



**Burwood** Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **NOTICE OF BURWOOD LOCAL PLANNING PANEL MEETING**

The meeting of the Burwood Local Planning Panel will be held at 6PM on Monday 8 December 2025 at 2 Conder Street BURWOOD NSW 2134 to consider the matters contained in the attached Agenda.

Tommaso Briscese  
**General Manager**

# Agenda

For a Notice of Burwood Local Planning Panel Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Monday 8 December 2025 at 6.00pm.

**Welcome to the meeting of the Burwood Local Planning Panel**

**I declare the Meeting opened at**

**1. Acknowledgement of Country**

*Burwood Council acknowledges the Wangal Peoples who are the traditional custodians of the area. We pay our respects to their elders past and present.*

**2. Introduction of Panel Members**

**3. Recording of Meeting**

*Members of the public are advised that Meetings of the Panel are audio recorded for the purpose of assisting with the preparation of Minutes and the recording of the public part of the meeting will be published on Council's website.*

**4. Explanation of how the panel will operate**

*The Panel has undertaken site investigations and we have before us reports provided by Burwood Council officers on the matters for consideration.*

*For each matter, the Council officer will briefly give an overview.*

*All members of the public who have registered to speak will have the opportunity to address the panel. I will invite you to speak and commence by stating your name and address or whom you represent.*

*After all speakers have been heard, the panel will adjourn to deliberate on the matter.*

*The Panel will make determinations on the matters before it. Each determination will include reasons for the determination, and all such details will be included in the official record of the meeting.*

**5. Apologies/Leave of Absences**

**6. Declarations of Interest by Panel Members**

**7. Chair introduction of Agenda Item**

**8. Council Officer Overview**

**9. General Business**

(Item GB6/25) Planning Proposal - Burwood Special Entertainment Precinct..... 3

## General Business

### (Item GB6/25) Planning Proposal - Burwood Special Entertainment Precinct

File No: 25/65838

Report by Project Manager City Economy

#### Summary

Council has engaged independent planning and urban design consultants to assist in the preparation of a Planning Proposal (Attachment 1) to amend the *Burwood Local Environmental Plan 2012* (BLEP) and establish a Special Entertainment Precinct (SEP) within the Burwood Town Centre, pursuant to Section 202 of the *Local Government Act 1993*. The land subject to this Planning Proposal is bounded by Ford Lane, Railway Parade, Belmore Street, Conder Street and Burwood Road.

SEPs are a legislative mechanism available under the *Local Government Act 1993* that enable Councils to establish a sound management framework for entertainment sound, including trading hours criteria, for a designated area. A SEP is designed to support a vibrant nighttime precinct, whilst providing appropriate controls to maintain resident amenity within and adjacent to the precinct.

This report seeks the Burwood Local Planning Panel's endorsement of the Draft Planning Proposal for the Burwood Special Entertainment Precinct to progress to Gateway Determination and public exhibition for a period of at least 28 days.

#### **Operational Plan Objective**

- A.71 Undertake initiatives that support new economic growth in the Burwood North Precinct and Burwood Town Centre
- A.72 Implement activities or initiatives that enhance Burwood's night-time economy
- C.9 Safe, clean and activated streets, centres and public places are enjoyed by people day and night
- C.1.1 Support and deliver initiatives that encourage high-quality design, sustainable development and enhanced urban amenity.
- C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making
- C.3 An urban environment that maintains and enhances our sense of identity and place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.

#### **Background**

Burwood is identified as a Strategic Centre by the NSW Government within the *Eastern City District Plan*. The Burwood Town Centre is a key commercial and experience district, attracting a range of workers and visitors day and night.

A Special Entertainment Precinct (SEP) is a planning tool designed to support Councils to bolster their night-time economy.

SEPs provide a mechanism for Councils to establish a sound management framework for entertainment sound, including trading hours criteria, for a designated area. The SEP framework is designed to support a vibrant night-time precinct, whilst providing appropriate controls to maintain resident amenity within and adjacent to the precinct.

A SEP is established under Section 202 of the *Local Government Act 1993*. A SEP can be created for a precinct, streetscape or single venue where a sound management framework for entertainment sound and trading hours is set out in a Special Entertainment Precinct Management Plan (SEPMP).

In May 2024, Council was invited to submit an Expression of Interest to the Office of the 24-Hour Economy Commissioner for the establishment of a Special Entertainment Precinct (SEP) in Burwood. In June 2024, Council formally resolved, as part of the *Licence to Play* place activation framework report, to establish a SEP in the Burwood Town Centre. The original endorsed boundary included Burwood Road, Railway Parade, Belmore Street, and Conder Street. In April 2025, Council subsequently approved a boundary amendment to extend the Burwood SEP to include Ford Lane, making the entire precinct bounded by Burwood Road, Ford Lane, Railway Parade, Belmore Street and Conder Street, subject to a trial period of 12 months, to test the operability and suitability of the SEP framework in this location.

In March 2025, Burwood Council was awarded \$195,000 through the SEP Kickstart Grant Program to support planning, sound management, community engagement, and activation delivery. The precinct includes key destinations such as Burwood Chinatown and Emerald Square, and reflects Burwood's growing reputation as a hub for diverse food, culture, and entertainment.

## **Proposal**

Council proposes to establish a Special Entertainment Precinct (SEP) within the Burwood Town Centre by amending the BLEP and introducing provisions under Part 6, Clause 6.9. The land subject to the proposed SEP is bounded by Ford Lane, Railway Parade, Belmore Street, Conder Street and Burwood Road (refer to **Figure 1** below).



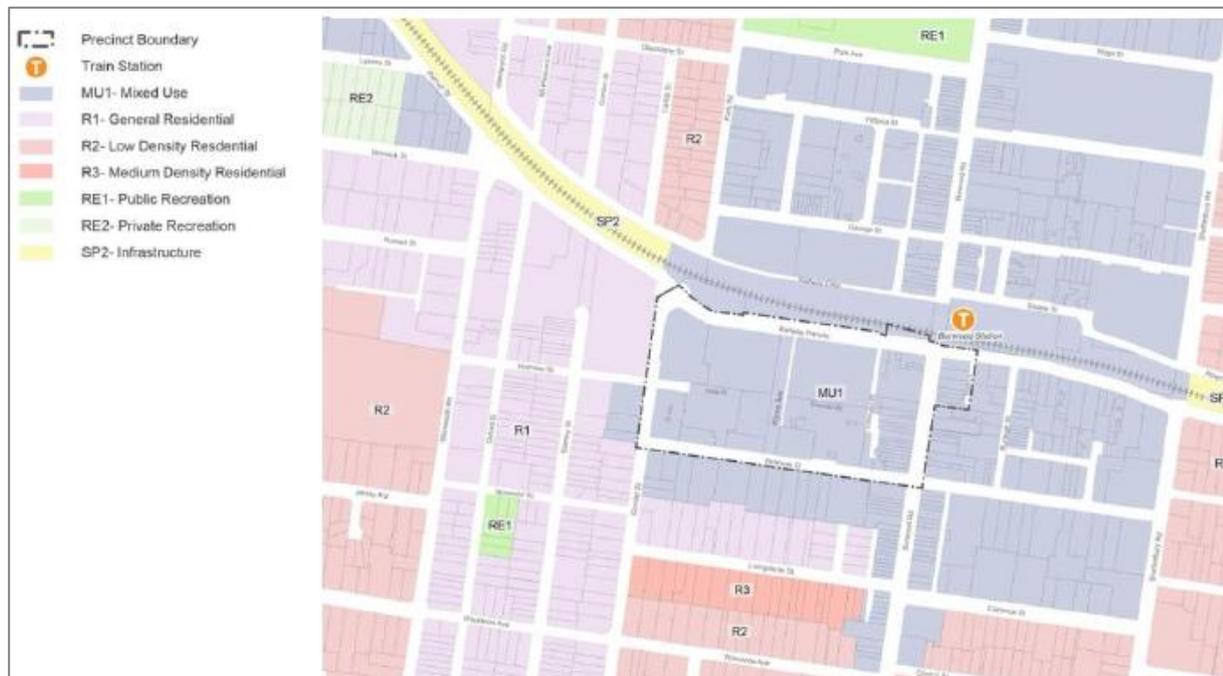
**Figure 1: Proposed Special Entertainment Precinct boundary, Burwood Town Centre**

The land area of the Burwood SEP is zoned MU1 Mixed Use under the *Burwood Local Environmental Plan 2012* and is located within the Burwood Town Centre. This zoning supports a broad land use activity mix of employment generating uses and housing, focused on public transport. **Figure 2** illustrates the land use zoning of the site and its surrounds.

A key aspect of the SEP is to preserve the land use activity mix by mitigating the potential for sound conflict between commercial premises and sensitive receivers. This is achieved through a

sound management framework for entertainment sound and trading hours, which are provided through an associated Special Entertainment Precinct Management Plan (SEPMP), and an amendment to the Burwood Development Control Plan (BDCP).

The SEPMP will provide a framework to make it clear to residents, premises, performers, Council and other stakeholders what the expectations are for entertainment sound, including sound management and attenuation, and trading hours within the Burwood SEP area.



**Figure 2: Land use zoning plan**

The SEP is proposed to be subject to a trial period of 12 months. This is intended to provide an opportunity to:

- Assess the benefits and potential impacts of the SEP's operation, across all seasonal trading periods;
- Allow premises within the SEP to establish, resource and operate at optimum capacity including by the extended trading hours provided by the Special Entertainment Precinct Management Plan;
- Allow residents, businesses, licensed and unlicensed premises and the community to experience the entertainment activity sound requirements and the trading hours permitted under the SEP and provide meaningful feedback to, Council throughout the trial period; and,
- Provide an opportunity for Council to receive community feedback, evaluate the SEP and if necessary, make adjustments to the entertainment sound requirements, trading hour requirements and/or compliance framework.

## **Consultation**

Endorsement to exhibit the draft Planning Proposal, Precinct Management Plan and DCP amendments for a period of at least 28 days will be sought from Council at its meeting of 9 December 2025. Following endorsement, Council will be actively consulting with local businesses through targeted stakeholder workshops and an online survey to capture operational needs, opportunities, and considerations from those in proximity or are immediately affected. In addition, the broader community will be invited to participate through Council's engagement platform, *Participate Burwood*, ensuring that residents, visitors, and other stakeholders have the opportunity to review information, ask questions, and provide feedback throughout the exhibition process. This engagement will also be sustained throughout the 12-month precinct trial period to ensure ongoing monitoring, transparency, and continuous feedback from all stakeholders.

If endorsed to proceed, the Planning Proposal will then be submitted to the Department of Planning, Housing and Infrastructure for Gateway determination. Following the issue of a Gateway determination, the SEP will be placed on public exhibition for 28 days and referred to relevant agencies for consultation in accordance with the *Environmental Planning and Assessment Act 1979*.

Any submissions received during the exhibition period will be reviewed and addressed in a post-exhibition report, which will be presented to Council for consideration at the conclusion of the exhibition process.

## **Planning or Policy Implications**

The proposal introduces new provisions for a Special Entertainment Precinct under Part 6, Clause 6.9 of the BLEP. The proposed amendment is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* and Section 202 of the *Local Government Act 1993*.

Guidance information regarding the trading hours and sound emission framework outlined in the Special Entertainment Precinct Management Plan would be prepared to assist in the implementation of the SEP.

As the SEPMP overrides existing development consent conditions, Council's recent amendments to Parts 3 and 4 of the Burwood Development Control Plan strengthen acoustic standards to support housing delivery in mixed-use and entertainment precincts, whilst ensuring a high level of protection for residents in the Burwood Town Centre, higher-density neighbourhoods and other active areas. These provisions will ensure that the SEP can function effectively within a high-density residential setting. Further, Liquor & Gaming NSW will continue to manage sound complaints from licensed premises as they do across the State, as sound requirements in a PMP are considered by the Secretary in Liquor & Gaming NSW to be disturbance complaints.

Council endorsed in September 2025 to amend Schedule 2 of the BLEP to facilitate further city activation initiatives that would align with the intent of the SEP and Council strategies, policies and programs such as the *Licence to Play* place activation framework, *Permit Plug and Play* program, the *Burwood After Dark Strategy*, and the *Creative Burwood Strategy*.

## **Financial Implications**

No financial implications.

## **Conclusion**

The proposed amendment to the BLEP will introduce a new designation, a Special Entertainment Precinct, to certain land located within the Burwood Town Centre. The designation of a Special

Entertainment Precinct in the Burwood Town Centre will assist Council in meeting its strategic objectives to enhance the City's night-time economy, as well as provide clear and consistent guidelines for trading hours and sound emission and attenuation within the precinct.

***Recommendation(s)***

That the Burwood Local Planning Panel:

1. Endorse the preparation of a Planning Proposal to amend the Burwood Local Environmental Plan 2012, as outlined in Attachment 1.
2. Delegate authority to the General Manager to finalise the Planning Proposal for submission to the Department of Planning, Housing and Infrastructure for Gateway Determination.
3. Receive a further report following the public exhibition of the draft amendment, outlining any submissions received and providing recommendations on the finalisation of the amendment.

**Attachments**

- 1 [↓](#) Draft Planning Proposal - Burwood Special Entertainment Precinct

**JR & Co.**  
(URBAN)

Planning Proposal - Burwood Special Entertainment Precinct

December 2025

Prepared for: Burwood Council



**DRAFT**

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*Planning Proposal  
Burwood SEP*

<b>Report Title:</b>	Planning Proposal - Burwood Special Entertainment Precinct
<b>Project:</b>	Burwood Special Entertainment Precinct (SEP)
<b>Prepared By:</b>	JR & Co (Urban) Pty Ltd ABN: 90 169 086 935 77-81 Buckland Street, Chippendale NSW 2008 Mobile: 0412 580 305 Email: <a href="mailto:hello@jrand.co">hello@jrand.co</a>
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<b>Report Date:</b>	02 December 2025
<b>Final/Draft:</b>	<b>Draft B</b>

<b>Document Control</b>	
<b>Prepared By:</b>	John Riordan RPIA REAP Director   Principal Planner
<b>Signed:</b>	
<b>Date:</b>	02 12 2025

**Table of Contents**

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**1.0 Introduction ..... 4**

**2.0 Background ..... 9**

**3.0 Objectives and intended outcomes ..... 10**

**4.0 Explanation of provisions ..... 10**

    4.1 Intended effect ..... 11

    4.2 Accompanying documents ..... 11

**5.0 Justification ..... 21**

    5.1 Section A - Need for the planning proposal ..... 21

    5.2 Section B – Relationship to strategic framework ..... 24

    5.3 Section C – Environmental, social and economic impacts ..... 38

    5.4 Section D – State and Commonwealth Interests ..... 43

**6.0 Mapping ..... 47**

**7.0 Community consultation ..... 49**

**8.0 Project timeline ..... 50**

**Attachment A - Burwood Special Entertainment Precinct Management Plan ..... 51**

**Attachment B – Special Entertainment Precinct section of Burwood Development Control Plan ..... 52**

**Attachment C - Special Entertainment Precinct Map Burwood Local Environmental Plan 2012 ..... 53**

**Attachment D – Acoustic report, prepared by Renzo Tonin & Associates ..... 54**

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## 1.0 Introduction

Burwood is identified as a strategic centre by the NSW Government within the *Eastern City District Plan*. It is planned to grow significantly in the next 25 years taking advantage of the strong local economy of the area and leveraging from existing and new transport infrastructure.

Burwood Council is committed to not only maximise the growth of Burwood, but to ensure that it remains an exciting and vibrant place to live, work and visit.

The Burwood Town Centre is a key commercial precinct. It attracts a range of workers and visitors' day and night. Burwood Chinatown, Emerald Square, and the places immediately around these offer day and night offerings as part of the attraction. This includes public areas that provide opportunities for enhanced experiences such as busking.

