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PART 10

LATE NIGHT TRADING

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10.1 LATE NIGHT TRADING

This Part of the DCP will provide businesses, venues and operators with a consistent set of requirements and conditions that will balance community desires for a vibrant nightlife with the amenity of surrounding uses as well as community expectations.

For new developments within the Parramatta City Centre and immediate surrounds, this Part of the DCP also includes acoustic requirements and conditions that need to be considered. In addition to being able to enjoy the amenity of a vibrant and active night city, residents and workers of new buildings adjoining late night trading uses must anticipate a range of factors associated with late night activity, with apartments for example built to protect residents from noise levels that can be expected in a vibrant Parramatta City Centre with a mix of different night time uses.

The night time economy is an important part of the City's economy, cultural and social fabric. The night time economy includes small bars, bars, pubs, clubs, cafes, restaurants, retail shops, performance venues, cultural and sporting events, and cultural spaces which provide for the entertainment and social preferences of residents, workers, students and visitors.

City of Parramatta has an ongoing commitment and statutory duty to ensure a safe, vibrant and inclusive night time economy is facilitated through good management of late trading venues. It is particularly important for applicants of late night trading premises to demonstrate responsible management over time. This commitment should be demonstrated both at the development application stage and throughout the history of the operation of a premises.

All controls in Part 10 – Late Night Trading must be read in conjunction with all other Parts of this DCP. Should there be any inconsistency between this Part and any other Part of this DCP, this Part prevails to the extent of the inconsistency.

Objectives

The City of Parramatta aims to foster the development of a vibrant, diverse and thriving nightlife, one that encourages careful planning and managing of appropriate activities to allow the City to function effectively, both day and night. This includes establishing set areas, hours and management requirements for licensed and non-licensed night time economy uses, and safeguarding the amenity of the Parramatta City Centre where there is a concentration of night time uses. The objectives of this DCP are to:

- O.01 Identify appropriate locations and trading hours for late night trading premises in the Parramatta City Centre.
- O.02 Encourage suitable intensity and growth of late night trading premises in appropriate locations.
- O.03 Ensure that impacts from late night trading premises are managed to protect a reasonable level of amenity for surrounding residential or sensitive land uses, that is commensurate with its context.
- O.04 Identify approaches, responsibilities and standards to managing noise and sound.
- O.05 Ensure that operators of late night trading premises commit to good management practices, to promote a safe night time economy.

- O.06 Provide the opportunity for premises to extend trading hours where they have demonstrated ongoing good management practices during trial periods.
- O.07 Encourage late night trading premises that contribute to vibrancy throughout different times of the night (early evening, twilight, night time and late night), as appropriate to the status of the centres within which it is located.
- O.08 Encourage a broad and inclusive mix of night time uses that reflect the diverse needs of people who work, live and visit City of Parramatta, including dining, drinking, retail, performance, creative and cultural uses.

10.1.1 APPLICATION OF THIS PART OF THE DCP

The provisions of this Part of the DCP support a night-time economy and apply to various types of development across the City of Parramatta. Development can include and is not limited to small bars, bars, pubs, clubs, cafes, restaurants, retail shops, performance venues, cultural and sporting events, and cultural spaces which provide for the entertainment and social preferences of residents, workers, students and visitors. These types of developments are referred to as 'Emitters' because they can generate Entertainment Noise from activities associated with the Night Time Economy, including music and/or patrons.

The acoustic provisions in this Part of the DCP also apply to 'Receivers' within the Parramatta City Centre and immediate surrounds that may be sensitive to Entertainment Noise such as new residential apartment buildings (excluding hostels), educational facilities including early childhood and child care facilities (CCF), places of public worship, health services facilities, tourist and visitor accommodation (including hostels), and commercial premises.

For Emitter proposals *within* Late Night Trading Areas (LNTA) as shown in Figure 10.2.1, base and extended operating hours apply as outlined in Section 10.3.1 – Hours of Operation. Operating hours for emitter proposals *outside* of identified Late Night Trading Areas will be merit assessed as outlined below under the heading - 'Merit assessed applications'.

This Part of the DCP applies to the Parramatta Local Government Area as outlined in Table 10.1.1 below:

Table 10.1.1 – Application of the controls in this Part of the DCP (Part 10)

Development Category	Within an identified LNTA	Outside an identified LNTA
New Emitter Premises	All controls in this Part of the DCP apply.	Controls in this Part of the DCP do not apply, except the merit assessment criteria (see below). Applications will be assessed on merit and must be consistent with the EPA's <i>Noise Policy for Industry 2017</i> and/or Liquor & Gaming NSW noise criteria.
Existing Emitter Premises	Controls in this Part of the DCP do not apply, except where: <ul style="list-style-type: none">- significant changes* are proposed via a new development application; or	Controls in this Part of the DCP do not apply, except the merit assessment criteria (see below). Applications will be assessed on merit and must be consistent with the EPA's

Development Category	Within an identified LNTA	Outside an identified LNTA
	<ul style="list-style-type: none"> a proponent requests for the application to be assessed against the controls in Part 10 of this DCP. This must be outlined in their Statement of Environment Effects. <p>Applications for minor changes will be assessed on merit (see merit assessment criteria) and must be consistent with the EPA's <i>Noise Policy for Industry 2017</i> and/or Liquor & Gaming NSW noise criteria.</p>	<i>Noise Policy for Industry 2017</i> and/or Liquor & Gaming NSW noise criteria.
New Receiver Premises**	Only the controls in Section 10.4 – Acoustic Controls in this Part of this DCP apply.	Controls in this Part of the DCP do not apply. Applications will be assessed on merit.
Existing Receiver Premises **	Only the controls in Section 10.4 – Acoustic Controls in this Part of this DCP apply where there is an increase in the intensity of the use or the number of sensitive receivers.	Controls in this Part of the DCP do not apply Applications will be assessed on merit.

***Significant changes** means a new development application for comprehensive redevelopments and/or changes from one business to another new and separate business. This will not apply to modifications or minor extensions to an existing use/business, even if a new development application is required.

****Receiver Premises** (as also defined in the Glossary in Section 10.6) refers to receiving uses and can include the following uses: residential accommodation (excluding hostels), educational facilities including early childhood and child care facilities (CCF), places of public worship, health services facilities, tourist and visitor accommodation (including hostels), and commercial premises (excluding retail premises, but including offices as part of industrial premises).

Savings Provision

The controls in this Part of the DCP do not apply retrospectively. Existing emitter premises with current approvals may continue operating within their existing conditions of consent. This DCP will not limit or impact their continued operation under their existing consent.

For existing uses that fall under the category of Receivers, the controls in this Part of the DCP will not affect the conditions of an existing consent.

Merit assessed applications – criteria

Where indicated in Table 10.1.1, the matters for consideration as part of a merit assessment for new and existing Emitters Premises include:

- Location and context.
- Appropriate management to ensure minimal impacts to neighbouring properties and the surrounding locality from sound, vibration & light spill.
- Size and patron capacity.
- Plan of Management requirements in Section 10.5.1.
- Safety, security and crime prevention measures.
- Accessibility and frequency of public transport, courtesy buses and the like.

- Social impact of the proposal assessed in accordance with Council's [Social Impact Assessment Guidelines 2013](#).
- Any other relevant legislation or requirements including any other relevant Parts of Parramatta DCP 2023.
- [Noise Policy for Industry 2017](#)
- Trial periods may be applied to any High Impact, Low Impact, or Non Licensed premises as considered appropriate in the context of the proposal and its location. The length of the trial period to be determined by Council.
- Definitions as included in the Glossary in Section 10.6 and Emitter Premises Categories in Section 10.1.2.

