, premises within a SEP are not subject to the provisions on noise provisions under POEO Act 1997 therefore NSW Police will not have a role in entertainment sound regulation except in emergency situations that require immediate attention including as anti-social behaviour.

NSW Police will refer complaints regarding sound from entertainment activity from licensed venues to L&G NSW for consideration. Under the Liquor Act 2007, NSW L&G and NSW Police have powers to issue improvement notices to licensed premises in certain situations that require an immediate response. For un-licensed venues, Police will also handle situations that require immediate attention that demonstrate anti-social behaviour.

Council

Council will be responsible for management of entertainment sound from un-licensed premises and non-compliance with approvals.

Un-licensed premises in the SEP will be managed by Council based on the sound management framework in this Plan.

Who to contact for type of complaint

Within the SEP, any complaints related to entertainment sound from both licensed and un-licensed premises should first be directed in a civil manner to the business. If a resolution is not reached, then a complaint can be made to the following agencies:

Type of complaint	Council	NSW Liquor and Gaming	NSW Police
Non-compliance and breach of development consent from unlicensed premises	✓		
Entertainment sound from a licensed premises that exceeds the sound criteria		✓	
Entertainment sound from an un-licensed premises that exceeds the sound criteria	✓		
Anti-social behaviour from licensed or un-licensed premises that requires immediate attention			✓

12.2 Making a complaint with Council (unlicensed premises only)

Businesses are responsible in working proactively to respond to stakeholder concerns and complaints to address any issues that arise. Businesses in the SEP must engage proactively with a complainant, neighbours and the community about the business's activities and sound management. It is the businesses duty to understand their impacts on the community and its neighbours.

If this is unsuccessful then the complaints handling process below that involve resolving complaints through mediation and substantiation of sound complaints against the sound criteria will be followed.

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Step 1. Complainant resolution with business premises

Before lodging a complaint to Council regarding entertainment sound or other non-compliances from an un-licensed premises, the complainant must first attempt to resolve any sound or operational disputes with the business by identifying the source of the sound and approaching the premises directly to resolve the issue. If you are not satisfied with the response from the venue, a complaint can be made to Council.

Step 2. Lodgement of the complaint

Complaints to Council regarding entertainment sound and non-compliances with precinct management plan or development consent for un-licensed premises must be reported online. To lodge a complaint, fill out the Reporting Issues online form: [Reporting Issues \(Service Requests\) | Fairfield City Council \(nsw.gov.au\)](#)

Alternatively call Council on (02) 9725 0222 for any immediate risk.

Step 3. Mediation process to resolve complaint

Investigations into complaints made to Council's will involve feedback from both the subject premises and the complainant. Responses from premises should include a written or verbal commitment to reducing 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 relevant Council Officers. The manager of the business premises and complainant(s) must also be available to attend the meeting to resolve the issue in a clear and transparent manner.

Step 4. Substantiating suspension or revoking a premises from the SEP

In the event of ongoing issues, an evidence-based evaluation of the complaint or non-compliance will be determined based on the criteria outlined in Part 8 of this Plan for suspension or revocation of the business premises from the SEP allowances.

This includes why a business is considered to be non-compliant with the PMP and the relevant criteria that has caused an unacceptable impact of or harm and where relevant, must be informed in consultation, with L&GNSW, NSW Police and Office of the 24-Hour Economy Commissioner.

Steps 5. Appeal of decision

If the business premises or complainant is not satisfied with Council's determination, a request can be lodged with the NSW 24-Hour Economy Commissioner to review Council's decision.

More information can be found on the NSW Office of the 24-Hour Economy Commissioner website: [Office of the 24-Hour Economy Commissioner | NSW Government](#)