A Special Entertainment Precinct (SEP) is a tool for Councils to help support their night-time economy. It provides for a mechanism for a Council to establish a sound management framework for entertainment sound, including trading hours criteria, for a designated area. This is to support a vibrant going-out precinct, whilst providing for noise amenity for the affected neighbourhood within and around.

A SEP is established under Section 202 of the *Local Government Act 1993*. It can be a precinct (or streetscape or a single venue) where a sound management framework for entertainment sound and trading hours is set in a Precinct Management Plan.

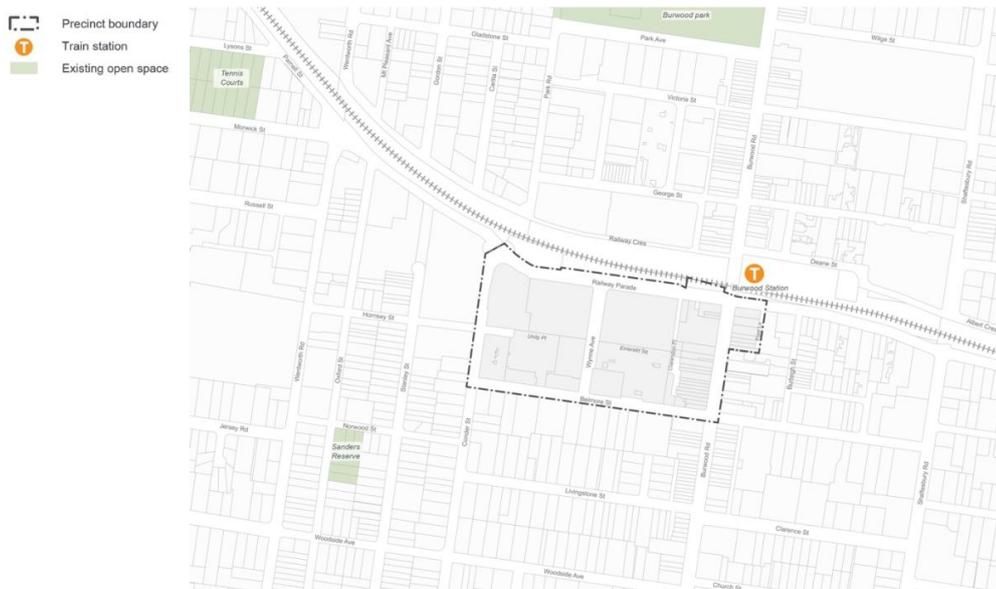
Burwood Council has received NSW Government funding to establish its first Special Entertainment Precinct (SEP). This government initiative supports a vibrant night-time precinct located in Burwood. It is to be established by this Planning Proposal to amend the Burwood Local Environmental Plan 2012. An associated SEP Precinct Management Plan (SEPMP) and an amendment to the Burwood Development Control Plan (DCP) will support the Burwood SEP.

This planning proposal therefore seeks to support the establishment of the Burwood Special Entertainment Precinct ('Burwood SEP') via designating the SEP area, with associated operating legislation and plans, within the Burwood Local Environmental Plan 2012.

The Burwood SEP area is bounded by Ford Lane, Railway Parade, Belmore Street and Conder Street (refer to **Figure 1** below). It includes:

- Burwood Chinatown: a vibrant hub of some 30 plus premises known for its diverse food and drink offerings, the Burwood Hotel, shops, markets and public art.
- The eastern area of Burwood Road, opposite Burwood Chinatown and adjacent to Railway Parade, and extending to include the area of Ford Lane. This includes premises and businesses with frontages to Burwood Road.
- Emerald Square: located east of Burwood Road, and extending to Belmore Street and Wynne Street, it provides some 22 premises, with eateries, a childcare centre, shops within and an amusement centre in a podium. It also includes residential accommodation (apartments) located above the retail areas in three tower forms.
- Belmore Street that provides for a mix of licensed and unlicensed premises, including a late-night amusement centre, and areas of residential accommodation.
- Unity Place, an east-west public accessway that also provides a place for enhanced experiences, such as busking. The adjoining Burwood Grand development includes food and drink premises and shops that address this place including some with outdoor dining areas. Residential accommodation (apartments) is located above in tower forms.

- The future Burwood Place. A mixed-use development with frontages to Railway Parade, Emerald Square and Unity Place. It is planned with podiums that would include retail areas.
- Residential accommodation (apartments) is to be located above the podiums in tower forms.
- The Burwood Council Library, Council Offices, Corrective Services (also part of the mixed-use Burwood Grand development) and the future Burwood Cultural House which will provide for a seated theatre and studios.
- Other laneways and places, including Ford Lane, Clarendon Place, and Railway Square that offer opportunities for entertainment activities, for example busking.

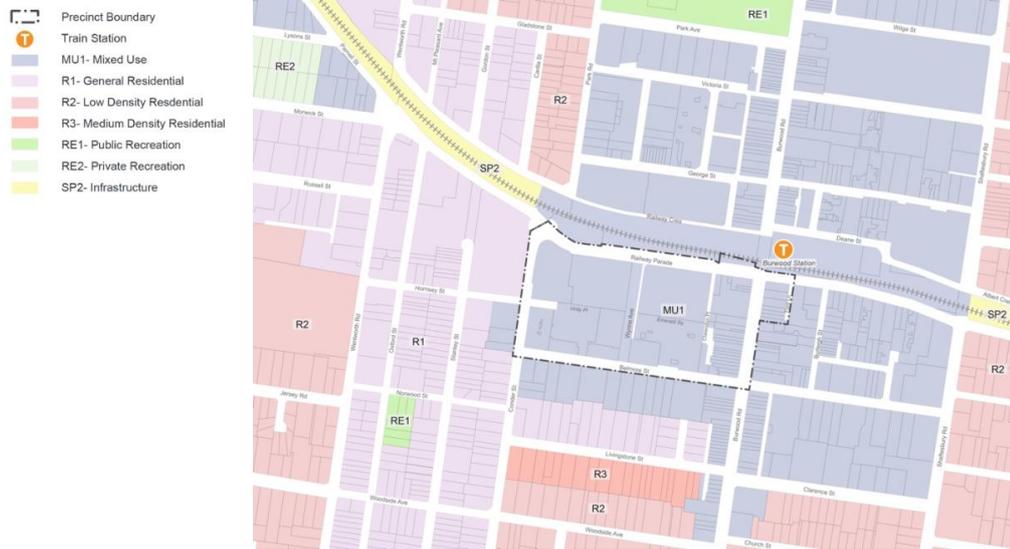


**Figure 1: Boundary of the proposed Burwood Special Entertainment Precinct**

The SEP area is part of the Burwood Town Centre, directly adjacent to the Burwood Railway Station, and immediately south of the railway line. On the edges of the SEP to the west and south, it forms a transition to the surrounding neighbourhoods of the Town Centre.

The rail station is a major transportation hub that provides for superior public transport access to and from Burwood and generates significant foot traffic. Buses directly service the area and include night ride buses. Active transport options including walking and cycling paths.

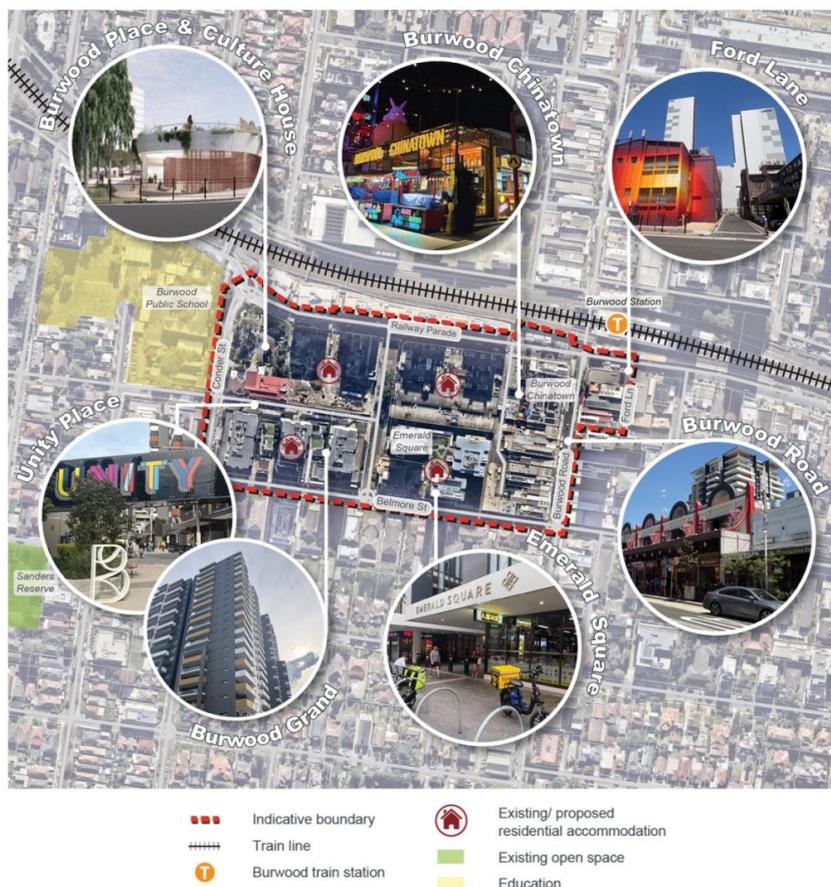
The land area of the Burwood SEP is zoned MU1 'Mixed Use' under the Burwood Local Environmental Plan 2012. This supports a broad land use activity mix of employment generating uses and housing, focused on public transport. Refer to **Figure 2** which provides an illustrative overview of the land use zoning of the site and surrounds.



**Figure 2: Land use zoning plan.** The land area is zone MU 1 Mixed Use under the Burwood LEP 2012.

The Burwood SEP area includes an array of licensed premises and unlicensed premises. In addition, public areas that provide for connectivity and places for enhanced activities. Sensitive receivers are also within and around the SEP. These receivers comprise residential accommodation (such as residential apartments and shop-top housing), childcare, places of public worship, the Burwood Public School and health service facilities (medical specialist rooms and medical centres). Residential accommodation is particularly prevalent within and around the Burwood SEP. Some of these sensitive receivers are occupied particularly in the night-time, especially residential accommodation.

Refer to **Figure 3** below which provides an overview of the land use character mix.



**Figure 3: Land use character mix of the Burwood SEP. Of note is the mix of licensed and unlicensed premises together with sensitive receivers such as residential accommodation.**

An important aspect of the Burwood SEP is to preserve the land use activity mix by mitigating the potential for sound conflict between commercial premises and sensitive receivers. This is through a sound management framework for entertainment sound and trading hours and provided by a SEPMP and an amendment to the Burwood DCP. Both these plans ultimately seek to achieve vibrancy, especially at night-time, whilst providing for neighbourhood amenity.

The SEP will provide a framework to make it clear to residents, premises, performers, Council, other authorities, developers, and other stakeholders what the expectations are for entertainment sound, including sound management and attenuation, and trading hours for the Burwood SEP area.

A trial period of 16 months for the Burwood SEP is to occur. This trial period provides the opportunity to:

- Assess the benefits and impacts of the Burwood SEP, across all seasonal trading periods;
- Allow premises within the Burwood Town SEP time to establish, resource and operate at optimum capacity including by the extended trading hours provided by a Special Entertainment Precinct Management Plan;
- Allow residents, businesses, licensed and unlicensed premises and the community to experience the entertainment activity sound requirements and trading hours of the Burwood SEP, evaluate it,

- and provide meaningful feedback to Burwood Council throughout the trial and at the conclusion;  
and
- Provide for Burwood Council the opportunity to receive effective community feedback, evaluate the SEP and, if necessary, 'fine tune' the entertainment sound requirements, trading hour requirements and/or compliance framework.

This Planning Proposal has been made in accordance with [section 3.33 of the Environmental Planning and Assessment Act 1979](#) and the Department of Planning, Housing and Infrastructure's [Local Environmental Plan Making Guideline \(2023\)](#).

The Planning Proposal should be read together with:

- **Attachment A** – Draft Burwood Special Entertainment Precinct Management Plan (SEPMP) prepared in accordance with the [NSW Special Entertainment Precinct Guidelines](#) and [section 202](#) of the Local Government Act 1993. This SEPMP applies to the SEP. It provides a sound management framework for sound emitted by an entertainment activity carried out by licensed premises and unlicensed premises, or on public areas, of the Burwood SEP. This includes sound attenuation guidance for trading and performing in public areas. The SEPMP also provides for the trading hours for licensed and unlicensed premises, and the compliance framework for disturbances related to entertainment sound and trading hours breaches.
- **Attachment B** – A draft amendment to the Burwood Development Control Plan (Burwood DCP). This proposes the section *Special Entertainment Precinct* to be added in the Burwood DCP. This section will support the SEP to provide for entertainment sound attenuation planning controls for new or relevant modified sensitive receivers (for example, developments with residential accommodation such as shop top housing), and new or modified licensed and unlicensed premises that may require a DA, so that these can suitably mitigate for noise impacts.
- **Attachment C** – Draft Special Entertainment Precinct Map for inclusion within the Burwood Local Environmental Plan 2012. This map supports the establishment of the Burwood SEP.
- **Attachment D** – Acoustic Report prepared by Renzo Tonin & Associates Pty Ltd, which has informed the sound requirements of the proposed SEPMP and the *Special Entertainment Precinct* section of the Burwood DCP.

This planning proposal has links to legislation, plans and policies to assist reading.

### **Conclusion**

The planning proposal identifies that the sought amendment to the Burwood Local Environmental Plan 2012, supported by an amendment to the Burwood Development Control Plan and the Burwood Special Entertainment Precinct Management Plan, has both strategic and site-specific merit.

It gives effect to strategic plans including *Greater Sydney Region Plan: A Metropolis of Three Cities*, *Eastern City District Plan* and the *Burwood Local Strategic Planning Statement*. It is consistent with other relevant strategic plans, relevant SEPPs and the Ministerial Directions. It would not result in detrimental environmental effects, and economic and social effects are expected to be overall positive, and it can be expected to be supported by the relevant infrastructure.

The planning proposal has been prepared with consultation. Burwood Council will continue this consultation through gateway assessment, and on gateway determination, formally exhibit the proposal in accordance with the gateway requirements. As such, the Burwood SEP will be informed by consultation and engagement.

It is therefore recommended that the planning proposal progresses through gateway assessment/determination by the NSW Department of Planning, Housing and Infrastructure.

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## 2.0 Background

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On the 30<sup>th</sup> of April 2021, [section 202](#) of the *Local Government Act 1993* was gazetted by the NSW Government enabling Councils to establish a Special Entertainment Precinct.

In May 2024, Burwood Council sought NSW Government support and funding to establish its first Special Entertainment Precinct (SEP) being the 'Burwood SEP' through a 16-month trial. (The SEP area outlined in **Figure 1** earlier).

Burwood Council received funding in March 2025 from the NSW Government to establish the Burwood SEP. The funding provided the Council the ability to prepare a Planning Proposal, SEP Management Plan and the amendments to the Burwood DCP to overall support the establishment of the Burwood SEP.

A Council resolution of the 29<sup>th</sup> of April 2025 resolved to expand the boundary area of the SEP to include Ford Lane.

Burwood Council through the SEP preparation process advised the inclusion of 'Railway Square' located on Railway Parade also as part of the Burwood SEP area.

In August 2025, Council tendered to seek urban planning, acoustic and communication experts to help develop the Burwood SEP. This included a strategic planning team to prepare the Planning Proposal, Special Entertainment Precinct Management Plan and amendments to the Burwood Development Control Plan, together with input from an acoustic engineer, and a marketing and communications team to assist with those aspects of the SEP.