10.1.2 EMITTER PREMISES CATEGORIES

To categorise the level of impact from certain Emitter uses, the requirements of certain uses that contribute to the night-time economy have been considered. This DCP categorises Emitter premises as: High Impact, Low Impact and Non-licensed. The meaning of each category is outlined below in Table 10.1.2.

Table 10.1.2 – Emitter premises categories and criteria

High Impact	<ul style="list-style-type: none"> a) A hotel within the meaning of the <i>Liquor Act 2007</i> that is not designated as a general bar licence; b) A hotel within the meaning of the <i>Liquor Act 2007</i> that has a capacity of more than 120 patrons and is designated as a general bar licence; c) A club within the meaning of the <i>Liquor Act 2007</i>; d) An on-premises licence within the meaning of the <i>Liquor Act 2007</i> where the primary business or activity carried out on the premises is that of a public entertainment venue, nightclub, with a capacity of more than 120 patrons; e) A dedicated entertainment facility, which may be licensed, and includes performance venues, theatres, cinemas, music hall, concert halls, dance halls or other spaces that are primarily for the purpose of performance, creative or cultural uses, with the capacity of more than 250 patrons, but does not include a pub, bar, karaoke bar, small bar, nightclub, adult entertainment venue or registered club; f) A premises that has a capacity of more than 120 patrons, where the primary purpose is the sale or supply of liquor for consumption on the premises; or g) Premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises
Low Impact	<ul style="list-style-type: none"> a) Premises that have a capacity of 120 patrons or fewer, where the primary purpose is the sale or supply of liquor for consumption on the premises with a; b) General bar licence; or c) Small bar licence d) An on-premises licence within the meaning of the <i>Liquor Act 2007</i>; e) A premise with special authorisation for a micro-brewery or small distillery, as part of a producer/wholesaler licence, with a capacity of 120 patrons or fewer; f) Any premises where the owner or occupier sells or supplies liquor for consumption on the premises that is not a High Impact Premise; g) Any other commercial premises, other than Non-Licensed premises, which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night, including but not limited to, food and drink premises, takeaway food and drink premises, karaoke venues, and stand-alone gyms in buildings with residential accommodation and the like; or h) A dedicated entertainment facility, which may be licensed and includes theatres, cinema, music hall, concert hall, dance hall or other space that is primarily for the purpose of performance, creative or cultural uses, with a capacity of 250 patrons or fewer, but does not include a pub, bar, karaoke bar, small bar, nightclub, adult entertainment venue or registered club.
Non-Licensed	<p>Any retail premises or business premises which does not sell, supply or allow the consumption of liquor on or off the premises or hold any license under the <i>Liquor Act 2007</i>.</p> <p>This may include premises selling groceries, personal care products, clothing, books/stationery, music, homewares, electrical goods and the like, or businesses such as convenience and neighbourhood stores, drycleaners, banks and hairdressers and the like, and stand-alone gyms in commercial or industrial only buildings.</p> <p>It does not include food and drink premises, takeaway food and drink premises, gyms in buildings with residential accommodation, or adult entertainment venue or sex services premises.</p>

10.2 LATE NIGHT TRADING AREAS

This Section describes the Late Night Trading Areas (LNTAs). The LNTAs located within the City of Parramatta are identified on the late night trading area map at Figure 10.2.1. LNTA's include:

- City Centre LNTA 1
- City Centre LNTA 2
- City Centre LNTA 3

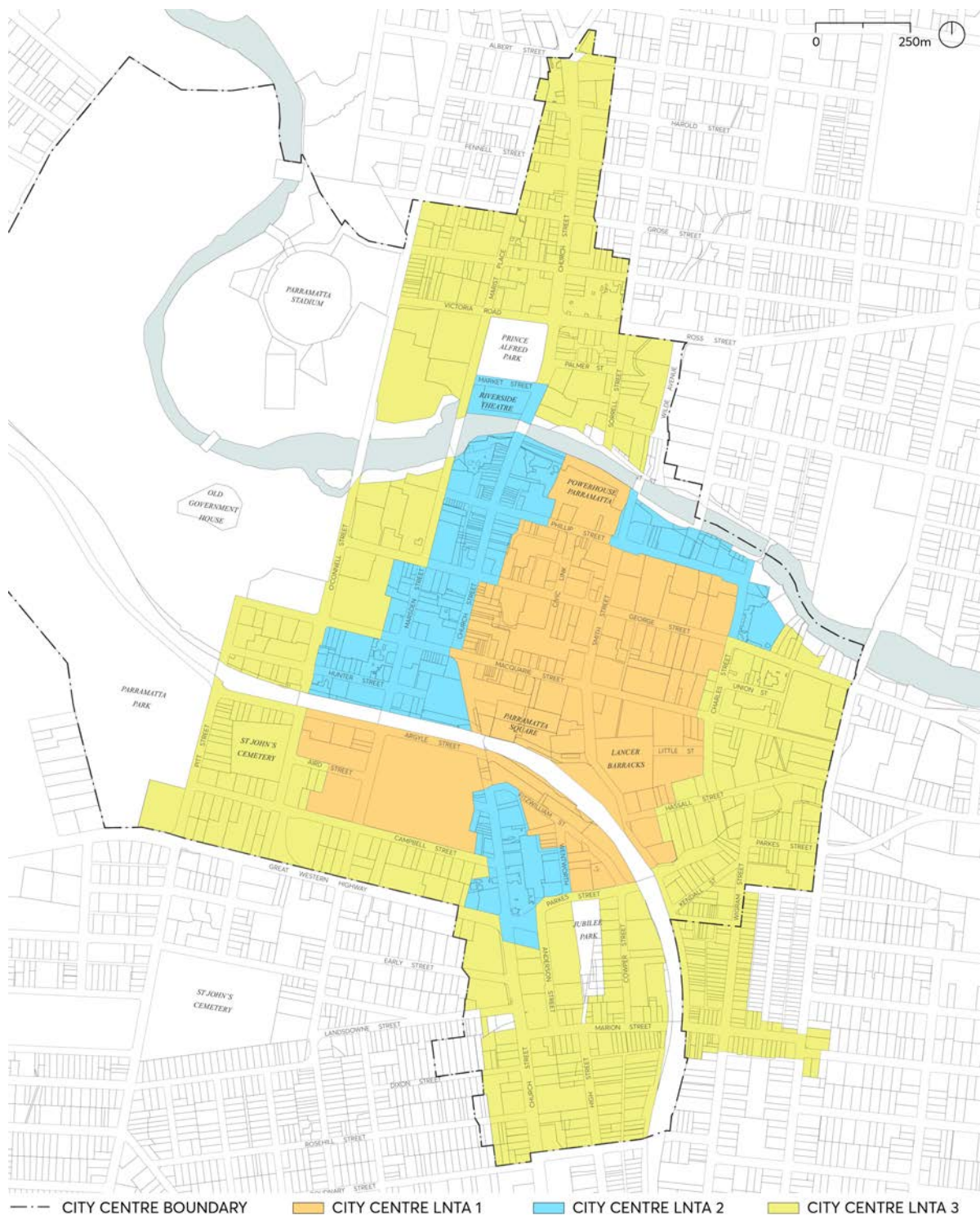


Figure 10.2.1 – Late Night Trading Areas Map

10.2.1 CITY CENTRE LATE NIGHT TRADING AREA 1

Zoning and connectivity

City Centre Late Night Trading Area (LNTA) 1 is located within the Parramatta City Centre and is typically zoned E2 Commercial Core. This LNTA also includes the Westfield land holdings and is planned to contain predominantly commercial activity. The area is highly accessible with frequent night and late night rail and bus services from Parramatta Station, which is within the area. Access will be further improved by the Parramatta Light Rail and Sydney Metro West.

