

RE: Draft development control plan – entertainment sound management

To Mr Jarrod Booth,

The Night Time Industries Association (NTIA) appreciates the opportunity to respond to the City of Sydney's proposed development control plan for entertainment sound management.

As the representative body for Australia's night-time economy, encompassing hospitality, arts, live performance, and cultural institutions, NTIA welcomes initiatives that bolster cultural vibrancy and economic growth while addressing the regulatory challenges faced by our members.

The NTIA is supportive in principle of efforts to amend existing late night management areas into Special Entertainment Precincts. In reviewing the draft DCP the NTIA notes a number of matters of concern or for clarification which have been detailed below.

Across all aspects of the draft DCP a key matter is the alignment between the City of Sydney's proposal and the State Government's Vibrancy Reforms. The NTIA notes that there are a myriad of areas in the draft DCP that conflict with the Vibrancy Reforms. The primary conflict being the compliance and enforcement role played by Liquor and Gaming NSW for all sound and noise matters. While the NTIA is supportive of the City of Sydney's efforts to support night time economy businesses, it should not be done in a manner that creates additional compliance or regulatory hurdles.

Specific Areas of Concern and Feedback

Duplication of Liquor and Gaming NSW roles

The NTIA is concerned that the draft DCP's sound and noise attenuation measures duplicate the roles and responsibilities of Liquor & Gaming NSW as the sole regulator for sound and noise matters in licensed venues. In the current state of the draft DCP, incorporating a separate array of sound and noise conditions for licensed venues will see a return to unnecessarily complex compliance requirements for venues. The NTIA recommends that clarity is provided that the sound and noise measures pertain only to unlicensed venues (those not regulated by L&GNSW).

Venue listings and mapping

The NTIA is concerned that the list of venues has many omissions and missing venues. It is unclear where and how this venue list has been generated as long standing and iconic venues have been omitted including The Abercrombie, Phoenix Central Park and Carousel Nightclub to name a few. Having a robust, accurate and regularly updated list of entertainment venues is vitally important if venues are to be protected from residential noise complaints in new developments. According to the draft DCP '3.18.3.2 *Development affected by entertainment sound*' any new development that will be exposed to entertainment noise must be accompanied by a Noise Impact Assessment from a qualified acoustician. Without a robust and accurate list of venues, the NTIA is concerned that venues could be subjected to vexatious complaints due to new developments failing to implement sound and noise attenuation measures into the building design.

Uncapped costs for businesses

The Acoustic Report prepared for the City of Sydney provides a number of recommendations that will result in substantial costs for venues. The '*Acoustic Information for Venues to be provided in Acoustic Reports*' (Section 8.2 of the Acoustic Report) is an exhaustive list of information which will result in significant costs for venues. This is particularly problematic when considered in line with the requirement that consultants for music venues must identify all venues within a radius of 300 metres of the venue, measure their noise, assess the audio file and log all details. This could see

venues forced to conduct testing and recording at dozens of sites. The additional consultant hours will cost venues tens of thousands of dollars and serve as a disincentive to putting on any form of entertainment.

Inconsistencies in sensitive receivers and other matters

Throughout the draft DCP there are a range of terms or definitions of types of sensitive receivers. This switches from 'residential dwelling' to 'residential accommodation or serviced apartment' throughout the proposal. Additionally, no clarification is given about short stay or hotel accommodation. The NTIA recommends that the draft DCP and acoustic report are cross referenced again to ensure consistency between the two documents.

Should any further information or clarification be required the NTIA would be pleased to assist.

Regards,

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CEO

Night Time Industries Association

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