Experts were engaged, being Studio GL and JR & Co (Urban) to undertake the strategic planning for the SEP, and Reactivate Consulting, with Polymer Studios and Goodness, to undertake communications, engagement and marketing. Renzo Tonin & Associates were engaged to provide acoustic advice, which has informed the sound requirements for the SEP.

Working with Burwood Council, Renzo Tonin and Associates, Reactive Consulting, with Polymer and Goodness, Studio GL and JR & Co (Urban) have therefore prepared:

- The Planning Proposal (this document);
- The Burwood SEP Precinct Management Plan (refer to Attachment **A**)
- Special Entertainment Precinct section in the Burwood DCP 2025 (refer to Attachment **B**)
- Copy of the Special Entertainment Precinct for the Burwood LEP 2012 (Attachment **C**)
- Acoustic Report supporting the SEP (Attachment **D**)

As part of preparing the planning proposal initial contact has been made with relevant agencies. However further community and stakeholder consultation will be undertaken, as outlined further in this planning proposal, including on a gateway determination.

### 3.0 Objectives and intended outcomes

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The objectives and intended outcomes of the Planning Proposal are to:

- Endorse the Burwood SEP as a vibrant area featuring a diverse range of licensed premises and unlicensed premises including food and drink premises, amusement centres, shops, as well as places for live music and performances in venues, or on public areas with busking.
- Support the night-time economy of Burwood Town Centre through the Burwood SEP which would operate from morning, through the day, and into the night.
- Balance the vibrancy demands of licensed premises and unlicensed premises who carry out an entertainment activity, with the amenity requirements of sensitive receiver development, particularly residential accommodation, through a sound management framework for entertainment sound and trading hours for premises.
- Establish the requirements and controls for entertainment sound and trading hours to appropriately achieve vibrancy whilst providing amenity, through a proposed SEP management plan (SEPMP) and an amendment to the Burwood Development Control Plan.
- Provide for a clear compliance framework for entertainment sound disturbances and trading hours breaches if and where these arise in the Burwood SEP.

### 4.0 Explanation of provisions

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The objectives and intended outcomes of the Planning Proposal will be achieved by amending the Burwood Local Environmental 2012. Specifically, to amend Clause 6 of the Burwood LEP 2012 to include the following new clause outlined as follows:

#### *Clause 6.9 Special Entertainment Precinct*

##### *Special Entertainment Precinct*

- This clause applies to land identified as the "Burwood Special Entertainment Precinct" on the Special Entertainment Precinct Map.*
- For the Local Government Act 1993, section 202, a special entertainment precinct is established on the land to which this clause applies.*

*A special entertainment precinct is defined in section 202B and 202D of the Local Government Act as where a single premises, precinct or other defined locality is identified in a local environmental plan by council or in a State Environmental Planning Policy by the Minister for Planning and Public Spaces either at the request, or with the endorsement of a council, and trading hours and sound from the entertainment activity is regulated by a precinct management plan.*

#### **Mapping**

A Special Entertainment Precinct Map is to be added to the Burwood Local Environmental Plan 2012 *Additional Local Provisions* Maps, to enable Clause 6.9 of the Burwood LEP. A draft of this map is provided at **Attachment C**. An extract of this map is provided at **Section 6.0** of this planning proposal.

This map will designate the land area of the Burwood Special Entertainment Precinct and enable Clause 6.9.

The intended effect of the amendment to the Burwood Local Environmental Plan 2012, and an overview of the accompanying documents to give effect to the amendment, are discussed below under Section 4.1 and Section 4.2.

#### 4.1 Intended effect

The intended effect of the proposed amendment to the Burwood Local Environmental Plan 2012 to establish the Burwood SEP is to provide clarity to premises, performers, residents, developers, NSW Police, and the regulatory officers of Liquor and Gaming NSW and Burwood Council of the expectations for entertainment sound and trading hours of the Burwood SEP. Specifically, the appropriate level of entertainment sound to be emitted from an entertainment activity carried out by licensed and unlicensed premises and on public areas, and the trading hours for premises, in the Burwood SEP area.

This would support licensed and unlicensed premises of carrying out an entertainment activity. It will also support enhanced experiences on public areas of the SEP, such as busking.

It would support and enhance the vibrancy of the Burwood SEP, especially at night-time, and support for sensitive receivers within the SEP (particularly residential accommodation) with appropriate sound amenity.

It would also support new or relevant modified sensitive receiver development in and around the SEP to incorporate adequate sound attenuation measures for entertainment sound. In addition, new or modified retail premises to provide for adequate sound attenuation to mitigate the impact of entertainment sound.

#### 4.2 Accompanying documents

To operate a SEP in accordance with section 202 of the *Local Government Act 1993*, two (2) documents are required to give effect to the Burwood LEP 2012 clause. These are a Special Entertainment Precinct Management Plan (SEPMP) and an amendment to the Burwood Development Control Plan (DCP). The purpose and effect of these documents are detailed below.

##### **Burwood Special Entertainment Precinct Management Plan**

Section 202D(2) of the *Local Government Act 1993* requires Council to prepare a precinct management plan for the SEP:

*(2) Before the special entertainment precinct is established, the council for the area in which the special entertainment precinct will be located must prepare a plan (a precinct management plan) that provides for the following—*

- (a) the trading hours for premises in the special entertainment precinct,*
- (b) the regulation of sound from entertainment activity from premises in the special entertainment precinct,*
- (c) that the process for managing complaints in relation to licensed premises in the proposed special entertainment precinct is the process set out in the [Liquor Act 2007](#), Part 5, Division 3.*

Section 202D(4) of the *Local Government Act 1993* requires Council to publish the precinct management plan on the Council's website for the area of the proposed special entertainment precinct.

A Special Entertainment Precinct Management Plan (SEPMP) has been prepared for the Burwood SEP ('Burwood Special Entertainment Precinct Management Plan') in accordance with the *NSW Special Entertainment Precinct Guidelines* with a copy provided at **Attachment A**. The SEPMP is a principal document for the Burwood SEP to provide entertainment sound requirements and trading hours for premises. The sound criteria within the SEPMP have been developed in response to the

acoustic engineering input of Renzo Tonin & Associates. Refer to **Attachment D** for a copy of their acoustic report for the SEP.

The Burwood SEPMP includes the following:

- The vision and objectives of the SEP;
- It's application – to licensed premises and unlicensed premises, and to public areas (busking);
- Operation of development consents and complying development certificates in the Burwood SEP with regards to consent conditions for entertainment sound, trading hours, and live entertainment;
- Operation of liquor licenses;
- Monitoring and evaluation processes for the SEP;
- Suspension or revoking thresholds for the SEP;
- Sound management framework – entertainment sound requirements for an entertainment activity carried out by licensed premises and unlicensed premises (venues), and on public areas (being busking);
- Sound attenuation guidance – examples to achieve the entertainment sound requirements for premises trading and busking;
- Sound requirements for new or relevant modified sensitive receiver development;
- Trading hours - for venues, and for unlicensed premises/businesses that do not carry out an entertainment activity (non-venues);
- Listing of premises/venues that may continue to trade with hours later than the SEPMP (in accordance with their development consent);
- Planning guidance with respect to the application of the SEPMP to new and modified premises, existing premises and busking; and
- Compliance framework for entertainment sound disturbances and trading hours breaches.

It is noted that the SEPMP does not apply to public events or similar in the SEP. These would be handled by a separately regulatory framework.

The SEPMP is intended for venues, businesses, residents, community, performers, Liquor and Gaming NSW (L&GNSW), Burwood Council, NSW Police, and industry to understand the requirements and responsibilities for entertainment sound and premises trading hours whilst living, working and operating premises in the Burwood SEP.

It supports venues to manage the entertainment sound emitted from their premises. It also supports for performers to appropriately undertake busking in the SEP.

It also allows residents, or other sensitive receiver development, to understand the sound levels they should expect at their property.

### **Sound management and trading hours**

#### Sound management

The SEPMP provides sound management requirements for entertainment sound in the SEP.

'Entertainment sound' relates to an entertainment activity carried out by licensed and unlicensed premises, and on public areas, of the SEP. The definition of an entertainment activity is provided under [section 202A of the Local Government Act 1993](#). The *NSW Special Entertainment Precinct Guidelines* described it as:

*...means an activity carried out for purposes of entertaining members of the public, including live or recorded music. It includes other performances and activities carried out for purposes entertaining the public, for example karaoke, trivia, bingo and comedy and private functions in licensed premises which provide hospitality services, for example a wedding, party or ticketed event, or the provision of food and drink services whether accompanied by entertainment or not. It includes the set up and pack*

*down, rehearsals and sound checks, entry and exit of patrons from premises and other activities on the premises by patrons and staff.*

For the purposes of the sound management requirements in the SEPMP, licensed and unlicensed premises in the Burwood SEP that carry out an entertainment activity are termed as 'venues' as they may emit entertainment sound. For example, food and drink premises such as cafes, restaurants, pubs, an amusement centre, and similar, are entertainment activities as they may emit entertainment sound during their trading. This includes the use of outdoor areas adjacent to shopfronts or facades, such as for outdoor dining.

For the purposes of sound management requirements to public areas in the SEP this is for busking. Other entertainment activities on public areas of the SEP, where they may occur will be under separate regulatory frameworks. For example, a public outdoor event.

The SEPMP therefore provides for entertainment sound requirements for:

- Existing venues – established licensed and unlicensed premises that carry out an entertainment activity;
- New or modified venues – new licensed and unlicensed premises that plan to carry out an entertainment activity; and
- An entertainment activity on public areas - busking.

New or relevant modified sensitive receiver development requirements are also provided. However, these premises would be expected to largely refer to the *Special Entertainment Precinct* section of the Burwood DCP 2025 for the planning controls.

#### *Regulation of entertainment sound*

Entertainment sound is to be regulated through sound criteria provided by *Sound Category Areas* and *Internal Sound Criteria*.

Sound Category Areas (SCAs) set an allowable noise level for the noise generated by venues. Sound Category Area noise limits are external noise levels, measured at the frontage of receiver properties. The SCA noise limit is measured either at the ground floor of the site boundary/building façade line, and or at the facade/balcony line where these are located above a ground floor, and follow built or planned building envelopes in locations of the SEP.

Ultimately the noise limits are so that entertainment sound that is emitted from venues can achieve appropriate sound amenity for a sensitive receiver (such as residential accommodation) in and around the SCA, whilst providing for trading vibrancy.

For the purposes of the SEP, a 'sensitive receiver' is development comprising residential accommodation, tourist and visitor accommodation, a place of public worship, a hospital, a medical centre, respite day care centres and an educational establishment or centre-based childcare facility. Within the SEP, there are significant areas of residential accommodation being residential apartments including within shop top housing forms. Accordingly, these are the predominant sensitive receivers.

The Burwood SEP outlines different SCAs with their own sound/noise levels. These are SCA 3 (pink), SCA 4 (navy blue), SCA 5 (green) and SCA 6 (light blue). These set appropriate noise limits, providing for vibrancy whilst supporting amenity in and around the SEP for sensitive receivers. SCA 3 is the highest sound emitting category for the precinct, with SCA 6 the lowest sound emitting category. Generally, the retail core of the Burwood SEP and podiums are of SCA 3, transitioning above to SCA 4 (for residential towers), then SCA 5 and SCA 6 towards the boundaries and edges of the SEP. See **Figure 4** for the Burwood SEP SCAs.



**Figure 4: Burwood Sound Category Areas (SCAs).**

A venue would generally consider the lowest Sound Category Area that they may be in proximity to, as a baseline for noise limits and any necessary sound attenuation.

Figure 5 below provides an example on Belmore Street.



**Figure 5. Sound Category Area – Belmore Street section example.**

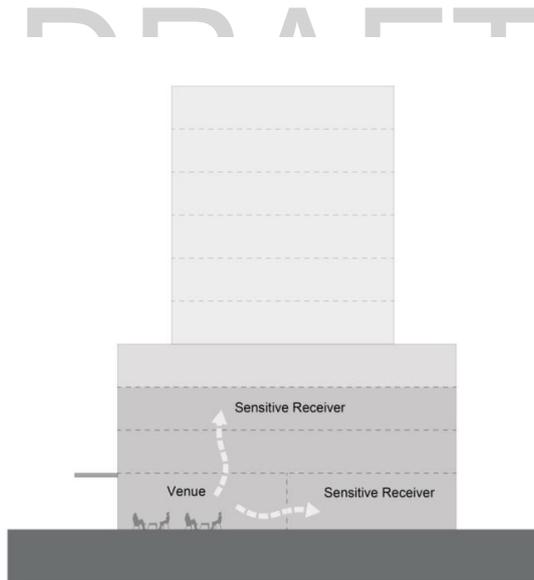
Here different SCAs are shown in the section. The purple (SCA 3), navy blue (SCA 4) and green (SCA 5) reflect the noise levels that may need to be appropriately considered by the venue trading in this scenario. At this location a licensed premises on Belmore Street with outdoor dining would need to consider SCA 5 (green) to respond to the residential apartments directly opposite being the lowest receiver, SCA 4 (navy blue) being the tower residential apartment located above, and finally SCA 3 (purple) being other retail and commercial premises located directly above in the podium. Ultimately the sound/noise levels of SCA 5 (green) would need to be satisfied for the premises to trade in this example with respect to achieving the sound/noise levels and applying any sound attenuation. For example, removing outdoor seating at a certain time at night (e.g. 10.00pm), and closing the shopfront windows to allow internal trading to continue up to 2.00am.

A Sound Category Area does not address the following:

- Noise through common walls/floors when a venue adjoins a sensitive receiver; and
- Regulation of noise levels in internal spaces of sensitive receivers within the SEP due to outside noise ingress (via the building façade).

For this Internal Sound Criteria addresses situations where sound emitted from a venue is located within the same or an adjacent building that is attached to a sensitive receiver therefore the sound is transferred through the building envelope, such as through a wall or ceiling or floor. Sound criteria are then applied to the appropriate level of entertainment sound to the adjoining sensitive receiver. This may necessitate an appropriate sound attenuation response by a new or relevant modified venue, for example with ceiling or wall treatment.

See **Figure 6** below.



**Figure 6. Internal Sound Criteria.** The sound transferred to an attached sensitive receiver through the building envelope.

Sound attenuation guidance is also provided by the SEPMP, which provides examples for trading in precinct areas, to demonstrate how the sound criteria could be achieved by venues.

For busking in the SEP, dedicated locations for this entertainment activity are provided in the SEPMP to support these to easily operate through a busking permit from Burwood Council. These are Unity Place, Emerald Square/Clarendon Place and Railway Square. Sound attenuation guidance is also provided in the SEPMP to assist performers/artists with respect to the type of performance to be undertaken. This relates to when amplified music and musical instruments may need to cease to provide sound amenity to adjacent sensitive receivers.

The SEPMP does not regulate sound from unlicensed premises/businesses that do not provide for an entertainment activity (i.e. non-venue), for example a shop or a business. This is because they would not emit entertainment sound.

The SEPMP also does not provide sound requirements for:

- Vocal noise from people in the public domain;
- Plant or machinery or other industrial noise;
- Vehicular or traffic or aircraft noise;
- Sound from a public event in the SEP.

These would remain under separate regulatory framework.

#### Trading hours

The SEPMP provides for maximum trading hours of 7.00am to 2.00am for the Burwood SEP.