Entertainment and Cultural Character

Building on the presence of numerous established food and beverage venues, transformational projects like Parramatta Square, Parramatta Powerhouse and the Civic Link will connect and anchor Parramatta's public and cultural life, providing opportunities to grow and diversify the night time economy in the Parramatta City Centre and attract local, regional and international visitors.

The focus on non-residential development in this LNTA allows for greater venue density and the growth of venues with later hours of operation and of varying intensity. The area can create a balanced network of venues that creates a 24-hour City, with activity in the early evening, twilight, night and late night. The growth of night time activities will cater to different demographics, and include dining, retail, small bars, pubs, live music and performances, arts, theatre and amplified music. The numerous high-quality public spaces also allow the hosting of day and evening outdoor events.

Higher venue density and diversity within a short distance can create vibrant, active private and public spaces. This increases safety through increased pedestrian activity and natural surveillance and can be supported by focused public domain and lighting initiatives. It also creates a spatial arrangement that creates the opportunities for a positive, dynamic exchange between sites and activities.

Desired Level of Vibrancy

Elevated activity levels will also increase the ambient background noise within and adjoining the precinct throughout the night. Noise management controls and approaches will need to account for this higher level of activity and be appropriate for a vibrant entertainment precinct and ensure noise abatement responsibilities are managed fairly between emitters and sensitive uses.

In addition to being able to enjoy the amenity of a vibrant and active night city, residents of new residential apartment buildings within the LNTA and adjoining areas must anticipate a range of factors associated with late night activity, with apartments built to a noise standard commensurate with the current and planned levels of night time activity.

10.2.2 CITY CENTRE LATE NIGHT TRADING AREA 2

Zoning and connectivity

City Centre Late Night Trading Area (LNTA) 2 is located in the Parramatta City Centre and is typically zoned MU1 Mixed Used. The area is planned to enable a mix of uses, including residential apartment buildings above ground and lower level commercial. The area is accessible with frequent night and late night rail and bus, and night ferry, services within a short walk. Access and street activity will be further increased by the Parramatta Light Rail and Sydney Metro West.

Entertainment and Cultural Character

This LNTA contains the important cluster of established eating and drinking venues on and around Church Street ('Eat Street') with an active and vibrant street life based around outdoor dining. It also contains the Parramatta City River Foreshore which attracts people throughout the day and night due to its high level of public amenity. The range of night time activity is expected to grow as the City River Foreshore is transformed through the ongoing delivery of key projects including River Square, Powerhouse Museum, Escarpment Boardwalk, Charles Street Square, Wharf Upgrade and Riverside Theatre Upgrade. The night time economy along Church Street is set to grow as activity increases due to the Parramatta Light Rail, increase in local population and crowds attending Western Sydney Stadium.

The area allows existing and new venues to grow and diversify to reinforce the character of the area, with hours of operation facilitating a high level of indoor and outdoor activity in the early evening, twilight and night time, with some opportunities for growth late night activities, primarily for low impact venues. In addition to reinforcing the dining culture of the area, there are opportunities for uses to diversify to include retail, small bars, live music, arts and theatre. The numerous high-quality public spaces also allow the hosting of day and evening outdoor events.

The existing high venue density and prospective growth of diverse activities within a short distance can create vibrant, active private and public spaces. This increases safety through increased pedestrian activity and natural surveillance and can be supported by focused public domain and lighting initiatives. It also creates a spatial arrangement that creates the opportunities for a positive, dynamic exchange between sites and activities.

Desired Level of Vibrancy

Elevated activity levels will also increase the ambient background noise within the precinct throughout the night. Noise management controls and approaches will need to account for this higher level of activity and be appropriate for the current and future vibrancy and ensure noise abatement responsibilities are managed fairly between emitters and sensitive uses.

In addition to being able to enjoy the amenity of a vibrant and active night city, residents of new residential apartment buildings in adjoining areas must anticipate a range of factors associated with late night activity, with new apartments built to a noise standard commensurate with the current and planned levels of night time activity.

On-premises outdoor activity levels facing the Parramatta River should be to be limited to suitable times to manage noise travelling across and down the river. It should however be noted that an expectation should remain of noise emanating from people enjoying the public spaces on the river throughout the evening.

10.2.3 CITY CENTRE LATE NIGHT TRADING AREA 3

Zoning and connectivity

City Centre Late Night Trading Area (LNTA) 3 is located at the outer edge of the Parramatta City Centre Core and is predominantly zoned MU1 Mixed Used but also includes additional commercial and residential zones, particularly around Harris Park. The area includes a large number of residential buildings, but still includes non-residential uses serving both the local population and the wider catchment. The area is well serviced by public transport.

Entertainment and Cultural Character

This LNTA forms part of the Parramatta City Centre periphery and is predominantly zoned mixed use with some additional commercial and residential zonings. The area includes a large number of residential buildings, but the area still includes non-residential uses serving both the local population and the wider catchment.

The area can offer a broad range of low impact uses night time uses including restaurants, cafés, small bars, retail uses, and specialised or neighbourhood grocery.

This area has the potential to increase both the quantity and diversify of primarily low impact uses. This area is suitable to accommodate high amounts of activity across a range of uses in the early evening, twilight and night time, but not suitable for any significant expansion of late night activity.

Desired Level of Vibrancy

Noise management controls and approaches will need to ensure that the appropriate level of night time activity can be accommodated with minimal impact on the surrounding residential uses.

10.3 TRADING HOURS

This Section identifies base trading hours and requirements for extended trading hours for premises within the three LNTAs and for premises located outside of these areas. Base trading hours establish the foundational level of vibrancy and entertainment/cultural character for each late night trading area. Extended trading hours will supplement this where appropriate.

Base hours contained in Section 10.3.1 – Hours of Operation are standard operating hours that all late night trading premises within the identified LNTAs can operate to if a development application is approved.

Extended hours are operating hours beyond base hours and are subject to trial periods. Extended hours may be granted following a merit-based assessment of the development application, where an operator can demonstrate that the extended use of the premises has limited and/or acceptable impacts on the surrounding locality. Where extended hours are sought, all controls within this Section must be satisfied.

In cases where social and environmental impacts cannot be effectively managed (as identified in an approved Plan of Management and Statement of Risks and Potential Effects), late night trading will be limited to base hours only. Refer to Section 10.5 – Premises Impact Management for further information.

Note: Trading hours approved by Council for a premises are separate to the daily 6-hour closure period required by Section 11A of the [Liquor Act 2007](#) where the sale or service of liquor is prohibited. Unless otherwise permitted by the Independent Liquor & Gaming Authority, this period is from 4am to 10am. Any variation to this closure period must be approved by the Independent Liquor & Gaming Authority and is stipulated in the Liquor License conditions.

10.3.1 HOURS OF OPERATION

Objectives

- O.01 Ensure the trading hours are consistent with the desired character of each area.
- O.02 Minimise adverse amenity impacts on nearby residents.
- O.03 Encourage a vibrant night time economy across the Parramatta City Centre.
- O.04 Ensure that residential zones located within the interface to Late Night Trading Areas are reasonably protected.

Controls

- C.01 Trading hours are to be consistent with the base and extended hours that apply to each Late Night Trading Area as outlined in Table 10.3.1.
- C.02 Trading hours beyond the base hours in Table 10.3.1 are subject to merit assessment and trial periods as set out in Section 10.3.2 – Extended Trading Hours and Trial Periods.