12.3 Good Neighbour Policy

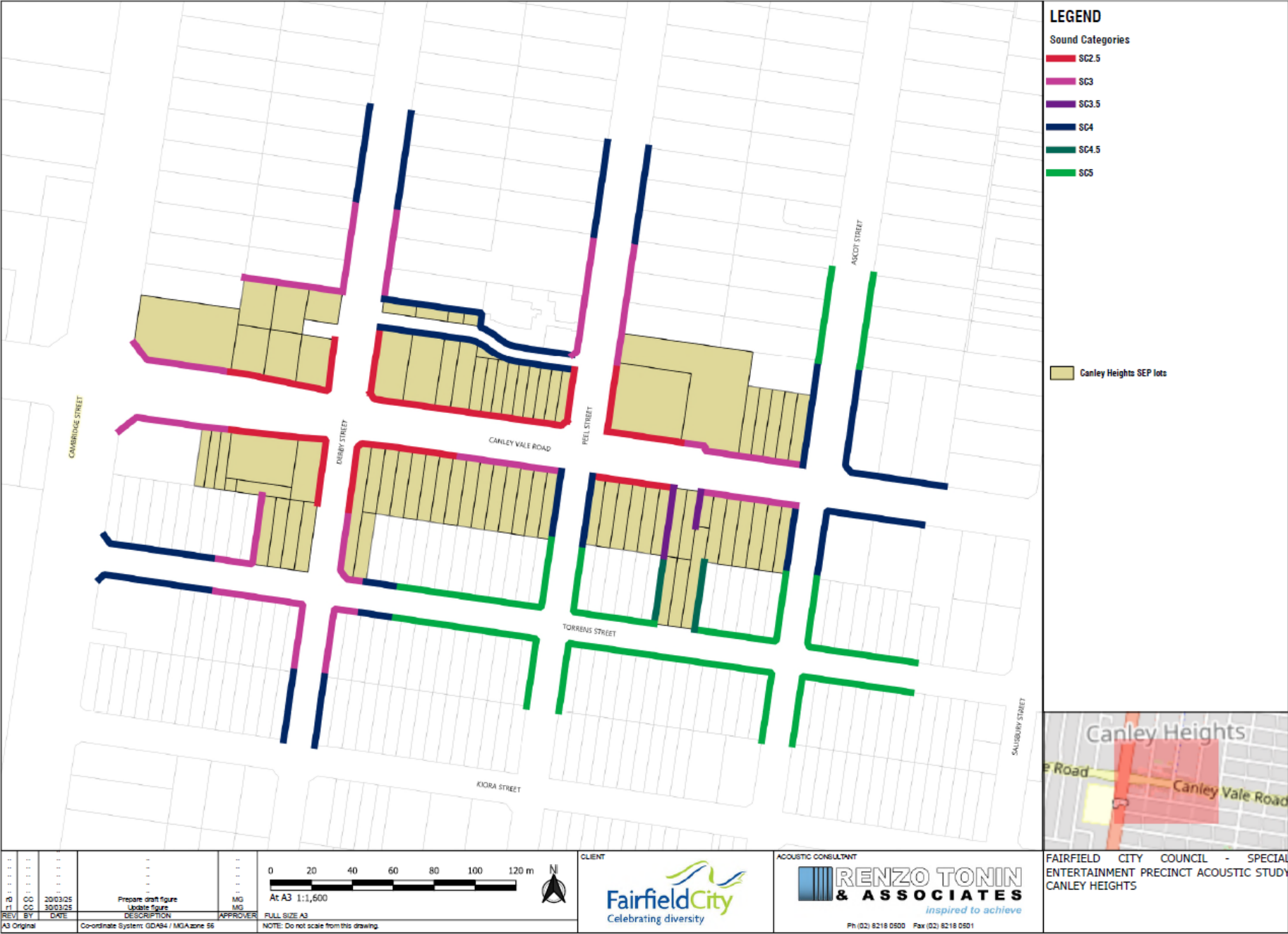
As part of introduction of the SEPs, Council has also prepared a Good Neighbours Policy to support implementation of this Plan. The Policy creates a framework for Council to work with live music venues, licensed premises, and residents to manage sound and activity prior to taking formal regulatory action. It is a means of resolving music related issues in a constructive and positive manner.

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13. Glossary of terms

Term	Meaning
Anti-social behaviour	Conduct that causes or is likely to cause harassment, alarm, or distress or others, or that is capable of causing nuisance or annoyance.
Business premises	A building or place which an occupation, profession or trade is carried on for the provision of services directly to members of the public.
Business premises sound criteria	Means sound criteria applying under Part 9 – Sound Management Framework of the PMP
Special Entertainment Precincts (SEPs)	The Canley Heights and Canley Vale Special Entertainment Precinct is the boundary area outlined as a Special Entertainment Precinct under Clause X of the Fairfield Local Environmental Plan 2013.
Entertainment use	Live music, performing arts, and/ or cultural events are forms of entertainment provided.
NSW L&G	NSW Liquor and Gaming
Operating hours	The hours of operation allowed for the licensed or unlicensed venue. Not the liquor license.
PMP	The Precinct Management Plan (this document)
Receiver sound criteria	Means sound criteria applying under Part 9 – Sound Management Framework of the PMP
Sensitive Receiver	A location or building that is susceptible to noise impacts such as residential areas, schools and childcares, hospitals or places of worship.
Sound category area level	The external noise levels emitted from a premises.
Sound from entertainment activity	Sound emitted from live music, performing arts, cultural events, and patrons from a premises.
Trading hours	Hours permitted for trading under Part 11 of the PMP.
Unlicensed premises	A premises that does not have a license under the Liquor Act 2007.

Attachment A – Sound Category Areas



Attachment A – Sound Category Areas