To achieve the maximum, a premises must be able to satisfy the sound criteria. Accordingly, the specific trading hours for a premises is ultimately shaped by the premises achieving the entertainment sound requirements. For example, if a venue seeks to operate later than in accordance with the trading hours of the SEPMP, they will need to demonstrate compliance with Sound Category Area/s so that sensitive receivers retain sound amenity. If the venue is attached to a sensitive receiver, by being in the same building (e.g. shop-top housing), the venue will need to demonstrate compliance with the Internal Sound Criteria.

The sound attenuation guidance provided within the SEPMP also demonstrates what is possible within the maximum trading hours across precincts of the SEP, when considering the entertainment sound requirements of the SEP. For example, indoor versus outdoor trading. However, premises would need to seek verification from an acoustic consultant to seek later trading to ultimately best determine compliance.

Listed venues are also identified by the SEPMP so that they may continue to trade at night-time in accordance with their development consent. This ensures that these venues are not provided with a reduction in their trading hours by being located within the Burwood SEP. Of note, this would presently relate to the Burwood Hotel.

Business and unlicensed premises who don't carry out an entertainment activity (non-venue), trade only indoor, and are therefore low impact are provided also with similar trading hours of 7.00am to 2.00am. This is so that they may trade appropriately later, supporting the vibrancy of the SEP, and may also take advantage of the additional foot traffic.

With respect to busking on public areas, the operating hours would be provided on a busking permit from Council. The sound attenuation guidance provided in the SEPMP may however guide when certain types of busking activity have to cease, therefore suitably controlling how they may operate.

#### **Compliance**

The SEPMP provides a compliance framework for:

- Entertainment sound disturbances from licensed premises and unlicensed premises (venues), and from an entertainment activity on public areas (busking); and
- Trading hours for licensed premises and unlicensed premises of the SEP.

This has been drafted on knowledge of common practice. However, it is noted that it may be further refined as a result of the feedback from consultation processes with authorities and stakeholders through the making of the SEP.

#### Entertainment sound disturbances from Venues

Entertainment sound disturbances for licensed premises are to be handled by L&GNSW. Entertainment sound disturbances for unlicensed premises are to be handled by Burwood Council. Compliance processes will vary depending on the nature of the complaint. Processes are summarised below.

#### *Licensed Premises – L&GNSW*

L&GNSW encourages a process prior to lodging a noise complaint whereby the licensed premises are contacted directly by the complainant, to seek to resolve the issue directly first, with the venue.

Following receipt of then any noise complaint, L&GNSW will handle the complaint through their procedures and in accordance with [Part 5](#) of the *Liquor Act 2007*.

The noise complaint would be assessed on a risk-based approach to determine the best course of action.

L&GNSW would need to be satisfied that the premises have exceeded the entertainment sound requirements for venues of the SEPMP. This may necessitate further information to substantiate.

L&GNSW can then determine an appropriate response to the complaint. Where an exceedance is identified against the entertainment sound requirements of the SEPMP, this may involve first undertaking an educative approach to remind the licensed premises of requirements of the Burwood SEPMP and seek a commitment from premises to resolve the sound disturbances appropriately including within a time period.

If further complaints are received, then more focused guidance to resolve the disturbance would be considered by L&GNSW.

Enforcement action may be ultimately determined in accordance with Part 5 of the Liquor Act 2007 and would be dependent on the nature of the sound exceedance, the complaint and the compliance history.

Licensed premises may also be ultimately removed from the SEP, if and where there are on-going disturbances and limited commitment by the premises to resolve.

Further consultation through the SEP making may also refine the L&GNSW processes with the SEP.

#### *Unlicensed Premises – Burwood Council*

For unlicensed premises, Burwood Council encourages prior to lodging a complaint that the unlicensed premises are first contacted directly by the complainant. This is to seek to resolve the issue directly first with the premises.

Following receipt of any sound complaint after this process, and pending the information received, Council can then investigate.

Council will need to be satisfied that the premises have exceeded the entertainment sound requirements for venues within the SEPMP.

The unlicensed premises would be initially contacted for a response. This may also require further information to substantiate a noise complaint through other investigative processes.

If the premises are found to be operating in accordance with the entertainment sound requirements of the SEPMP, then the complainant and the premises would be provided with feedback.

If the premises are found to be exceeding the entertainment sound requirements of the SEPMP, Burwood Council may take an educative response to remind the unlicensed premises of their requirements under the Burwood SEPMP. Council would seek a commitment from premises to resolve the sound disturbance appropriately, including within an agreed period.

If further noise complaints are received, Burwood Council may decide mediation is required between the complainant and the premises to resolve the disturbances.

If ongoing disturbances do continue to occur, Burwood Council would consider further approaches for resolution.

It is understood Council retains enforcement powers, such as under the *Protection of the Environment Operations Act 1997*, where the entertainment sound emitted during operation is in exceedance of the entertainment sound requirements of the SEPMP.

Unlicensed premises may also be ultimately removed from the SEP, if and where there are on-going disturbances and limited commitment by the premises to resolve.

#### *Public area sound disturbances*

The SEPMP includes a framework for sound disturbances that relate to busking. Noting the temporary nature of these activities, the response by Burwood Council would mainly be an educative approach. However, ultimately the location for these activities in the Burwood SEP can be reviewed by Burwood Council if on-going complaints do evolve.

#### *Role of NSW Police*

The NSW Police would retain their powers to investigate anti-social behaviour or similar in accordance with policing powers.

Where they are contacted regarding an entertainment sound complaint, NSW Police would relay these to L&GNSW for licensed premises. For unlicensed premises, or an entertainment activity on a public area, of the SEP the NSW Police would attend entertainment sound complaints but for largely where these are outside standard Burwood Council operating hours.

Where the NSW Police attend a noise complaint, they will attempt to resolve issues directly with the premises and may contact the complainant to relay the premises response.

If the noise complaint does require immediate action and is for licensed premises, NSW Police may issue an improvement notice under the Liquor Act 2007. The NSW Police may subsequently make a statutory disturbance complaint to L&GNSW in response.

NSW Police are understood to be granted powers under the *Protection of the Environment Operations Act 1997* to conduct noise investigations, and this would be where the sound received is considered to not be in accordance with the SEPMP.

Further consultation through the SEP making process may additionally refine the NSW Police compliance processes that will apply within the SEP.

Trading hours breaches

Burwood Council will investigate complaints for licensed premises and unlicensed premises relating to trading hours. This includes whether they are a venue or non-venue.

Burwood Council will also investigate any operating breaches for busking in the SEP.

Council will need to substantiate that the premises are not in accordance with the trading hours of SEPMP (including those venues/premises listed in the SEPMP who are permitted to trade later). This may require an investigative process to determine.

Burwood Council will contact the premises/operator regarding a trading hours complaint and then seek to determine the best approach to achieve compliance with the SEPMP.

With respect to busking, noting the temporary nature of these activities, Council would undertake an educative approach with performers.

**Special Entertainment Precinct section of Burwood Development Control Plan**

The *Burwood Development Control Plan* (BDCP) supports the planning controls of the Burwood Local Environmental 2012.

The *Special Entertainment Precinct Guidelines* identifies the preparation of a DCP for a SEP. This is especially for new or modified sensitive receiver development, so that they may be suitably designed to mitigate against entertainment sound. The DCP is for new or modified premises (venues) that require a development application as they do not satisfy being lawfully established or modified through alternative planning pathways of exempt or complying development under *State Environmental Planning Policy (Exempt and Complying Codes) 2008 'Codes SEPP'*.

To respond to the Guidelines, an amendment to the BDCP has been drafted. The amendment titled *Special Entertainment Precinct* is provided at **Attachment B**. It is proposed that this will form a section within the Burwood Development Control Plan on the making of this Burwood LEP amendment.

The *Special Entertainment Precinct* section of the Burwood DCP provides for sound controls for new or relevant modified sensitive receiver development, or for new or modified premises (venues) that require a Development Application (DA). The planning controls require these development's to be designed to mitigate the impact of entertainment sound. It ultimately supports the future proofing of the Burwood SEP against the impact of entertainment sound through building design, especially façade design and internal fit outs.

The amendment to BDCP sets out a series of planning controls that:

- Identify sensitive receiver development, such as residential accommodation, that require sound attenuation from entertainment sound in the SEP;
- Identify new or modified licensed and unlicensed premises (venues) that require a DA and the sound criteria they would need to comply with;
- The noise levels that would need to be complied with by sensitive receiver development or new and modified premises; and
- Requirements for where trading hours are to be sought greater than the SEPMP hours.

To ensure consistency, the *Special Entertainment Precinct* section to the Burwood DCP complements the sound criteria within the SEPMP – therefore is based upon the same Sound Category Areas and Internal Sound Criteria. This ensures a consistent approach to the sound management framework for the Burwood SEP.

**JR & Co.**  
(URBAN)

*Planning Proposal  
Burwood SEP*

The sound criteria within this proposed section of the Burwood DCP have therefore also been developed in response to the acoustic input of Renzo Tonin & Associates. Refer to **Attachment D** for a copy of their acoustic report.

The *Special Entertainment Precinct* section of the Burwood DCP would be used by residents, developers, new or modified premises that require a DA, Burwood Council and the Local Planning Panel to ensure that future development in and around the SEP is suited to the sound levels of the Burwood SEP. This will provide for residents, and the occupants of other sensitive receiver development, suitable sound amenity. In addition, new or relevant modified premises can trade appropriately with respect to reducing the impact of entertainment sound that they may emit.

DCP Mapping

The proposed amendment to the Burwood DCP also includes mapping. The mapping designates Sound Category Areas to support the amendment to the Burwood Development Control Plan.

The mapping identifies properties on and around the SEP land area within a Sound Category Area. The SCAs determine the exposure of entertainment sound at property frontages and is then used to predict sound levels. This then affects the sound attenuation response of new or relevant modified sensitive receiver development (for example, the façade design of residential accommodation), to provide for appropriate sound amenity. Refer to **Section 6.0** which illustrates the SCA ma

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**5.0 Justification**

This section provides for an assessment of the strategic and site-specific merits of the planning proposal.

**5.1 Section A - Need for the planning proposal**

***Question 1: Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report***

The planning proposal is a response to NSW Government investment and a Council resolution to create the Burwood SEP, NSW legislation that supports the SEP, and to achieve planning priority and related actions under the endorsed Burwood Local Strategic Planning Statement (LSPS). It is also consistent with relevant strategies and is a result of an acoustic report for the SEP. These are detailed below.

**NSW Government investment and Council resolution to create the SEP**

The planning proposal is in response to government endorsement to create the Burwood SEP. NSW Government funding was received in late March 2025 as part of a 'kick start' investment program of Special Entertainment Precinct's.

In April 2025, Council endorsed the area of the Burwood SEP to include Ford Lane as outlined by **Table 1**.

**Table 1: Council resolutions**

<b>Resolution</b>	<b>Date</b>	<b>Content</b>
Endorsed the Burwood SEP to include Ford Lane	29 April 2025	Increased the area of the Burwood SEP to be Burwood Road, Ford Lane, Railway Parade, Belmore Street and Conder Street.

This planning proposal has been made to fulfill these Burwood Council resolution.

**Special Entertainment Precincts under the NSW Local Government Act 1993**

Section 202C of the *Local Government Act 1993* enables the establishment of Special Entertainment Precincts by a Council. This planning proposal has been informed by the NSW legislation.

**Burwood Local Strategic Planning Statement (LSPS)**

The Burwood Local Strategic Planning Statement (Burwood LSPS) provides for Council's 20-year vision for land use planning in Burwood and provides for a set of priorities and actions to achieve that vision. It was prepared by Burwood Council to meet the requirements of section 3.9 of the *NSW Environmental Planning and Assessment Act 1979* (As Amended). The LSPS was publicly exhibited during August-September 2019, endorsed by Council on 11 February 2020, and supported by the Greater Sydney Commission on 12 March 2020.

The Burwood LSPS is organised into 17 Planning Priorities for the land use planning of Burwood.

*Planning Priority 7 – 'Grow Burwood's night-time entertainment, dining and other recreational opportunities'* directly supports this planning proposal. This planning priority is supported by two actions:

- 7.1 Improve and diversify Burwood's night-time economy as informed by the Employment and Investment Strategy and Urban Design Study and Masterplan; and
- 7.2 Develop appropriate mitigation and management measures to address noise management to ensure desired amenity and public domain outcomes can be achieved.

The Burwood SEP directly responds to these two actions. With respect to Action 7.1, the proposal supports Burwood's night-time economy. It enables the Burwood SEP as a night-time area, with a framework for entertainment sound and trading hours, that facilitate its appropriate operation.

With respect to Action 7.2, the SEP provides for mitigation and management measures for noise management whilst supporting vibrancy and providing amenity. The measures include the SEPMP and the amendment to the Burwood DCP.

The SEPMP provides entertainment sound requirements for an entertainment activity to be carried out by licensed premises and unlicensed premises (venues), or on a public area (busking), in the SEP. This includes sound management guidance to achieve the entertainment sound requirements. It also provides the trading hours for venues and premises, which also support the entertainment sound provisions, to support night-time vibrancy whilst providing for amenity to sensitive receivers and particularly the significant area of residential accommodation.

The *Special Entertainment Precinct* section of the Burwood DCP provides sound attenuation requirements for new or relevant modified sensitive development. For example, shop-top housing or mixed-use development with residential accommodation. In addition, sound attenuation requirements for new or modified premises (venues) that would carry out an entertainment activity and require a development application. Therefore, it mitigates the potential of entertainment sound disturbances through building design and fit out.

Therefore, the SEPMP and the amendment to the Burwood DCP would provide for appropriate mitigation measures to manage entertainment sound and trading, supporting night-time vibrancy, whilst providing for sound amenity to the neighbourhood within and surrounding the SEP.

Accordingly, the planning proposal to establish the Burwood SEP can be seen as a result of the priority and actions of the Burwood LSPS, noting the consistency against.

#### **Relevant strategies**

The planning proposal is also a result of endorsed relevant Burwood Council strategies that have identified the need for a Special Entertainment Precinct in Burwood.

Of note:

- [Burwood After Dark Strategy 2023](#) - provides for the 'Focus Area 1 – Place' with relevant plan Action 1.1 within, that identifies the creation of a Special Entertainment Precinct in Burwood; and
- [Creative Burwood Strategy 2025-2035](#) – provides for *Focus Area 1 – Cultural Opportunities* with corresponding 'Goal 1.1 increase the number of arts and cultural facilities and spaces' with relevant plan Action 1.1.4 within, that also identifies the creation of a Special Entertainment Precinct in Burwood.

Both these endorsed strategies, and the consistency of the Burwood SEP to them, are discussed in further detail under response to **Question 4** of the planning proposal.

#### **Precinct acoustic report**

The planning proposal is supported by a Burwood Special Entertainment Precinct Management (Attachment A) and a proposed amendment to the Burwood Development Control Plan (Attachment B).

Both these documents support the establishment of the Burwood Special Entertainment Precinct in the Burwood Local Environmental Plan 2012. Importantly they provide for the sound management and trading hours management framework, as outlined earlier under Section 4.2 of the Planning Proposal.

The preparation of both these documents is a result of an acoustic report/study prepared by Renzo Tonin and Associates for the Burwood SEP. This acoustic report has developed the sound requirements for the area of the Burwood SEP and the sound criteria of Sound Category Areas (SCAs) and an Internal Sound (Noise) Criteria. This report has also provided sound attenuation guidance as outlined in the SEPMP, to assist trading and undertaking busking in the SEP.

The acoustic report development has been supported with site and acoustic surveys, review of planning consents, and consideration of appropriate terms of reference including NSW Government *Special Entertainment Precinct Acoustic Toolkit*.

A copy of the Acoustic Report prepared by Renzo Tonin and Associates is provided with the planning proposal at **Attachment D**.

**Question 2: Is the planning proposal the best means of achieving the objectives or intended outcomes is there a better way?**

The Burwood Town Centre is a popular precinct and attracts a range of visitors both day and night.