Note: Where the base hours are set as 24 hours, no merit assessment or trial period is required.

Table 10.3.1 – Base and extended trading hours

Late Night Trading Area	Venue category & location		Base hours	Extended hours
City Centre LNTA 1	High Impact & Low Impact	Indoor	24 hours	
		Outdoor	6am to midnight*	24 hours*
	Non-Licensed	Indoor	24 hours*	
		Outdoor		
City Centre LNTA 2	High Impact & Low Impact	Indoor	6am to 2am	24 hours
		Outdoor	6am to midnight*	24 hours*
	Non-Licensed	Indoor	24 hours*	
		Outdoor		
City Centre LNTA 3	High Impact & Low Impact	Indoor	6am to midnight	24 hours
		Outdoor	6am to 10pm*	10pm to midnight*
	Non-Licensed	Indoor	24 hours*	
		Outdoor		
Outside of Late Night Trading Areas or otherwise described in Section 10.1.1 above.		Indoor	Merit assessed	
		Outdoor		

* Outdoor areas with a direct frontage to the Parramatta River foreshore will have maximum trading hours until 10pm. Council may consider varying this subject to merit assessment and trial period.

Note: Alignment of outdoor and indoor hours can be achieved subject to a trial period.

10.3.2 EXTENDED TRADING HOURS AND TRIAL PERIODS

Approvals for extended trading hours are subject to trial periods. Trial periods are required to enable Council to assess the ongoing management performance of a premise, and its impacts on neighbourhood amenity and safety.

To ensure minimal adverse impacts on neighbourhood amenity and safety, applicants are required to prepare and adhere to a Plan of Management that includes verifiable data/actions regarding operational and contextual aspects of the premises. Should an operator successfully demonstrate good venue management in accordance with an approved Plan of Management and other conditions of consent, extended trading hours may be formalised following the completion of the required trial periods.

Refer to Section 10.5 – Premises Impact Management for further information.

Objectives

- O.01. Enable Council to monitor and assess the management performance of a premises and its impact on neighbourhood amenity and safety.
- O.02. Provide venue operators the opportunity to demonstrate through compliance with an approved Plan of Management that extended hours will not have an unreasonable impact on surrounding land uses.
- O.03. Consider community feedback on extended trading hours.

Controls

- C.01 Any extended hours beyond base hours will be subject to the following trial periods:

- a) an initial 2 year trial period; and
- b) a further 5 year trial period (if the first trial period is successful as determined by Council).

Trial periods may be cancelled in the event of poor venue management during the trial period.

Council, at its sole discretion, can make the extended hours permanent if both the first and second trial periods are successful.

Note: The initial trial periods commence at the date of issue of an occupation certificate. The second trial period will commence at the date of determination of the modified consent to extend the trial period.

- C.02 At the completion of each trial period an application to modify the development consent must be lodged to amend the trial period condition. The assessment of the modification application will consider:
 - a) assessment of inspections by Councils officers during trial periods;
 - b) consideration of Police Incident reports;
 - c) consideration of complaints to Council and or Liquor & Gaming NSW ; and

- d) assessment of venue compliance with the approved Plan of Management and other conditions of consent.
- C.03 Venue operators are required to demonstrate compliance with the approved Plan of Management and any other conditions of consent or relevant legislation. Operators must maintain a level of amenity and safety in the vicinity of the premises which is at an acceptable community standard.
- C.04 Where a second trial period or permanent extended hours apply, venue operators must review their Plan of Management and make necessary revisions to address concerns raised by Council, NSW Police, Liquor and Gaming NSW, and the community prior to approval by Council.

10.4 ACOUSTIC CONTROLS

These provisions define the internal and external noise criteria for the regulation of Entertainment Noise within the Paramatta City Centre and immediate surrounds.

Entertainment noise refers to music or patron noise emanating from activities associated with the Night Time Economy.

For areas not in the Paramatta City Centre and immediate surrounds, Liquor and Gaming noise criteria and/or Noise Policy for Industry applies.

These provisions balance the management and mitigation of noise between emitters and receivers and identify noise sensitive receivers and corresponding internal noise criteria. The acceptable internal noise levels may vary due to a number of factors, including but not limited to different types of receivers, LNTAs, time of day, day of the week. Establishing appropriate internal noise criteria requires consideration of not only the numerical values of acoustic standards, but also the parameters by which these values are measured.

These provisions also define external acoustic environments, or Noise Categories (NC). The external noise environment can impact the viability of noise generating development, the level of vibrancy on the street and the feasibility of a receiver development. Similar to the internal acoustic environment, the external acoustic environment can also vary by area, time of day, and day of the week. Establishing appropriate external criteria requires considerations of both numerical values and also the acoustic parameters by which the values are measured.

The external acoustic environments have also been informed by the desired character and levels of vibrancy within the Parramatta City Centre and immediate surrounds. The Emitter Premises Categories in Section 10.1.2 – Emitter Premises Categories do not necessarily correlate with the potential acoustic impact of a premise. The NCs consider that entertainment sound is a desirable aspect of the city soundscape within areas with activity, compared with industrial or mechanical sound.

This Section applies to noise arising from Entertainment Noise as defined in the Glossary of Terms as *noise emanating from activities associated with the Night Time Economy, including music and/or patron noise*. Regulation of noise sources from mechanical services or road and rail traffic are regulated by other criteria.

10.4.1 NOISE SOURCES TO BE REGULATED

Objective

- O.01 Identify the types of noise sources that will be regulated by the Controls outlined in this Section and where and when the regulations apply.

Controls

- C.01 Noise arising from Entertainment Noise as defined in the Glossary of Terms as noise emanating from activities associated with the Night Time Economy, including music and/or patron noise, will be regulated as follows:
- a) For the Parramatta City Centre and the immediate surrounds as shown in Figure 10.4.2 Entertainment Noise is regulated by the controls and objectives in Section 10.4 of this DCP.
- C.02 Noise arising from other sources is regulated as follows:
- a) Noise arising from mechanical services will be regulated by the NSW [Noise Policy For Industry](#).
 - b) Noise arising from road and rail traffic noise impacts on residential, educational, child care and places of worship near rail lines and roads with an Annual Average Daily Traffic (ADDT) greater than 20,000 will be regulated by the [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#).

10.4.2 NOISE CATEGORIES AND LEVELS WITHIN LNTAS

This Section describes the External Noise Category (NC) Cumulative Levels that apply in the Parramatta City Centre and immediate surrounds as shown in Figure 10.4.2. The Noise Categories have been established based on:

- Existing Entertainment Noise levels in benchmark areas;
- Historical measurement data across Sydney, including Parramatta; and
- An analysis of noise ingress through typical window façade construction for different receiver types.

Objectives

- O.01. Provide criteria that considers cumulative impacts of activity in the public realm.
- O.02. Provide an appropriate framework for the assessment of entertainment noise levels in the Parramatta City Centre and immediate surrounds to provide certainty for emitters and receivers.
- O.03. Protect the amenity of existing and potential future sensitive receivers.

Controls

- C.01 Entertainment Noise should not exceed the External Noise Category Cumulative Levels in Table 10.4.2 for the respective Noise Categories as shown in Figure 10.4.2.
- C.02 External Noise Category Cumulative Levels apply:
- a) on all days.
 - b) to the frontage or boundary of lots.
 - c) to all floors to the maximum LEP building heights.
- C.03 A 5dB reduction from external cumulative noise levels will be applied to determine the permitted noise contribution for an individual noise generating development.

Table 10.4.2. – External Noise Category (NC) Cumulative Levels, $L_{eq}(15\text{minute})$

Noise Category	Period ¹		Overall, dBA	Octave band, dB		
				31.5 Hz	63 Hz	125 Hz
NC-A	1 - Day/Evening	7am – 10pm	70	73	73	68
	2 - Night	10pm – Midnight	70	73	73	68
	3 - Late night	Midnight – 7am	65	63	63	61
NC-B	1 - Day/Evening	7am – 10pm	65	65	65	61
	2 - Night	10pm – Midnight	60	60	60	56
	3 - Late night	Midnight – 7am	55	55	55	53
NC-C	1 - Day/Evening	7am – 10pm	58	60	60	58
	2 - Night	10pm – Midnight	53	55	55	53
	3 - Late Night	Midnight – 7am	48	50	50	48
NC-D	1 - Day/Evening	7am – 10pm	55	57	57	55
	2 - Night	10pm – Midnight	50	52	52	50
	3 - Late Night	Midnight – 7am	45	47	47	45

Notes:

- Time periods are defined in the Glossary of Terms. Time periods apply on all days.
- Noise levels are 'free field', i.e. not façade corrected.

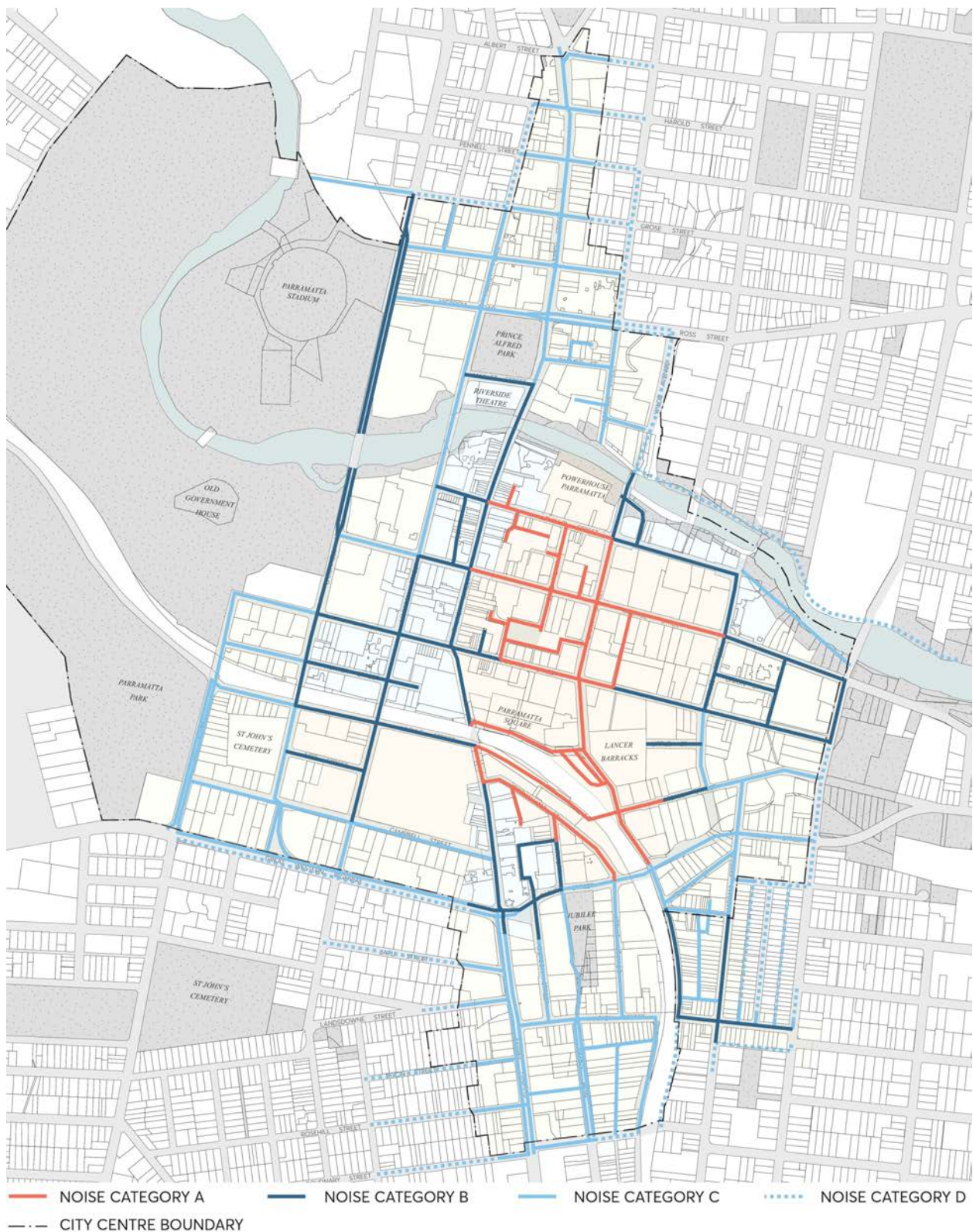


Figure 10.4.2 – Noise Category Levels in the City Centre and immediate surrounds

10.4.3 ACOUSTIC REQUIREMENTS FOR NEW RECEIVER DEVELOPMENTS WITHIN LNTAS

This Section describes the internal noise criteria to be achieved through Receiver building envelope noise attenuation within the Parramatta City Centre and immediate surrounds as shown in Figure 10.4.2.

Receivers are defined in the Glossary of Terms as receiving uses such as residential accommodation (excluding hostels), educational facilities including early childhood and child care facilities (CCF), places of public worship, health services facilities, tourist and visitor accommodation (including hostels), and commercial premises (excluding retail premises, but including offices as part of industrial premises).

Objective

- O.01 Establish appropriate internal noise criteria that balances the desired levels of vibrancy and a reasonable and commensurate level of amenity for sensitive uses.

Controls

- C.01 A Noise Impact Assessment prepared by suitably qualified acoustic consultant may be required when submitting a development application for new Receiver development where Noise Category A to C (NC) is defined in Figure 10.4.2 – Noise Category Levels in the City Centre and immediate surrounds.
- C.02 The Noise Impact Assessment is to:
- a) Outline the required noise attenuation measures to achieve the Receiver Internal Noise Criteria, specified in Table 10.4.3 – Mandatory Receiver Internal Entertainment Noise Criteria $L_{eq(15\text{minute})}$
 - b) Be based on the relevant NC level occurring at all levels of the development.
 - c) Include consideration of Entertainment Noise from existing venues prior to commencement of this DCP.
- C.03 For building facades not facing a defined NC road, such as rear or side facades of a building, a 5dB reduction in Noise Category Cumulative Noise Level shall be applied to account for shielding and reduced exposure to Entertainment Noise.
- C.04 Where the New Receiver development is to adjoin an existing venue, the Noise Impact Assessment must quantify emissions from the venue for the purpose of assessment and include consideration of vibration and structure-borne noise.
- C.05 Where noise attenuation measures impact the provision of passive natural ventilation, alternative ventilation complying with the National Construction Code must be provided.
- C.06 Noise impact from other sources, such as road and rail must be assessed separately in accordance with relevant Standards and policies.