The proposed Burwood SEP area is a key component of the town centre's attraction and offers a variety of licensed premises and unlicensed premises, and many provide for entertainment activities such as food and drink, amusement venues and other.

The objective and intended outcomes of the SEP is to establish the Burwood SEP in the Burwood LEP, with a sound management framework for entertainment sound and trading hours. This is to overall support vibrancy in the SEP whilst providing amenity to sensitive receivers, such as residential accommodation, within and around the area.

The planning proposal is therefore considered the best means to achieve the objectives and intended outcomes.

The SEP is to be provided with a sound management framework for an entertainment activity to be appropriately carried out.

The SEPMP will provide for venues, or an entertainment activity on public areas, within the SEP to appropriately operate through entertainment sound requirements. This is especially at night-time.

This provides for sensitive receiver development, such as residential accommodation, within the SEP to identify the appropriate amount of entertainment sound to be received at their properties, including through their building if they are attached to venues (i.e. shop-top housing development such as Emerald Square and Burwood Grand).

Therefore, it supports vibrancy and provides for amenity to sensitive receivers.

The SEP also sets appropriate trading hours (through the SEPMP) that venues and businesses/unlicensed premises can operate, including for night-time trading. This works together with the entertainment sound requirements to achieve amenity for sensitive receivers, whilst supporting vibrancy.

The proposed *Special Entertainment Precinct* section to the Burwood DCP provides for planning controls for sound attenuation, and to guide the appropriate development of new or relevant modified sensitive receiver development to achieve applicable sound levels. This supports the 'futureproofing' of the Burwood SEP to entertainment sound, by mitigating for the potential impact of sound through building design processes. In addition, it provides new or modified premises (venue) that require a DA, sound attenuation requirements, further mitigating entertainment sound impacts, including where they may be attached to a sensitive receiver.

The planning proposal is considered the best means to achieve the objective and intended outcomes. It establishes the SEP in the Burwood LEP and with a sound management framework for entertainment sound and trading hours that support vibrancy, especially for night-time activity, whilst providing amenity to sensitive receivers.

Alternatively, the current case-by-case development application approach could remain rather than the SEP approach sought by this planning proposal for the area. However, this would not employ the entertainment sound requirements as proposed, which is considered better acoustically to support the broader night-time vibrancy sought for the precinct, balanced with reasonable sound amenity. This would remain to employ a background noise level approach to sound, which is generally considered more acoustically restrictive. A case-by-case approach is also more onerous overall, including relying on numerous development applications to facilitate for later night trading, which therefore does not support planning efficiencies.

Accordingly, the planning proposal is considered the best means overall to achieve vibrancy whilst providing sound amenity in the applicable area.

## 5.2 Section B – Relationship to strategic framework

### **Question 3: Will the planning proposal give effect to the objectives and action of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

The applicable regional and district plans to the planning proposal are:

- Greater Sydney Region Plan: A Metropolis of Three Cities; and
- Eastern City District Plan.

The planning proposal response to these are outlined below.

#### **Greater Sydney Region Plan: A Metropolis of Three Cities**

The Greater Sydney Region Plan: Metropolis of Three Cities provides for a 40-year vision to 2056 and a 20-year framework for managing growth across Greater Sydney. It aligns land use with transport, and infrastructure policies for Greater Sydney including the *Future Transport 2056* (Transport for NSW) and the *State Infrastructure Strategy* (Infrastructure NSW).

The region plan provides a set of objectives within the directions set out in *Ten Directions for a metropolis of three cities*.

Objective 9 of the region plan under Direction 'A city for people' is directly relevant to this planning proposal.

Objective 9 notes '*Greater Sydney celebrates the arts and supports creative industries and innovation*'. It states within this objective:

*'A vibrant and safe night-time economy enhances Greater Sydney's standing as a global city, while meeting the social and recreational needs of shift workers, young people and tourists and visitors. Stimulating the night-time economy supports dynamic places and boosts local economics. This generally occurs in mixed-use centres with adequate noise control, locally appropriate operating hours and safe late-night travel options'*.

The planning proposal gives effect to this objective of this Region Plan. Burwood is a mixed-use strategic centre, with a range of late-night travel options including rail, bus, car and active transport. The Burwood SEP will support a vibrant night-time economy, together with neighbourhood amenity, through a sound management framework for entertainment sound and trading hours requirements.

The planning proposal also gives effect to Objective 8 of the Region Plan. Objective 8 is '*Greater Sydney's communities are culturally rich with diverse neighbourhoods*'. The Burwood SEP supports the vibrancy of Burwood Chinatown and the Emerald Square localities within, enhancing the uniqueness of these places, and supporting the character and identity of Burwood which it is increasingly known for. As noted further, these places within the SEP, whilst being attractors to visitors and workers due to their character and offerings, are also part of the network of premises/venues that more broadly in Burwood provide places for residents and the community to interact.

The planning proposal also gives effect to Objective 12 of the Region Plan. Objective 12 responds to the Direction of the region plan '*A city of great places*'. Objective 12 is '*Great places that bring people*

*together*'. Within this, elements of a great place include those with a night-time economy as well as those that are safe. The Burwood SEP will support the night-time economy of Burwood, in addition, it supports it as a safe place by working alongside a 'Purple Flag accreditation' that is planned to also apply to the SEP.

### **Eastern City District Plan**

The [Eastern City District Plan](#) is a 20-year strategy that manages growth in the eastern city of Greater Sydney which Burwood is part of, and addresses economic, social, and environmental goals to support the district's long-term vision.

It builds on the objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities*.

Under the Eastern City District Plan, Burwood is identified as a 'strategic centre', supported by its housing and job mix.

Several planning priorities under the Eastern City District Plan are relevant to this planning proposal, which the proposal gives effect to. These are outlined below:

- *Planning Priority E4 – Fostering healthy, creative, culturally rich and socially connected communities*

Supporting cultural and creative experiences are mentioned under this Planning Priority. The planning proposal gives effect to this by implementing the Burwood SEP which provides, through the sound requirements of the SEPMP, the ability for fostering cultural and creative experiences. This includes providing for busking on dedicated public areas of the SEP.

The future Burwood Culture House also forms part of the SEP area, further fostering creative and cultural experiences.

In addition, under this Planning Priority it states '*Investigation of options to reduce regulatory burden for arts, creative and temporary uses as well as the night-time economy is essential*'. The planning proposal will give effect to this by implementing the SEP. The SEPMP reduces the regulatory burden for venues to operate at night-time, as it sets entertainment sound requirements and the trading hours for licensed premises and unlicensed premises. This includes by 'switching off' conditions in development consents and Complying Development Certificates for entertainment sound where they are inconsistent with the SEPMP and trading hours (where they are less than the SEPMP trading hours), and conditions for ceasing live entertainment in venues.

The SEPMP also provides support for licensed venues to have additional liquor licence trading hours where they host live music or other performance events, further fostering the opportunity for cultural and creative experiences in the SEP.

- *Planning priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage.*

Great places are identified under this planning priority, noting their unique character, identity and function and therefore ability to attract workers, visitors, businesses, residents and investment.

Of note to Burwood, under this Planning Priority it is specifically identified:

*"The district great places include local and strategic centres such as Bondi Junction, Green Square, Rhodes, Marrickville and Rockdale; beachside neighbourhoods like Bondi Beach and Tamarama Beach; and major shopping precincts and distinctive dining and night-time precincts such as Newtown and Burwood"*.

The Burwood SEP will give effect to this planning priority. It supports Burwood to remain and thrive as a strategic centre, with a distinctive dining and night-time economy.

By providing a framework for entertainment sound and trading hours that seek to balance vibrancy with neighbourhood amenity, the SEP will support and strengthen Burwood's distinctive dining and night-time character.

- *Planning priority E11 – Growing investment, business opportunities and jobs in strategic centres*

As noted earlier, Burwood is a strategic centre under the Eastern City District Plan. The planning proposal supports the night-time economy of Burwood by establishing the SEP in the Burwood LEP 2012. This will enable a framework for premises to trade and operate, through precinct-based entertainment sound requirements and trading hours.

The SEP therefore supports to reduce complexity, through a precinct-based management approach, with this anticipated as helping to maintain and encouraging investment in Burwood. Therefore, support to grow investment, businesses opportunities and jobs.

**Question 4: Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary of GCC, or another endorsed local strategy or strategic plan?**

#### **Burwood Local Strategic Planning Statement**

The planning proposal is consistent with the Burwood Local Strategic Planning Statement.

Of note is Planning Priority 7 – ‘Grow Burwood’s night-time entertainment, dining and other recreational opportunities’ of the Burwood LSPS.

This Planning Priority is supported by two Actions:

- *7.1 Improve and diversify Burwood’s night-time economy as informed by the Employment and Investment Strategy and Urban Design Study and Masterplan; and*
- *7.2 Develop appropriate mitigation and management measures to address noise management to ensure desired amenity and public domain outcomes can be achieved.*

As outlined under the earlier detailed response to **Question 1**, the planning proposal responds to the Planning Priority and the Actions of the Burwood LSPS.

It will support and encourage the Burwood night-time economy through the implementation of the Burwood SEP through the Burwood LEP 2012. It will include appropriate noise (sound) mitigation and management measures through the proposed Burwood SEPMP and the *Special Entertainment Precinct* section to the Burwood DCP, so that both precinct vibrancy and neighbourhood amenity are suitably achieved.

Accordingly, the planning proposal is considered by this planning proposal to be consistent with the Burwood LSPS.

#### **Other relevant strategic plans**

A range of other local strategic plans and strategies operate within Burwood, developed by Burwood Council. These are also considered applicable to the planning proposal, and include:

- [Burwood2036 – Community Strategic Plan](#)
- [Burwood After Dark Strategy 2023](#)
- [Creative Burwood Strategy 2025 – 2035](#)
- [License to Play Interim Policy 2025](#)
- [Burwood Community Engagement Strategy 2023-2026](#)

The planning proposal consistency against these is outlined below.

#### **Burwood2036 – Community Strategic Plan**

This strategic plan focuses on the vision for Burwood. This influences Council organisational plans, priorities, projects and services.

The plan outlines key challenges, including *growing a vibrant night-time economy*.

A focus to achieve this is to nurture Burwood into a destination that thrives after dark. A vibrant night-time economy presents opportunities to enrich the city’s economic fabric. Furthermore, a robust night-time economy provides social benefits by cultivating a dynamic environment that strengthens community cohesion, supports the development of local talent, and supports to attract visitors from outside Burwood’s local government area.

Of note, the Community Strategic Plan states:

*“As we build a night-time economy that reflects Burwood’s character, we are mindful of balancing activity with community wellbeing, ensuring the needs of residents, businesses, and visitors are met. By cultivating a sustainable, diverse, and inclusive evening culture, Burwood can become a beacon for nightlife and a model of how communities can embrace the night to benefit all”.*

Accordingly, growing a vibrant night-time economy must be appropriately balanced against the community’s wellbeing including those of residents, whilst the needs of businesses and visitors are still achieved.

The plan is focused around five (5) strategic directions which are goals for Burwood. These are:

1. Inclusive community and culture;
2. Places for people;
3. Sustainable and protected environment;
4. Vibrant city and villages;
5. Open and collaborative leadership.

Under these, there are community outcomes and strategies. Of relevance to the planning proposal is strategic direction Number 4. *Vibrant city and villages*.

Under strategic direction Number 4, there are relevant community outcomes and strategies to achieve as outlined under **Table 2**.

**Table 2: Strategic direction – No. 4 Vibrant City and Villages**

Community outcome	Strategy
4.1 A thriving city and centrally located, strategic business and employment hub within Sydney.	4.1.1 Promote Burwood as a great place to live, work, visit and invest in  4.1.2 Facilitate the growth and prosperity of local businesses and target the growth of business sectors and growth industries
4.2 Safe, clean and activated streets, centres and public places are enjoyed by people day and night	4.2.1 Develop place planning to activate the CBD, high streets and villages to support local businesses and foster local identity, creativity and culture  4.2.2 Plan and deliver infrastructure, services and information which safeguard public health and support community safety

The planning proposal gives effect to the community strategic plan.

It supports a thriving city, by supporting the Burwood SEP as a place to both live and work.

The SEP will encourage the prosperity of local businesses, support activation and foster local identity.

It seeks to provide for the well-being of residents who live there (and the occupants of other sensitive receiver development) through the sound management requirements of the SEPMP and the *Special Entertainment Precinct* section of the Burwood DCP.

It encourages creativity, through measures in the SEPMP that support live music and other live performances in venues and busking on public areas of the SEP.

It supports a safe and active place that is to be enjoyed not only through the day but at night. The trading hours of the SEPMP support late night trading and therefore place activation.

A compliance framework (within the SEPMP) for entertainment sound and trading hours is provided, and the SEP will operate concurrently with a planned Purple Flag accreditation for the Town Centre.

Therefore, the SEP supports for community safety.

### **Burwood After Dark Strategy 2023**

This strategic plan provides a plan for the night-time vibrancy of Burwood, including by supporting for expanded offerings whilst promoting safety. Within the strategy, the Burwood SEP is located within the mapped '*Burwood Eat Street*' precinct and the '*Cultural Precinct*' and the strategy ultimately seeks to strengthen these precincts.

The plan includes focus areas.

*Focus Area 1 – Place*, provides the following under Action 1.1 to:

- Implementation of a 'agent of change' principle such as a SEP to recognise the growing role of the NTE (night time economy) for Burwood;
- *Investigate strengthening noise attenuation requirements for new residential developments in the city, particularly within existing hubs of activity;*
- *Enable later closing times for low impact venues through a simplified approval process*
- *Identify the Burwood Town Centre as a late night precinct in Section 10.7 certificates*

The planning proposal gives effect to the Focus Area by supporting these Actions of this strategy.

It establishes the Burwood SEP within the Burwood LEP 2012. It provides for sound attenuation for residential developments through the proposed *Special Entertainment Precinct* section to the Burwood DCP, which would need to be considered in the design of new buildings or where these buildings are relevant modified.

It simplifies the process of late-night trading for unlicensed premises that carry out an entertainment activity (which generally can be low impact premises such as café style food and drink premises) through the entertainment sound requirements and later trading hours of the SEPMP. This reduces the need for many premises to seek a development application for extended trading hours, or a modification of a development consent for the renewal of trading hours, so long as the entertainment sound requirements of the SEPMP can be achieved.

It also supports for non-venue unlicensed premises/businesses, such as a shop, the ability to operate with later trading hours, provided by the SEPMP. The also removes the need of these premises to seek a development application for extended trading hours.

It will also lead to the Burwood SEP to be identified on a Section 10.7 Property Certificate as a late-night precinct within the land of the town centre, following the making of the Burwood LEP 2012 amendment. This will provide clarity to the owners and purchases of properties in the SEP on the entertainment sound and trading expectations of the precinct.

The planning proposal is therefore consistent with this strategy.

**Safer Burwood 2023-2027**

Prepared by Burwood Council and in consultation with the Burwood Area Police Command, residents, business and other stakeholders, this strategy outlines the actions that Council will undertake (together with the NSW Police, the community and others), to address priority crime issues and improve the safety, security and well-being of those who live, visit and work in Burwood.

The Plan includes measures for the night-time economy across focus area and actions as summarised below at **Table 3**.

**Table 3: Focus Area and Actions Safer Burwood 2023-2027**

Focus Area	Actions
Night-time economy activation	1.1.9 Advocate for the Burwood Town Centre to be accredited under the Purple Flag Program  1.10 Review Council's planning framework to encourage activation of the public domain at night  1.11 Implement Burwood After Dark Strategy actions that relate to safer places and safer people

The planning proposal gives effect to this Focus Area and Actions of the strategy.