- C.07 Noise emission from building services or other sources typically assessed in accordance with the NSW Noise Policy for Industry (NPfI) must comply with the amenity requirements only. No correction to amenity levels is to be applied for high traffic noise environments.
- C.08 For mixed-used development, where some levels may include future venues, the Noise Impact Assessment must identify noise mitigation provisions to enable compliance with the Acoustic requirements for emitters set out in Table 10.4.3 – Mandatory Receiver Internal Entertainment Noise Criteria $L_{eq(15\text{minute})}$

Table 10.4.3 – Mandatory Receiver Internal Entertainment Noise Criteria $L_{eq(15\text{minute})}$

Receiver ¹	Period ²	Broadband, dBA	Octave band centre frequency criteria, dB		
			31.5Hz	63Hz	125Hz
Residential accommodation (excluding hostels)	1 - Day/Evening (habitable rooms ² excluding bedrooms)	40	69	52	46
	2 - Night & 3 - Late Night (habitable rooms ² excluding bedrooms)	35	69	52	46
	1 - Day/Evening (bedrooms)	35	69	52	46
	2 - Night & 3 - Late Night (bedrooms)	30	64	47	41
Educational facilities including early childhood and child care facilities (CCF)	When in use ³	35	69	52	46
Place of Public Worship	When in use ³	35	69	52	46
Health Services Facility	1 - Day/Evening	35	69	52	46
	2 - Night & 3 - Late Night (wards only)	30	64	47	41

Notes:

- Internal criteria apply to entertainment sound only.
- Habitable room is defined as a room used for normal domestic activities, and—
 - includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
 - excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.
- Time of use for receiver development to be based on development application of new development. Time periods defined in Glossary of Terms

10.4.4 ACOUSTIC REQUIREMENTS FOR NEW EMITTERS WITHIN LNTAS

This Section describes the internal noise criteria to be achieved within Emitter building envelope noise attenuation within the Parramatta City Centre and immediate surrounds, as shown in Figure 10.4.2.

Emitters are defined in the **Glossary of Terms** as *a premise that generates Entertainment Noise*.

Objective

- O.01 Ensure that new emitters do not unreasonably diminish the amenity of nearby sensitive uses from noise intrusion.

Controls

- C.01 A Noise Impact Assessment prepared by suitably qualified acoustic consultant is required when submitting a development application for new emitter uses.
- C.02 The Plan of Management will be used both in the development assessment process and as a means to identify the way in which the premises will operate in compliance to conditions of consent. The Plan of Management will be incorporated as a condition of development consent.
- C.03 The Plan of Management should detail all noise management measures to ensure that the development can achieve the Venue Noise Criteria.
- C.04 Entertainment Noise from all emitters must not exceed the Venue Noise Criteria, equivalent to the Noise Category Cumulative Levels specified in Table 10.4.2 minus 5dB by reference to Figure 10.4.2 – Noise Category Levels in the City Centre and immediate surrounds, at any surrounding premise lot boundary, 1.5 metres above the floor level of all floors up to the maximum allowable building height, as defined in the LEP.
- C.05 Entertainment Noise from emitters with an adjoining Receiver, that may be affected by noise transfer via the common partition must not exceed the Receiver Internal Noise Criteria specified in 4.3 minus 5dB as well as Table 10.4.4 minus 5dB at the most-potentially affected location (no less than 1 metre) from the common partition.

Table 10.4.4 – Internal Entertainment Noise Criteria for new emitter adjoining an existing premises

Receiver	Period ¹	Broadband, dBA	Octave band centre frequency, dB		
			31.5Hz	63Hz	125Hz
Tourist and visitor accommodation (including hostels)	1 - Day/Evening & 2 - Night (bedrooms)	40	69	52	46
	3 - Late Night (bedrooms)	35	69	52	46
Commercial premises (excluding retail premises, but including offices as part of industrial premises)	8am – 6pm, Monday to Friday	40	69	52	46

Notes:

1. Time of use for receiver development to be based on development application of new development. Time periods defined in Section 10.6 – Glossary of Terms.
2. Internal criteria apply to entertainment sound only.
3. For commercial premises and hotels, the internal entertainment noise criteria is a guideline. The commercial nature of these premises should grant the operators control over the internal acoustic environment of these premises.

Further Information

Building Code of Australia

Noise Policy for Industry 2017, NSW Environmental Protection Authority

Environmental Criteria for Road Traffic Noise, Environmental Protection Authority NSW, 1999

Development near Rail Corridors and Busy Roads - Interim Guideline, NSW Department of Planning 2008

Reducing Traffic Noise: a Guide for Home Owners, Designers and Builders, Roads and Maritime Services, 1991

Interim Guidelines for Councils: Consideration of Rail Noise and Vibration in the Planning Process, Rail Infrastructure Corporation (RIC) and State Rail Authority (SRA), 2003

Managing Sound and Noise in Night-Time Venues, Night Time Industries Association, 2023

Navigating the Planning and Licensing Landscape, Night Time Industries Association, 2023

Promoting Safety and Wellbeing at Night, Night Time Industries Association, 2023

Relevant Australian Standards, including:

- AS 3671 - Road Traffic Noise Intrusion
- AS 1055 Parts 1, 2 and 3 – 1997 Acoustics - Description and Measurement of Environmental Noise
- AS 2107 - 1987 Acoustics - Recommended design sound levels and reverberation times for building interiors

RIC and SRA Interim Guidelines for Applicants: Consideration of Rail Noise and Vibration in the Planning Process
RIC website - www.ric.nsw.gov.au

State Environmental Planning Policy (Transport and Infrastructure) 2021

10.5 PREMISES IMPACT MANAGEMENT

The Plan of Management will be used both in the development assessment process and as a means to identify the way in which the premises will operate in compliance to conditions of consent. The Plan of Management will be incorporated as a condition of development consent.

Objectives

- O.01 Ensure that the potential impacts from the operation of the premises are considered and addressed during the assessment of an application;
- O.02 Enable Council to review Plans of Management to ensure that management practices are being appropriately applied to late night trading premises.
- O.03 Provide certainty for both the consent authority, operators and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.

Controls

- C.01 A Plan of Management must be completed in accordance with the guidelines in Section 10.5.1 and is required to accompany an application for the following applications:
 - a) new High Impact or Low Impact premises;
 - b) existing High Impact or Low Impact premises that seek a formalisation of existing approved trading hours;
 - c) existing High Impact Premises that seek extensions, additions or refurbishment which will lead to an intensification of that use;
 - d) existing Low Impact Premises that seek extensions, additions or refurbishment which will result in the premises becoming a High Impact premises;
 - e) applications for outdoor trading or amplified sound on the same lot as a High Impact or Low Impact premises.
- C.02 An assessment of the social impacts of the proposal should be included:
 - a) where a Statement of Risks and Potential Effects is required as under the *Liquor Act 2007*, this should be submitted with the Development Application.
- C.03 The Plan of Management will be used both in the development assessment process and as a means to identify the way in which the premises will operate in compliance to conditions of consent. The Plan of Management will be incorporated as a condition of development consent.
- C.04 The Plan of Management should detail all noise management measures to ensure that the development can achieve the Venue Noise Criteria.

10.5.1 PLAN OF MANAGEMENT REQUIREMENTS

A Plan of Management should be in the form of a separate attachment with an application and should be accompanied by a signed declaration from the licensee/manager that they have read and understood the Plan of Management. A template Plan of Management will be included on Council's website alongside other FAQ documents.

10.5.1.1 HIGH IMPACT PREMISES

At a minimum, a Plan of Management for a High Impact premises should include

a) *Details of the use of the site*

- Primary use of the premises
- Any secondary/ancillary uses (e.g. retail liquors sales, public entertainment, outside trading areas, gaming areas etc).
- Details of the maximum capacity of the premises.
- For licensed premises, maximum number of patrons that will be standing and/or sitting at any one time.

b) *A set of plans of the premises, showing:*

- Proposed layout of all areas of the premises, such as internal queuing areas, seating, dining, gaming, dance floors, entertainment, lounge, etc;
- The proximity of external doors, windows and other openings to residential and other sensitive land uses;
- Identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (e.g. outdoor seating, footway dining, queuing areas, parking etc);
- The location of waste storage areas;
- Location of air conditioning, exhaust fan systems and security alarms;
- Identification of the most commonly used pedestrian routes to and from the premises, including any safety corridors;
- If applicable, details of the capacity of the space to host performance, creative or cultural uses including the location and dimensions the space, stage audience (standing or seating area).

c) *Operational details of the premises, including*

- An overview of the organisation, providing details about the company/licensee/proprietor that includes information regarding:
 - the number and type of staff (including security);
 - other similar premises within the company's portfolio (if relevant);
 - any Liquor Licenses for the premises;
 - a description of any actions that the proprietor/licensee has taken to co-operate with NSW Police, the local community and incorporated resident groups regarding the management of the premises; and
 - existing or planned membership of a Licensing Accord within the City of Parramatta.

d) *Hours of Operation*

- A schedule of the proposed operating hours for each day of the week including:

- All areas of the premises (eg. courtyards, rooftop, balcony, footway, gaming room etc.). If the nature of an area changes (for example, a dining area becomes a dance floor after the kitchen closes), then this should be noted and operational hours for the different uses detailed.
- For existing premises seeking renewal or extension of trading hours, a schedule of current daily hours for all areas of the premises.
- If applicable, a schedule of proposed entertainment hours for each day of the week.

e) Noise mitigation and management, including

- The identification of all likely noise and vibration sources associated with the operation of the premises:
 - live entertainment and amplified sound;
 - external (outside) areas such as courtyards,
 - rooftops, balconies etc;
 - patrons leaving and entering the premises;
 - the operation of mechanical plant and equipment;
 - waste disposal, sorting and collection of bottles etc; and
 - in stand-alone gyms in buildings with residential accommodation, background music, air conditioning and the use of exercise machines and free weights.
- Details of all on-site and off-site noise and vibration attenuation measures related to the use and operation of the premises.
- A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (e.g. Australian Standards, *Protection of the Environment (Operations Act) 1997*, EPA Industrial Noise Guidelines, etc.);
- Details of how management will address complaints relating to noise, and any noise control strategies that will be implemented to minimise the potential for complaints (eg. Liaison with neighbours and local police, maintaining a complaint register etc);
- Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies or designated smoking areas etc; and
- Details of any noise limiting devices to be installed.

f) Premises management measures

- Details of all measures that will be taken to ensure that amenity impacts that may result from the operation of the premises are minimised.
- A waste management plan that outlines the procedures for minimising and managing waste that is generated by the premises. This should address such matters as disposal of bottles, how and when waste will be removed, details of waste management facilities, waste collection and storage areas etc.
- Details of methods that will increase patron awareness of public transport availability (eg. signage, availability of timetables) as well as a description of any other measures that will assist patrons in using public transport (eg. provision of a shuttle service, taxi assistance etc.).
- Details of methods and provisions that will increase patron awareness of responsible disposal of cigarette butts.

g) Security and safety

- A description of any arrangements that will be made for the provision of security staff. This is to include (but is not limited to) the following:

- any recommendations from Local Licensing Police regarding appropriate security provision and a statement outlining the extent of compliance with police recommendations;
- the number of security personnel that will be patrolling inside and outside the premises including the frequency of security patrols
- identification of the physical extent of any patrolled areas outside the premises;
- hours that security personnel will be on duty (including the period after closing time);
- staff security training, weapons detection, and other security response methods; and
- details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras, and camera technical specifications (e.g. recording capacity, frames per second etc.)
- Details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises;
- Detail any liaisons or outcomes of any meeting with local NSW police;
- Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:
 - complaint date and time;
 - name, contact and address details of person(s) making the complaint;
 - nature of complaint;
 - name of staff on duty;
 - action taken by premises to resolve the complaint;
 - follow-up; and
 - outcome.
- Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering or leaving the premises will minimise disturbance to the neighbourhood, such as details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises
- Any provisions that will be made to increase security in times where higher than average patronage is expected (e.g. during live entertainment, peak periods on weekends, New Year's Eve, following large sporting events in the locality, during special events and functions, etc.);
- Liaison that will be undertaken with other licensees or operators of late trading premises and/or the Local Liquor Accord in the locality/area to improve security at night;
- measures to prevent glass being carried from the premises by patrons;
- measures to ensure safe capacities (e.g. electronic counting of patrons, occupancy limits, signage); and
- actions to be taken during 'wind down' periods prior to closing time.
- If queuing outside the premises is to occur:
 - a description of any measures that will be taken to ensure that queuing is controlled in a manner that will ensure that queuing is controlled in a manner that will not disturb the neighbourhood and that the footpath will not be unreasonably impeded.
 - description of how and how often security guards will monitor queues (e.g. security guards will monitor queues every 10 minutes to identify inappropriate behaviour before patrons enter);
 - the use of temporary ropes and bollards;
 - maximum queue numbers;
 - actions taken to minimise loitering; and
 - actions ensuring the fast and efficient movement of a queue.

OPTIONAL: For applications in conjunction with an application for a new liquor licence

- Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements such as:
 - employee training and awareness regarding RSA and harm minimisation;
 - approaches that will be used to manage intoxicated and/or disorderly persons;
 - promotion of non-alcoholic beverages and provision of free water;
 - display of the premises' house policy;
 - assisting patrons in accessing safe transportation from the premises (e.g. arranging taxis, public transport timetable information);
 - encouraging responsible drinking;
 - number of RSA marshals employed for each shift and details on how they will monitor RSA; and
 - actions taken to discourage drug use and to manage drug related incidents.
- Details of emergency and evacuation procedures in accordance with the relevant Australian Standard and provide details of staff training in those procedures.

OPTIONAL: Performance, creative or cultural programming

- A description of the music, visual, performance, creative and cultural events that may be staged at the premises.
- Description of the equipment required to present the performance, creative or cultural use.
- Arrangements for booking and promoting performance, creative and cultural uses.
- Procedures for notifying neighbours about the nights when operating hours are extended to provide for performance, creative and cultural uses (such as major events).

10.5.1.2 LOW IMPACT PREMISES

At a minimum, a Plan of Management for a Low Impact premises should include

h) Details of the use of the site

- Primary use of the premises.
- Any secondary/ancillary uses (e.g. retail liquors sales, public entertainment, outside trading areas, gaming areas etc).
- Details of the maximum capacity of the premises.
- For licensed premises, maximum number of patrons that will be standing and/or sitting at any one time.

i) A set of plans of the premises, showing:

- proposed layout of all areas of the premises, such as internal queuing areas, seating, dining, gaming, dance floors, entertainment, lounge, etc;
- the proximity of external doors, windows and other openings to residential and other sensitive land uses
- identification of any 'active areas' adjacent to the boundaries of the site used in association with the use of premises (e.g. outdoor seating, footway dining, queuing areas, parking etc);
- the location of waste storage areas;
- location of air conditioning, exhaust fan systems and security alarms; and
- if applicable, details of the capacity of the space to host performance, creative or cultural uses including the location and dimensions the space, stage audience (standing or seating area).

j) Operational details of the premises, including

- An overview of the organisation, providing details about the company/licensee/proprietor that includes information regarding:
 - the number and type of staff (including security);
 - other similar premises within the company's portfolio (if relevant);
 - any Liquor Licenses for the premises;
 - existing or planned membership of a Licensing Accord within the City of Parramatta.