It supports the Focus Area of night-time economy activation, by establishing the Burwood SEP.

It supports the Action of encouraging appropriate activation of the public domain at night through the trading hours provided by the SEPMP, which may result in the increased use, and passive surveillance of, the public areas in and around the SEP.

It will also support (and work with) Purple Flag accreditation, as this is also planned to apply to the Burwood SEP, as part of the broader accreditation to the Burwood Town Centre. Purple Flag accreditation will recognise the safety of an area (particularly the low alcohol crime character), in addition to its vibrancy and welcoming nature.

The planning proposal is therefore consistent with this strategy.

**Creative Burwood Strategy 2025 – 2035**

This strategy commits to position Burwood as a leading destination for arts and culture.

It was informed by the background document *Creative Burwood Snapshot 2024*, also prepared by Burwood Council, and provides for an audit of distinct places and localities across Burwood of which localities of the SEP are identified. These include Burwood Chinatown, Burwood Road Eat Street, Emerald Square and the Art and Cultural Quarter of Library and Community Hub (which also includes Unity Place and the Burwood Culture House)

The creative strategy for Burwood is based on three focus areas:

- Focus Area 1: Cultural infrastructure: ensuring the city has the necessary spaces and facilities to support diverse artistic and cultural activities;
- Focus Area 2: Creative Economy and Practice: Supporting artists, cultural workers, and creative industries to thrive and contribute to our economic and social life; and

- Focus Area 3: Creative Experiences and Stories: Enriching the community by sharing our stories, celebrating our diverse cultural narratives and providing opportunities for participation in the arts.

The night-time economy is identified as a key issue and trend for the growth of arts and culture of Burwood, with the establishment of a Special Entertainment Precinct a component to this.

*Focus Area 1: Cultural Infrastructure*, is particularly relevant to this planning proposal. The outcome of this Focus Area is to *'increase access to the arts and cultural venues and spaces'*.

Key opportunities identified by this focus area include to create a Special Entertainment Precinct in the Burwood Town Centre. In addition, an increase in live music and performance venues.

These opportunities are aligned to a relevant goal:

*'Goal 1.1: Increase the number of arts and cultural facilities and spaces'*.

Relevant actions to achieve this goal under the strategy are as follows:

*'Action 1.1.3 Identify opportunities and partner with local businesses, venue operators, and promoters to increase the number of performance and rehearsal venues'* and,

*'Action 1.1.4: Establish a Special Entertainment Precinct in the Burwood Town Centre and explore opportunities to develop cultural precincts in other areas'*

Accordingly, the planning proposal gives effect to these actions of the Arts and Cultural Strategy, by establishing the Burwood SEP in the Burwood LEP 2012. The SEP will be located as part of the Burwood Town Centre and will support cultural activities such as live music and other live performances in venues and dedicated busking on public areas by the SEPMP.

The Burwood SEP also includes the future Burwood Culture House (currently in the early stages of construction).

The SEP would support to further develop this precinct of Burwood as a cultural place.

Accordingly, the planning proposal is consistent with this strategy.

#### **Burwood License to Play Interim Policy 2025**

Developed by Burwood Council, this interim policy supports the activation and place making of Council owned and private land areas and ultimately seeks to support the vibrancy of these.

The objectives of the policy are focuses to support premises and other to also invest into the public realm, to also create vibrancy and support place making.

The Burwood SEP area is affected by this policy, with potential for busking and outdoor dining areas located in accordance with the policy. Of note busking is identified for Emerald Square/Clarendon Place, Unity Place and Railway Square which are part of the Burwood SEP and the outdoor dining provisions of the policy would relate to many venues in the SEP.

The planning proposal therefore is consistent with this interim policy. It supports busking by outlining dedicated locations in the SEPMP, and provides for sound attenuation guidance, making it easier for performers. It also supports the use of outdoor areas by venues (and with lawful establishment) for outdoor dining through the entertainment sound requirements and trading hours of the SEPMP.

**Burwood Community Engagement Strategy 2023 – 2026**

This strategy outlines the actions and participation requirements for community engagement with planning matters within Burwood.

Burwood Council is committed to being a leader in best practice of community engagement, and the Plan provides a strategy to achieve this.

The Burwood Town Centre SEP is to be developed with community participation. Engagement is to occur through the Gateway process and include public exhibition prior to formalising the Burwood LEP 2012 amendment, to receive community feedback. Refer to **Section 7**.

In addition, the Burwood SEP will operate through a trial period once the Burwood LEP 2012 is made, allowing for monitoring and feedback.

The planning proposal therefore is consistent with this strategy. The amendment to the Burwood LEP being developed with community engagement.

***Question 5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?***

**NSW 24-Hour Economy Strategy**

Prepared by the Office of the 24-Hour Economy Commissioner, this strategy provides a state-wide blueprint for the 24-hour economy.

It includes five (5) strategic pillars which set out key actions to grow NSW's 24-hour economy. These are:

1. An enabling regulatory framework;
2. Vibrant, Coordinated Precincts and Places;
3. Night-time Workers, Culture and Industry Collaboration;
4. Safety, Mobility, Access and Inclusion; and
5. Authentic Storytelling.

Special Entertainment Precincts, developed as part of NSW government vibrancy reforms, align with the strategy to improve the 24-hour economy. The planning proposal is particularly consistent with the strategic pillar (1) of *An enabling regulatory framework*, by creating the Burwood SEP in the Burwood Local Environment Plan 2012, and with associated plans of the SEPMP and the proposed *Special Entertainment Precinct* section of the Burwood DCP.

Accordingly, planning proposal is consistent with the NSW 24-Hour Economy Strategy.

***Question 6: Is the proposal consistent with applicable SEPPs?***

The planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) that are in place.

Consistency is outlined at **Table 4** below.

**Table 4: Consistency with applicable SEPPs**

State Environmental Planning Policy (SEPP)	Consistent?
<u>SEPP (Housing) 2021</u>	<p><b>Consistent</b></p> <p>Residential accommodation (a sensitive receiver) is provided within the SEP and permitted with consent in the MU1 zone. The SEPP is therefore applicable.</p>

	<p>Section 3 of SEPP (Housing) 2021 provides the following principles:</p> <ul style="list-style-type: none"> <li>(a) enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>(c) ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>(e) minimising adverse climate and environmental impacts of new housing development,</li> <li>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> <li>(h) mitigating the loss of existing affordable rental housing.</li> </ul> <p>The planning proposal is consistent with these Housing SEPP principles. Sound criteria within the SEPMP and the <i>Special Entertainment Precinct</i> section of the Burwood DCP would apply to residential accommodation within and around the SEP. This would:</p> <ul style="list-style-type: none"> <li>• Support for residential accommodation that can be provided with a reasonable level of sound amenity responding to SEPP principle (c);</li> <li>• Support to allow the delivery of residential accommodation in Burwood, which makes good use of existing and planned infrastructure and services, responding to SEPP principle (d); and</li> <li>• Support the design of residential accommodation that reflects and enhances the locality, with appropriate sound attenuation, responding to SEPP principle (f).</li> </ul>
<p><u>SEPP (Transport and Infrastructure) 2021</u></p>	<p><b>Consistent</b></p> <p>SEPP (Transport and Infrastructure) (T&amp;I SEPP) provides requirements for noise and vibration associated with road and rail infrastructure. A rail line is located adjacent to the SEP and Burwood Road receives high volumes of traffic.</p> <p><u>Section 2.100</u> of the T&amp;I SEPP includes acoustic requirements to mitigate the impact of rail noise and vibration to sensitive receivers. Similarly, <u>Section 2.120</u> of the T&amp;I SEPP includes requirements to mitigate the impact of road noise and vibration to sensitive receivers.</p> <p>The T&amp;I SEPP provisions for acoustic mitigation would remain by the planning proposal to new or relevant modified sensitive receiver development in the SEP, where they are triggered. These T&amp;I SEPP provisions would be considered, in addition to the <i>Special Entertainment Precinct</i> section of the Burwood DCP, by relevant planning applications.</p> <p>The planning proposal would not conflict with the intent of these provisions, noting that the proposal is focused to entertainment sound and not infrastructure sound/vibration impacts.</p> <p>Whilst the planning proposal does have a focus to entertainment sound, it complements the T&amp;I SEPP, seeking to also mitigate the impact of sound to sensitive receiver development and support for neighbourhood amenity.</p>

<p><u>SEPP (Industry and Employment) 2021</u></p>	<p><b>Consistent</b></p> <p>The advertising and signage provisions of SEPP (Industry and Employment) (I&amp;E SEPP) are relevant to licensed and unlicensed premises in the SEP, as well to sensitive receiver development that may include signage.</p> <p>The SEPMP, or the <i>Special Entertainment Precinct</i> section of the Burwood DCP, does not conflict with the I&amp;E SEPP provisions. These can remain to be applied to signage development in the SEP by the planning proposal.</p>
<p><u>SEPP (Planning Systems) 2021</u></p>	<p><b>Consistent</b></p> <p>The Planning System SEPP provides for state significant development, regionally significant development and state significant infrastructure planning pathways for projects.</p> <p>The planning proposal does not conflict with this SEPP. It provides for new or relevant modified development to remain to be undertaken by the pathways provided by the Planning Systems SEPP, where they are relevant.</p> <p>The planning proposal would support for these developments to be appropriately designed to entertainment sound. The proposed <i>Special Entertainment Precinct</i> section of the Burwood DCP would provide additional guidance to the design of new or relevant modified sensitive receiver development that may be affected by this SEPP. For example, larger residential accommodation of shop-top housing.</p>
<p><u>SEPP (Biodiversity and Conservation) 2021</u></p>	<p><b>Consistent</b></p> <p><u>Chapter 6</u> of Biodiversity and Conservation SEPP 2021 provides planning controls for water catchments. The planning proposal affects land that is located within the <u>Sydney Harbour Catchment</u>, a catchment of this SEPP.</p> <p>The planning proposal does not conflict with the water catchment provisions of the SEPP under Chapter 6. These provisions can remain to be applied to relevant development by the planning proposal.</p>
<p><u>SEPP (Sustainable Buildings) 2021</u></p>	<p><b>Consistent</b></p> <p>The Sustainable Buildings SEPP focuses to the sustainable design of certain residential and non-residential development.</p> <p>This includes energy use, water use and thermal performance.</p> <p>The planning proposal remains for this SEPP to be additionally applied for the design of relevant development. It is expected to not cause conflict with the proposal, noting that the Sustainable Building SEPP does not provide acoustic requirements for entertainment sound.</p>
<p><u>SEPP (Resilience and Hazards) 2021</u></p>	<p><b>Consistent</b></p> <p><u>Chapter 4</u> of the Resilience and Hazards SEPP (R&amp;H SEPP) provides controls for the remediation of land. These provisions do not conflict with the proposal and can remain to be considered by relevant development in the SEP.</p> <p><u>Chapter 3</u> of the R&amp;H SEPP provides controls for potentially hazardous and offensive industry development. If and where these could be provided in the SEP, for example larger health services facilities, these provisions do not conflict with the proposal and can remain to be considered by relevant development in the SEP.</p> <p>It is noted that the sound management measures of the SEPMP and <i>Burwood Special Entertainment Precinct</i> section complements the intent of the R&amp;H SEPP to reduce or minimise environmental impacts on the locality. This particularly related to environment impacts of noise provided by Chapter 3 of the R&amp;H SEPP, complementing the intent of (entertainment) sound controls provided by the SEP.</p>

<p><u>SEPP (Exempt and Complying Development Codes) 2008</u></p>	<p><b>Consistent</b></p> <p>The Exempt and Complying Development Codes SEPP (Codes SEPP) provide for codes-based development, either by an exempt planning pathway or via complying development pathway.</p> <p>The planning proposal would not conflict with the Codes SEPP; and in circumstances work together with the relevant provisions for exempt or complying development in the SEP.</p> <p>Premises in the SEP may remain to consider use the complying development provisions under <u>Part 5</u> or <u>5A</u> of the Codes SEPP to undertake fit out works and or establish their lawful use. Sound attenuation requirements may be suitably achieved through such fit out works, particularly for internal sound criteria (e.g. treatment of a common interface as required by the SEPMP).</p> <p>Premises may also consider the use of the exempt development provisions under <u>Part 2</u> of the Codes SEPP within the SEP. For example, to provide for outdoor dining for premises in accordance with exempt development provisions, which include incentives for a SEP.</p> <p>As noted by Section 202E of the Local Government Act 1993, where a complying development certificate would be issued for premises with conditions for regulating sound from an entertainment activity (entertainment noise), these conditions would not operate where inconsistent with the SEPMP. In addition, trading hours conditions on a certificate would not operate where the trading hours are less than the trading hours of the SEP. Accordingly, the planning proposal gives effects to this section of the Local Government Act 1993 to the SEP.</p>
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**Question 7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government policy?**

The planning proposal is consistent with the applicable Ministerial Directions as outlined under **Table 5** below.

**Table 5: Consistency with Ministerial Directions**

<b>Consistency with Ministerial Directions that apply to the LGA</b>	
Directions under s.91(2)	Consistency
1.1 Implementation of Regional Plans	<p><b>Consistent</b></p> <p>The planning proposal is consistent with the applicable regional plan being the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i>. Refer to earlier assessment commentary under response to Question 3.</p>
1.2 Development of Aboriginal Land Council Land	<p><b>N/A.</b></p> <p>The planning does not affect Aboriginal Land Council Land.</p>
1.3 Approval and Referral Requirements	<p><b>Consistent</b></p> <p>The planning proposal does not propose documents that contain referral requirements of the Minister.</p>
1.4 Site Specific Provisions	<p><b>Consistent</b></p> <p>The planning proposal allows the land use to be carried out and does not impose additional development standards or requirements to those already contained in the Burwood Local Environmental Plan 2012.</p>

<b>Consistency with Ministerial Directions that apply to the LGA</b>	
1.4A Exclusion of Development Standards	<b>Consistent</b> The planning proposal maintains flexibility of development standards in the Burwood Local Environmental Plan 2012.
1.5 - 1.22 Place Based Directions	<b>N/A</b> (The Planning Proposal is not within a place-based area).
3.1 Conservation Zones	<b>N/A</b> (The Planning Proposal does not relate to an environmentally sensitive area).
3.2 Heritage Conservation	<b>Consistent</b> The SEP area does include items of environmental heritage listed in heritage schedules of the Burwood LEP 2012.  The Planning Proposal does not seek to alter heritage and conservation provisions provided by the Burwood Local Environmental Plan 2012.  <u>Section 5.10</u> of the Burwood LEP 2012 includes requirements for heritage items, and where a development consent is required. These provisions remain applicable for the SEP.  Where relevant, sound attenuation would be developed in reference to this section of the Burwood LEP 2012, including if development consent would be necessary, to implement requirements to satisfy sound criteria/controls related to a heritage item.
3.3 Sydney Drinking Water Catchments	<b>N/A</b> The planning proposal does not affect land that is under the application of this Direction.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	<b>N/A</b> The Planning Proposal does not relate to these zones.
3.5 Recreational Vehicle Areas	<b>N/A</b> The planning proposal does not relate to Recreational Vehicle Areas.
3.6 Strategic Conversation Planning	<b>N/A</b> The planning proposal does not relate to land that is identified to be avoided under State Environmental Planning Policy (Biodiversity and Conservation) 2021 nor is a strategic conservation area.
3.7 Public Bushland	<b>Consistent</b> The proposal does not affect the protection, and ecological viability, of bushland that maybe located in the local government area.
3.8 Willandra Lakes Region	<b>N/A</b>
3.9 Sydney Harbour Foreshores and Waterways Area	<b>N/A</b> The planning proposal is not within a Sydney Harbour Foreshore and Waterway Area as defined in State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Consistency with Ministerial Directions that apply to the LGA	
3.10 Water Catchment Protection	<p><b>Consistent</b></p> <p>The planning proposal does affects land that is within the Sydney Harbour Catchment, a regulated catchment in State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p> <p>The planning proposal would not detrimentally impact this catchment, due to its purpose/focus to sound management and trading hours.</p>
4.1 Flooding	<p><b>Consistent</b></p> <p>The planning proposal does affect an area of land that is flood prone, located to front Railway Parade and Unity Place.</p> <p>The planning proposal would not impact flood provisions due to its purpose. (New or modified development in response to the SEP would remain to also consider any separate flood requirements, if and where relevant).</p>
4.2 Coastal Management	<p><b>N/A</b></p> <p>The planning proposal does not affect land within a coastal zone, as defined under the Coastal Management Act 2016.</p>
4.3 Planning for Bushfire Protection	<p><b>N/A</b></p> <p>The planning proposal does not affect land that is, or in proximity to, mapped as bushfire prone land.</p>
4.4 Remediation of Contaminated Land	<p><b>Consistent</b></p> <p>The planning proposal does not propose to change the use of the land.</p>
4.5 Acid Sulfate Soils	<p><b>Consistent</b></p> <p>The planning proposal does not affect land that has direct probability of acid sulfate soils, as identified by on-line mapping. However, it is classified as Class 5 Acid Sulfate Soils then in proximity to other soil classes.</p> <p>The planning proposal would not result in significant adverse environmental impacts due to its purpose/focus to sound management and trading hours.</p>
4.6 Mine Subsidence and Unstable Land	<p><b>N/A</b></p> <p>The planning proposal is not on land declared as mine subsidence or has been identified as unstable.</p>
5.1 Integrated Land Use and Transport	<p><b>Consistent</b></p> <p>The planning proposal supports the integration of land use and transport.</p> <p>The SEP area is in a central locality of Burwood, with superior access to public transport. This includes high frequency rail, bus and night-ride bus services that offer district and metropolitan access. Walking and cycling options are also readily available. The SEPMP with the SEP outlines the access to and from the SEP with public transport options, supporting this public transport integration in the operation of the SEP.</p> <p>The <i>Special Entertainment Precinct</i> section of the Burwood DCP and the SEPMP both provide to maintain housing in proximity to public transport. Therefore, supports the MU1 Mixed Use zone as a locality in metropolitan Sydney with housing that is integrated well with access to public transport.</p>
5.2 Reserving Land for Public Purposes	<p><b>Consistent</b></p> <p>The planning proposal does not create, alter or reduce land reserved for a public purpose in the local government area.</p>

<b>Consistency with Ministerial Directions that apply to the LGA</b>	
5.3 Development Near Regulated Airports and Defence Airfields	<p><b>N/A</b></p> <p>The planning proposal does not affect land near a regulated airport and which includes a defence airfield.</p>
5.4 Shooting Ranges	<p><b>N/A</b></p> <p>The planning proposal does not affect land adjacent to/and or adjoining an existing shooting range.</p>
5.5 High pressure dangerous good pipelines	<p><b>N/A</b></p> <p>The planning proposal does not affect land with a high-pressure pipeline.</p>
6.1 Residential Zones	<p><b>Consistent</b></p> <p>The planning proposal does not affect a residential zone. However, the MU1 Mixed Use zone of the SEP does permit residential accommodation with consent.</p> <p>The planning proposal supports to maintain and encourage housing in the SEP through the SEPMP and the proposed <i>Special Entertainment Precinct</i> section of the Burwood DCP. This is by way of the sound criteria and controls of these documents that seek to provide sound amenity to residential accommodation within and surrounding the SEP.</p> <p>This includes housing that is serviced particularly well by infrastructure, including public transport, and the other infrastructure offered within and around the area such as health facilities, education and other services.</p>
6.2 Caravan Parks and Manufactured Home Estates	<p><b>N/A</b></p> <p>The planning proposal does not affect provisions for caravans and manufactured homes.</p>
7.1 Business and Industrial Zones	<p><b>Consistent</b></p> <p>The planning proposal remains to support the objectives MU1 Mixed Use Zone, does not seek to alter its area or reduce floor space.</p> <p>The planning proposal will support business confidence of operating in the MU1 zone, especially for late night trading, by providing for precinct-based entertainment sound requirements and trading hours. These encourage for trading vibrancy, whilst minimising impacts to sensitive receivers within and surrounding the SEP.</p> <p>The planning proposal therefore supports to maintain, and encourage, business investment in and around the SEP. This will support the viability of the night-time economy of the precinct, and the broader Burwood town centre, and provide to support jobs/employment including related to the night-time economy. Overall, it would support for a positive business image of Burwood.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	<p><b>N/A</b></p> <p>The planning proposal does not affect land that is under the application of this Direction.</p>
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	<p><b>N/A</b></p> <p>The planning proposal does not affect land that is under the application of this Direction.</p>

Consistency with Ministerial Directions that apply to the LGA	
8.1 Mining, petroleum and extractive industries	<b>N/A</b> The planning proposal does not affect mining, petroleum production and extractive industries.
9.1 Rural Zones	<b>N/A</b> The planning proposal does not affect a rural zone.
9.2 Rural Lands	<b>N/A</b> The proposal does not affect a rural or conservation zone.
9.3 Oyster Aquaculture	<b>N/A</b> The planning proposal does not affect a 'Priority Oyster Aquaculture Area'.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	<b>N/A</b> The planning proposal does not affect land that is under the application of this Direction.

**5.3 Section C – Environmental, social and economic impacts**

***Q8. Is there any likelihood that critical habitats or threshold species, populations or ecological communities, or their habitats will be adversely affected because of the proposal?***

No. The planning proposal affects an area of an established town centre in a metropolitan area of Sydney, and there are no known critical habitats, threshold species, populations or ecological communities that would be adversely affected because of the planning proposal.

***Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?***

The planning proposal may have the potential for environmental effects. However, these are expected to be appropriately managed, therefore the planning proposal is expected to not result in significant negative environmental impact overall.

The SEP trial also provides for Burwood Council to monitor and adjust aspects of the SEP appropriately, to ensure that the potential for environmental effects remain appropriately mitigated.

**Entertainment noise**

A potential environmental impact to consider by this planning proposal is for increased entertainment sound, including by increased trading offered by the proposed trading hours of the SEPMP. However, the SEPMP provides for entertainment sound requirements, and these have been developed with acoustic engineering input.

Increased trading hours sought by a venue would have to be able to satisfy the entertainment sound requirements.

Sound attenuation guidance on how a venue can achieve these requirements, including requirement for an acoustic impact statement, are outlined in the SEPMP.

Other plant and machinery conditions on development consents for non-entertainment sound would also remain to assist with the management of non-entertainment noise.

The SEPMP provides for a compliance framework for entertainment sound disturbances, outlining clearly the regulatory approach for venues, residents, the community and authorities, if and where disturbances may occur. This includes an educative approach of reminding premises (or the complainant) of the entertainment sound requirements of the SEPMP. More focused approaches also remain available, if premises provide ongoing sound disturbances (including the ultimate removal from the SEP in extreme circumstances).

The *Special Entertainment Precinct* section to the Burwood DCP supports the SEP by providing for sound attenuation planning controls, to provide for protection of new or relevant modified sensitive receiver development to entertainment sound. For example, shop-top housing. This amendment to the Burwood DCP also provides planning controls for new or modified premises (venues) that may require a DA, so that sound emitted is appropriate from these premises and further mitigating the impact of entertainment sound.

Therefore, any potential for increased entertainment sound as a result of the planning proposal can be suitably managed by the SEPMP and the *Special Entertainment Precinct* section of the Burwood DCP.

Ultimately a focus of the SEP is to mitigate entertainment sound through the framework of SEPMP and the amendment to the Burwood DCP, as outlined by the *NSW Special Entertainment Precinct Guidelines*. These plans aim to encourage vibrancy of the precinct especially at night-time, whilst providing amenity for sensitive receivers. Therefore, the SEP seeks best to reduce the potential for land use conflict, consistent with an objective of the MU1 Mixed Use zone under the Burwood LEP 2012:

*'Zone MU1 Mixed Use*

*1 Objectives of zone*

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings'.*

Consequently, the planning proposal may create positive environmental impacts over time through suitably managing entertainment sound through the SEPMP and the *Special Entertainment Precinct* section of the Burwood DCP.

The SEP will be monitored during the trial period by Burwood Council, and this provides the opportunity to fine-tune the sound management framework and trading hours, if deemed required by Burwood Council.

Accordingly, the potential for increased entertainment sound as a result of the SEP, and associated detrimental environmental impact that could potentially occur, would be low as it will be appropriately mitigated and managed by the SEPMP and the amendment to the Burwood DCP.

**Pedestrian traffic noise**

A potential environmental impact to consider is noise disturbances associated with increased pedestrian traffic passing through public areas, especially at night-time periods, and as a result of the later trading hours provided by the SEPMP.

It would be expected for premises to remind patrons to leave quietly, as part of their orderly operations. In addition, the compliance framework of the SEPMP notes that L&GNSW may investigate noise from patrons including noise from those leaving licensed premises and would provide for Burwood Council to do the same for unlicensed premises.

Accordingly, the potential impact of pedestrian traffic noise can be appropriately managed if and where this may arise.

More broadly, people that come to the Burwood SEP would remain accountable for their own personal conduct, especially in public areas. The NSW Police are expected to remain available to action anti-social behaviour, as also noted by the SEPMP.

Nevertheless, the SEP will be monitored by Burwood Council through the trial period, and this may determine whether any further mitigation measures are deemed necessary to manage pedestrian issues. For example, Burwood Council could work with retail/venue managers to remind premises to advise their patrons to leave quietly or investigate the potential to install precinct signage at key public points that reminds visitors to exit the SEP area quietly, if deemed ultimately required as a result of the trial.

#### **Vehicle traffic**

A potential environmental impact is for car traffic as a result of increased visitors at night provided by extended trading hours. This is especially those who may wish to travel to and from the SEP by car due to mobility or other issues.

There are direct public transport access options with regular services (train and bus) as well as active transport (walking and cycle), and the SEPMP outlines these options to support their use to reduce vehicle usage. Of note, train services run to around 1.00am and there are night ride bus stops directly on Railway Parade. These include the N60 (Fairfield to Town Hall), N50 (City to Liverpool), N61 (Carlingford to City), and 461N (Burwood to City).

In addition, public parking remains available for those that may require to travel by car to and from the SEP, for example due to mobility issues. This includes a Council owned car park in Emerald Square. Other public parking currently available is the private domain of the Burwood Plaza and is understood to also be part of the future Burwood Place. On street parking may need to be used if people intend to stay late until 2.00am, as the public carpark areas are understood to not operate until 2.00am. However, some remain available for the majority of night-time hours. For example, Emerald Square Council car park closes the latest, at 12.00am.

Taxi and ride share services are also available to and from the Burwood SEP.

Burwood Council is investigating the provision of a dedicated area for taxi or ride share drop off and pick up along Belmore Street and potentially could provide an area on Burwood Road. This would support the proper management of ride share and taxi services around the SEP to reduce double parking/congestion.

A marketing and communication strategy (prepared by Reactivate Consulting) will also support Burwood Council with launch of the SEP, and it is expected this will communicate public transport availability of the Burwood SEP to promote.

The SEP is to be part of proposed Burwood Town Centre Purple Flag accreditation. This supports that the movement framework is adequate for the town centre and the SEP located within as outlined earlier.

Accordingly, it is considered by this planning proposal that any resulting car traffic because of the SEP can be suitably mitigated and managed. There is a variety of transport and access options to and from the SEP, including at night-time trading periods. This includes night-ride buses, and the availability of taxi and ride share options.

Burwood Council would review any feedback received regarding traffic issues on conclusion of the SEP trial and can then determine whether further measures are ultimately necessary to encourage movement to and from the SEP.

**Precinct tidiness**

A potential environmental impact to consider is for increased waste by increased number of visitors through the trading hours provided by the SEPMP.

The SEP does not seek to amend the waste management requirements of premises, and they would continue to be required to undertake their own waste management procedures and cleaning.

It is understood that waste collection is regularly undertaken.

There are also ample public bins in the precinct (and the town centre) which Council manage, and their collection occurs daily.

Street cleaning is also regularly undertaken by Council and would continue.

Burwood Council will monitor the tidiness of the SEP through the trial, and if required, can contact venue managers to remind premises of their waste management and precinct cleaning requirements if an issue arises.

Council operational staff will also continue to monitor street bins and street cleaning, and any amendments can be identified by Council as required.

Accordingly, any precinct tidiness/waste management issues as a result of this planning proposal can be suitably managed.

**Q10. Has the Planning Proposal adequately addressed any social and economic effects?**

The economic and social effects of the planning proposal are expected to be overall positive. These are outlined below.

**Economic effects**

Current entertainment sound controls are determined through a case-by-case basis by licensed and unlicensed premises across the precinct. The sound criteria applied can also be considered restrictive and based on a background noise level approach. Trading hours are also by a case-by-case basis and therefore can vary.

The SEP alternatively provides for a 'precinct wide' based planning approach for entertainment sound and trading hours, and the compliance framework to regulate these.

The overall improved certainty provided by the SEP would support retail businesses, including to assist business owners to make new or ongoing investments into their premises. It allows them to clearly understand ahead the entertainment sound requirements and trading hours that are to be satisfied, including the associated compliance framework, through the proposed SEPMP and the *Special Entertainment Precinct* section of the Burwood DCP.

It also provides residents and occupants of other sensitive receiver development, that are within or adjacent to the SEP, clarity to the expected sound environment to be achieved at the properties, providing certainty to their amenity. This supports to maintain and provide for new residential accommodation or other sensitive receiver development in and around the SEP. This supports to maintain for a land use activity mix consistent with the zone MU1 Mixed Use, especially with housing located near public transport, and the economic benefits this brings to the town centre more broadly.

The provision for live music or other live performance is encouraged by the SEP. This includes through additional trading on liquor licence hours for licensed venues. In addition, support for busking in dedicated areas and with sound attenuation guidance to assist to operate. These activities will both support the cultural economy, and the potential benefits of jobs and revenue these may bring to the SEP.

Overall, it is considered that the planning proposal is expected to support ongoing or new investment into the Burwood SEP area. It would support economic activity, including by stimulating the night-time economy and promoting employment/jobs.

Whilst the SEP is focused to an area, this is a central locality of the Town Centre. Accordingly, any economic activity within the SEP because of the planning proposal would be expected to have broader flow-on (and positive) economic effects to other areas of the Town Centre. Therefore, it is not expected that the planning proposal would result in detrimental impacts to the Burwood Town Centre more broadly.

Accordingly, it is considered that the planning proposal would provide for overall positive economic impacts.

### **Social effects**

The Burwood SEP will increase the opportunity for residents, workers and visitors to experience more premises and places especially at night-time. This encourages opportunities for greater social interaction and supports a sense of place, being positive social impacts.

The [Burwood Multicultural Strategy 2024-2028](#) identifies that many places in Burwood, such as food and drink premises/restaurants, are also a meeting place for communities to interact and socialise and therefore support for community cohesion. Whilst these premises in the SEP are also 'drawcards' to visitors including by their unique offerings, the SEP would support the trading of these premises, and therefore the broader social benefits they also provide to the community.

The SEP would also create positive social impacts for safety, through encouraging night-time activation. The SEP would enhance surveillance and activity not only within the SEP area but also its surrounding, including the broader Burwood Road and Railway Parade environments at night-time, through potential foot traffic movements to, from and around the precinct. The SEP works with other planning initiatives, such as outdoor dining as exempt development through *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP), to encourage outdoor activation.