k) Hours of Operation

- A schedule of the proposed operating hours for each day of the week including:
 - All areas of the premises (e.g. courtyards, rooftop, balcony, footway, gaming room etc.). If the nature of an area changes (for example, a dining area becomes a dance floor after the kitchen closes), then this should be noted and operational hours for the different uses detailed.
 - For existing premises seeking renewal or extension of trading hours, a schedule of current daily hours for all areas of the premises.
 - If applicable, a schedule of proposed entertainment hours for each day of the week.

l) Noise mitigation and management, including

- The identification of all likely noise and vibration sources associated with the operation of the premises:
 - live entertainment and amplified sound;
 - external (outside) areas such as courtyards,

- rooftops, balconies etc;
- patrons leaving and entering the premises;
- the operation of mechanical plant and equipment;
- waste disposal, sorting and collection of bottles etc; and
- in stand-alone gyms in buildings with residential accommodation, background music, air conditioning and the use of exercise machines and free weights.
- Details of all on-site and off-site noise and vibration attenuation measures related to the use and operation of the premises.
- A statement outlining the premises' compliance with all relevant noise and vibration standards, guidelines and legislation (e.g. Australian Standards, *Protection of the Environment (Operations Act) 1997*, EPA Industrial Noise Guidelines, etc.).
- Details of how management will address complaints relating to noise, and any noise control strategies that will be implemented to minimise the potential for complaints (eg. liaison with neighbours and local police, maintaining a complaint register etc).
- Details of any measures that will be taken to minimise noise from outdoor areas such as rooftops, courtyards, balconies or designated smoking areas etc.
- Details of any noise limiting devices to be installed.

m) Premises management measures

- Details of all measures that will be taken to ensure that amenity impacts that may result from the operation of the premises are minimised.
- A waste management plan that outlines the procedures for minimising and managing waste that is generated by the premises. This should address such matters as disposal of bottles, how and when waste will be removed, details of waste management facilities, waste collection and storage areas etc.

n) Security and safety

- A description of any arrangements that will be made for the provision of security staff. This is to include (but is not limited to) the following:
 - The number, hours and physical extent of security personnel that will be patrolling inside and outside the premises.
 - Details of CCTV surveillance camera installation that identifies both indoor and outdoor areas monitored by cameras, and camera technical specifications (e.g. recording capacity, frames per second etc.)
- Details of any complaints associated with the operation of the premises must be recorded in a Complaints Register which includes:
 - complaint date and time;
 - name, contact and address details of person(s) making the complaint;
 - nature of complaint;
 - name of staff on duty;
 - action taken by premises to resolve the complaint;
 - follow-up; and
 - outcome.
- Measures that will be taken by security personnel to ensure that the behaviour of staff and patrons when entering or leaving the premises will minimise disturbance to the neighbourhood, such as details of signage that is to be erected providing advice to patrons to maintain quiet and order when leaving and entering the premises.

- Liaison that will be undertaken with other licensees or operators of late trading premises and/or the Local Liquor Accord in the locality/area to improve security at night.
- Actions to be taken during 'wind down' periods prior to closing time.
- If queuing outside the premises is to occur:
 - a description of any measures that will be taken to ensure that queuing is controlled in a manner that will ensure that queuing is controlled in a manner that will neighbourhood and that the footpath will not be unreasonably impeded.

OPTIONAL: For applications in conjunction with an application for a new liquor licence

- Methods employed to implement harm minimisation and the responsible service of alcohol (RSA) requirements such as:
 - employee training and awareness regarding RSA and harm minimisation;
 - approaches that will be used to manage intoxicated and/or disorderly persons;
 - promotion of non-alcoholic beverages and provision of free water;
 - display of the premises' house policy;
 - assisting patrons in accessing safe transportation from the premises (e.g. arranging taxis, public transport timetable information);
 - encouraging responsible drinking;
 - number of RSA marshals employed for each shift and details on how they will monitor RSA; and
 - actions taken to discourage drug use and to manage drug related incidents.
- Details of emergency and evacuation procedures in accordance with the relevant Australian Standard and provide details of staff training in those procedures.

OPTIONAL: Performance, creative or cultural programming

- A description of the music, visual, performance, creative and cultural events that may be staged at the premises.
- Description of the equipment required to present the performance, creative or cultural use.
- Arrangements for booking and promoting performance, creative and cultural uses.
- Procedures for notifying neighbours about the nights when operating hours are extended to provide for performance, creative and cultural uses (such as major events).

10.6 GLOSSARY OF TERMS

Base hours are the standard range of trading hours that a late night trading premises is entitled to if an application is approved.

Emitter refers to a premise that generates Entertainment Noise.

Entertainment noise refers to music or patron noise emanating from activities associated with the Night Time Economy including music and/or patrons

Existing use is a venue or premises that has an activated development consent for a specific location.

Extended hours mean trading hours that may be approved above base hours on a trial basis and are considered maximum hours.

Habitable room is a room that is intended for occupation and normal domestic activities, such as:

- A bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom;
- Excludes any other space not specified above of a specialised nature not occupied frequently or for extended periods including a bathroom/water closet, balconies, laundry, pantry, walk-in wardrobe, corridor, lobby, and clothes-drying area.

Late Night Trading Areas refers to a place-based hierarchical approach to categorising areas that reflects the quantity, types and temporal characteristics of existing night-time activities, as well as any potential capacity for the growth of appropriate and compatible night-time uses, existing or planned neighbouring sensitive uses, and existing or planned transport, cultural, social and public safety infrastructure.

External Noise Category Cumulative Level is the external cumulative entertainment noise limit from emitters.

Night time economy refers to uses and activities that occur mainly after dark such as small bars, bars, pubs, clubs, cafes, restaurants, retail shops, performance venues, cultural and sporting events, and cultural spaces which provide for the entertainment and social preferences of residents, workers, students and visitors.

NTE Venue refers to a premise that is associated with the Night Time Economy and generates Entertainment Noise.

Outdoor areas are any areas that are not considered an enclosed place within the meaning described in the *Smoke-free Environment Regulation 2007*.

Patron capacity means the maximum number of patrons permitted in a development consent. Outdoor seating is included in patron capacity calculations.

Performance, creative or cultural uses are activities that can include:

- (i) Live entertainment, being an event at which one or more persons are engaged to play or perform live or pre-recorded music, or a performance at which the performers (or at least some of them) are present in person; or
- (ii) Display, projection or production of an artwork, craft, design, media, image or immersive technology; or
- (iii) Rehearsal, teaching or discussion of art, craft, design, literature, performance, ideas or public affairs.

Period 1 – Day/Evening refers to the period of time between 7am to 10pm.

Period 2 – Night refers to the period of time between 10pm to Midnight.

Period 3 – Late Night refers to the period of time between Midnight to 7am.

Receiver refers to receiving uses and can include the following uses: residential accommodation (excluding hostels), educational facilities including early childhood and child care facilities (CCF), places of public worship, health services facilities, tourist and visitor accommodation (including hostels), and commercial premises (excluding retail premises, but including offices as part of industrial premises).

Receiver Internal Noise Criteria is the Internal noise level to be achieved through Receiver building envelope noise attenuation of the LNTA cumulative noise level.

Suitably qualified acoustic consultant is a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

Trading hours are the hours a high and low impact or non-licensed venue can trade subject to the approved conditions of their development consent. For licensed premises, the sale or supply of liquor is designated by the associated liquor licence.

Venue Noise Criteria is the external entertainment noise limit from a single NTE Venue, equivalent to the Noise Category Cumulative Level minus 5dB.