The SEP also provides the opportunity to introduce more live music and other live entertainment into the Burwood Town Centre. This is through the entertainment sound requirements, the ability for extended liquor trading hours for venues and dedicated locations for busking. This leads to positive social impact of cultural development and increased creative awareness, and for all ages who may visit the SEP.

The SEP also supports the continuation of sensitive receiver development, especially residential accommodation, within or adjacent to the SEP area. This is through the entertainment sound requirements of the SEPMP that provide for sound amenity, and the *Special Entertainment Precinct* section to the Burwood DCP that provides planning controls for sound attenuation of new sensitive residential development. This allows for other uses and activities to remain to occur within and around the SEP and this is expected to result in positive social impacts of maintaining and providing for well-located housing and services, especially focused on public transport of rail and bus.

Supporting licenced and unlicensed premises to trade and operate into the night-time through the trading hours of the SEP may lead to an increase in anti-social behaviour. This is a potential detrimental social impact of the SEP to consider.

The Burwood Town Centre is however planned to have Purple Flag accreditation, and this will also apply to the Burwood SEP. The general good safety of the Town Centre (including the SEP) is a key component of providing accreditation.

The SEP is also mapped as a low level of anti-social behaviour that are alcohol related by review of NSW Bureau of Crime Statistics and Research data.

The SEPMP does propose a compliance framework that outlines the role of the NSW Police if and where anti-social behaviour does however arise, for example in public areas. L&GNSW would also investigate sound complaints related to patrons leaving licensed premises. Burwood Council would also investigate sound complaints related to patrons leaving unlicensed premises. Accordingly, there is a clear framework propose to manage this issue if and where it arises.

The SEP, therefore, is expected to be generally safe and appropriate in operation with the SEPMP. If and where anti-social behaviour may arise it would be suitably managed by authorities in accordance with procedures.

Initial contact with the NSW Police has occurred as part of preparing the Burwood SEP, who have provided preliminary feedback (refer to response to **Question 12** and **Section 7.0** of this Planning Proposal). Further consultation would be undertaken with Council through the SEP making process. Consultation with L&GNSW is also expected to occur through the SEP making process. The consultation process therefore allows for procedures outlined in the SEPMP to be further tailored, if and where required.

#### 5.4 Section D – State and Commonwealth Interests

##### *Q11. Is there adequate public infrastructure for the planning proposal?*

The SEP is well serviced by public infrastructure. An overview of public transport and other infrastructure is provided below.

##### **Public transport**

The Burwood SEP is serviced by a wide range of transport and access options.

##### **Trains**

Burwood rail station is near the Burwood SEP. The rail station is part of the main suburban network and is serviced by the T9 Northern - Gordon Line, T2 City Inner West - Leppington line, and the T3 City - Liverpool rail lines. Rail services provide direct rail access across the metropolitan network including with Central, Strathfield, Epping, Hornsby, Parramatta, Homebush, Regents Park, Leppington, City Circle, North Sydney, Chatswood, Gordon and beyond through connections. These services run to around 1.00am and recommence around 4.30am.

Accordingly, there is good rail access to and from the SEP. When rail services do cease at night-time for a period, night-ride buses are available. See commentary below.

##### **Buses**

Buses service the SEP, with stops on Burwood Road and Railway Parade. These services run through the day and through the night with a wide travel catchment to and from Burwood. It is understood that bus services extend across areas of metropolitan Sydney and provide for district catchment in between.

Night ride services (for when rail ceases) run around every 30 minutes. The night-ride service bus-stops are on Railway Parade in the SEP and provide access to the City as well as the wider areas

across Sydney. The routes are N60 (Fairfield to Town Hall), N50 (City to Liverpool), N61 (Carlingford to City), and 461N (Burwood to City).

Accordingly, there is good bus access to and from the SEP during both day and night-time periods.

**Taxi and ride share**

Taxi and ride share services also service the site and surrounds. As noted earlier, Burwood Council is investigating a further drop off/pick up point on Belmore Street and Burwood Road for the Special Entertainment Precinct.

**Parking**

On-street and public parking is available in and around the Burwood SEP. Emerald Square includes a Council owned public car park. Other public parking is available in private domains of Burwood Plaza and Burwood Grand. It is understood that the Burwood Place development will also include area for public parking.

These parking areas are understood to not operate as late to 2.00am, however they do support later night trading (e.g. the Emerald Square car park closes at 12.00am). On street parking may need to be used if intended for later stay (or public transport, including taxi or ride share).

On-street parking is also available.

Pedestrian pathways and cycle access is also available to and from the SEP.



**Figure 7: Transport and access map.** The Burwood SEP is afforded superior transport access including public transport options of rail and bus. This includes night-ride bus services.

**Police and emergency medical services**

The NSW Police would remain available to support compliance and safety of the SEP, if and where required. They are also expected to remain engaged with Burwood Council through the trial period to monitor any associated safety and crime issues of the SEP.

Initial consultation with the NSW Police has occurred as part of preparing the Planning Proposal and feedback received by Burwood Council. This is outlined under the response to **Section 7.0**. The increased trading hours proposed by the SEPMP may present challenges for NSW Police capacity to respond to alcohol related incidents, and especially to where licensed premises do not understand their obligations under the Liquor Act 2007. This includes the legislative requirements, upholding community safety and maintaining standards of responsive alcohol service.

Making of the SEP will include consultation prior to implementation, which provides the opportunity for premises to be well briefed, to best mitigate this issue so that NSW Police services are not challenged.

Further consultation with the Burwood Police Area Command is to occur through the making of the SEP around NSW Police services, as outlined under **Question 12**.

Regarding emergency health services, the nearest major public hospitals are Concord Hospital and Canterbury Hospital which are part of the Sydney Local Area Health District (SLAHD). Both include 24-hour emergency services and Concord Hospital is large health services facility. Campsie Ambulance station would be the nearest ambulance base to the SEP. Consultation with the SLAHD/NSW Health is proposed to occur as part of the SEP making process to confirm the adequacy of the emergency departments and the district ambulance station. Refer to further response under **Question 12**.

**Amenities**

Patrons coming to the SEP would be expected to still use the toilet facilities of venues where required.

If necessary, public toilets are available at Burwood Park, which remain open at night, and service the broader town centre. The Purple Flag accreditation extends across the Town Centre, therefore it is considered safe to travel to and from these if necessary.

**Q.12 What are the views of State Government public authorities consulted in order to inform the Gateway determination?**

The relevant State Government agencies and stakeholder groups to be consulted will be determined through the Gateway process. However, these are expected to include:

- NSW Police including the Burwood Police Area Command
- NSW Health (Sydney Local Area Health District)
- Liquor and Gaming NSW
- Transport for NSW
- Sound NSW
- NSW EPA
- Office of the 24-Hour Commissioner
- Office of Local Government NSW

It is expected that the Department would undertake referrals with the agencies through assessment so that they may also review in detail the proposed SEPMP and the *Special Entertainment Precinct* section of the Burwood DCP.

Pre-lodgement contact has been undertaken with NSW Police, NSW Health Sydney Local Area Health District, Liquor and Gaming NSW, and Transport for NSW. This was through written contact (email).

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*Planning Proposal  
Burwood SEP*

Burwood Council has also regularly engaged with the Office of the 24-Hour Commissioner as part of the preparation of the planning proposal. A summary of the outcomes to date is provided under **Section 7** of the Planning Proposal.

Consultation with authorities through the SEP making process will continue, as outlined under Section 7.

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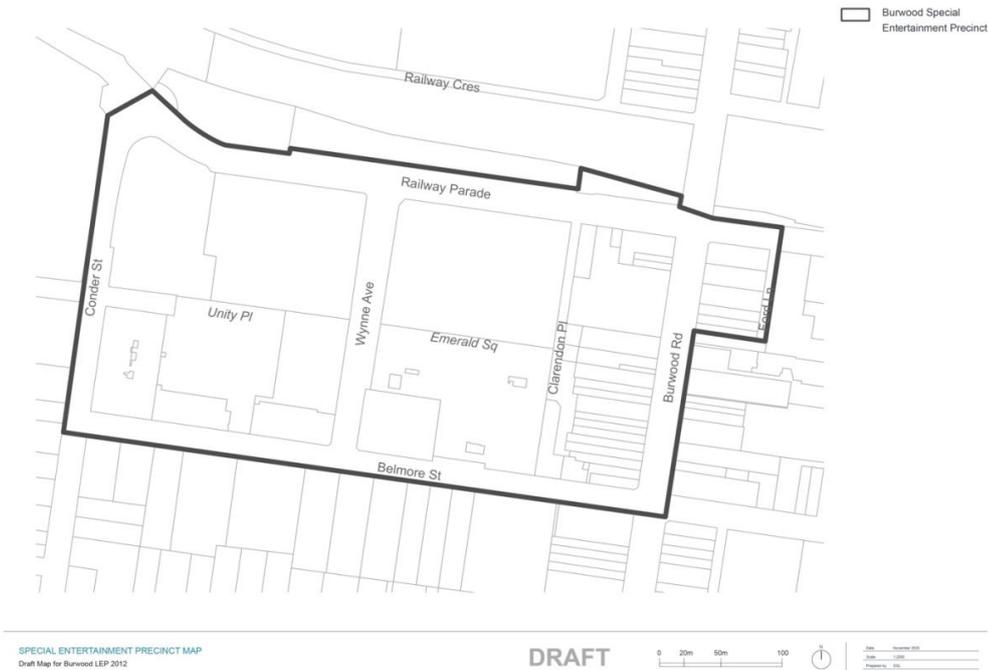
**6.0 Mapping**

Mapping for the Burwood LEP 2012 and Burwood DCP are both required to fulfill the planning proposal. These maps are included below at **Figure 8** and **Figure 9**.

**Burwood LEP 2012**

The planning proposal seeks to insert a Special Entertainment Precinct Map in the Burwood LEP 2012. The Map will be titled *Special Entertainment Precinct* and will outline the land area of Burwood Special Entertainment Precinct. The Map form part of the *Additional Local Provisions* Maps of the LEP and enable Clause 6.9 of the Burwood LEP 2012.

An extract of the draft map is provided below. A copy is provided at **Attachment C**. The map will be finalised by Burwood Council in accordance with GIS mapping requirements, following gateway.



**Figure 8 Proposed Special Entertainment Precinct Map for the Burwood Local Environmental Plan 2012.** Refer to Attachment C for clarity.

**Amendment to Burwood Development Control Plan**

The map below designates the Sound Category Area Map to support the *Special Entertainment Precinct* section of the Burwood DCP.

The mapping identifies the location of properties on and around the SEP land area within a Sound Category Area. The SCAs determine the exposure of entertainment sound at property frontages and is then used to predict sound levels. This then affects the sound attenuation response of new or relevant

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Planning Proposal  
Burwood SEP

modified sensitive receiver development, or new or modified premises that require a DA, to provide adequate sound amenity.



Figure 9: Sound Category Areas Map for the *Special Entertainment Precinct* section of the Burwood DCP 2012.

## 7.0 Community consultation

Initial consultation has been undertaken with some agencies prior to the submission of the planning proposal to seek preliminary commentary. A summary of the consultation completed is below at **Table 6**.

**Table 6: Summary of consultation**

Stakeholder	Preliminary comments
NSW Police	<p>Preliminary comments received from NSW Police by Burwood Council summarised as follows:</p> <ul style="list-style-type: none"> <li>Entertainment sound complaints from licensed premises/venues will be largely directed to L&amp;GNSW. Entertainment sound complaints for unlicensed premises/venues may be handled by the NSW Police however generally where Council is not available to respond.</li> <li>For licensed premises/venues, where an immediate response is required, NSW Police may issue an improvement notice under Section 75 of the Liquor Act and may also make a statutory disturbance complaint to L&amp;GNSW.</li> <li>Language barriers can present an issue for when NSW Police are communicating with Licensee's in the Burwood Area.</li> <li>Licensed Premises commonly do not understand their requirements under the Liquor Act.</li> <li>The additional trading hours presented by the SEPMP could exacerbate these present issues in the Burwood area, by the additional trading hours proposed.</li> </ul>
Transport for NSW	Contact made. However, no response yet received. Further engagement to be undertaken through the making of the SEP.
Sydney Local Area Health District	Contact made. However, no response yet received. Further engagement to be undertaken through the making of the SEP.
24-Hour Commissioner	Council regularly meets with the 24-Hour Commission regarding the Burwood SEP. They are therefore very aware and supportive of the SEP.

Consultation with local businesses also occurred through a workshop held at Council prior to submission of the planning proposal, coordinated by Burwood Council and Reactivate Consulting. A range of business stakeholders attended, along with representatives from the NSW Police. Commentary focused on ways in which the SEP will benefit the precinct, and how businesses will use the SEP provisions to enhance and build on Burwood's already thriving high-time economy. Some concerns were raised around staffing availability and the impacts of traffic on visitors as well. (As noted under response to Question 10, the proposal is expected to stimulate employment opportunities, alleviating staffing availability concerns. As noted under response to Question 11, there is adequate public transport to support the SEP and Council is exploring ride share drop off/pick up improvements).

Further consultation with the above authorities, and other authorities as outlined under response to Question 12, is also to be undertaken through the LEP amendment process. In addition, consultation with the broader community and other relevant identified stakeholders.

This includes a 'pre-gateway' engagement process with the community through workshops and Council drop-in sessions, as the Department considers the planning proposal.

As noted earlier, in response to NSW Police comments above, consultation is to occur as part of making the SEP providing the opportunity for licensed premises to be best well briefed, mitigating for issues associated with their operation.

On Gateway determination, Burwood Council would also coordinate any further consultation as required by the Gateway determination. This is expected to include the formal public exhibition of the relevant SEP documentation on the Council website for 28 days.

## 8.0 Project timeline

The anticipated timeframe for the planning proposal is shown below at **Table 7**. The timeframe is an estimate only, noting the Christmas/New Year period in between and office closures, and the timing requirements by the NSW Department of Planning, Housing and Infrastructure.

The *Burwood Community Engagement Strategy 2023 – 2026* requires 28 days for a planning proposal of this nature. As such, it is proposed that the public exhibition and government agency consultation is within this timing, pending any final timing requirements on a Gateway Determination.

**Table 7: Planning proposal timing**

Action	Date
Submit to Local Planning Panel	Early December 2025
Consideration by Council	December 2025
Burwood Council decision	December 2025
Submit Planning Proposal to the Department for Gateway Consideration	Mid-December 2025
'Pre gateway' engagement by Council	Mid-December to mid-January 2026
Receive Gateway Determination	Mid-January/end of January 2026
Complete any changes required by Gateway Determination	Mid-January/End of January to end of January/mid-February 2026
Public exhibition and government agency consultation	28 days (by Burwood's Community Engagement Strategy) – to end of February/mid-March 2026
Consideration of submissions	End of February/mid-March 2026 to mid-March/end of March 2026
Post exhibition report to Council	Mid-March/end of March 2026
Submit to the Department for LEP drafting	Mid-March/end of March 2026
LEP is made	Mid-March/end of March 2026 to Mid-April/end of April 2026
Plan notified by Department	Mid-April/end of April 2026

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**Attachment A - Burwood Special Entertainment Precinct Management  
Plan**

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(Refer to Separate Attachment/under separate cover)

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**Attachment B – Special Entertainment Precinct section of Burwood  
Development Control Plan**

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(Refer to separate Attachment/under separate cover)

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**Attachment C - Special Entertainment Precinct Map Burwood Local  
Environmental Plan 2012**

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**Attachment D – Acoustic report, prepared by Renzo Tonin & Associates**

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(Refer to separate Attachment/under separate cover)

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