

Recommendation:

That Council:

1. ***ENDORSES the direction and key elements for the Proposed Northbridge Special Entertainment Precinct as detailed in this report to inform the preparation of Amendment No. 41 to the City Planning Scheme No.2 to introduce a Northbridge Special Entertainment Precinct;***
2. ***REQUESTS Development WA to amend the Metropolitan Redevelopment Authority's Central Perth Redevelopment Scheme to incorporate planning provisions in accordance with those proposed as part of Amendment No. 41 to the City Planning Scheme No. 2 for the areas of the Northridge Special Entertainment Precinct currently under its planning control, and for this amendment to be gazetted prior to normalisation of the precincts within the Northbridge Special Entertainment Precinct; and***
3. ***REQUESTS that the Department of Water and Environmental Regulation incorporate in its drafting instructions for the proposed amendments to the Environmental Protection (Noise) Regulations 1997 (as amended), the provision for a head of power to provide the CEO of the Local Government with the discretion to modify assigned nominal external amplified music noise levels established for a Special Entertainment Precinct through a Venue Approval.***

FILE REFERENCE:	P1034633#02
REPORTING OFFICER:	Siobhan Linehan, Senior Urban Planner
REPORTING UNIT:	City Planning
RESPONSIBLE ALLIANCE:	Planning and Economic Development
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	19 November 2019
ATTACHMENT/S:	Attachment 13.22A – Map of the Special Control Area - Key elements Attachment 13.22B - Map of the Special Control Area – current statutory planning responsibilities

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. Proposed Northbridge under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Committee to note.*

Legislation / Strategic Plan / Policy:

Legislation

*Environmental Protection Act 1986
 Environmental Protection (Noise) Regulations 1997
 Planning and Development Act 2005
 Planning and Development (Local Planning Schemes) Regulations 2015
 City of Perth City Planning Scheme No. 2
 City of Perth Local Planning Scheme No. 26 (Normalised Redevelopment Areas)
 Metropolitan Redevelopment Scheme Central Perth Redevelopment Scheme 2012*

City of Perth Act 2016

Objects of the City of Perth
 8(1)(f) - to promote environmentally sustainable development, while ensuring Perth's role as a thriving business, cultural and entertainment centre, considering the flow-on impact to the Perth metropolitan area

Integrated Planning and Reporting Framework Implications

Strategic Community Plan
 Strategic Priority - Built Environment

Policy

Policy No and Name:

City of Perth:
 Precinct Plan No. 1 – Northbridge
 Precinct Plan No. 3 – Stirling
 William Street Heritage Area Design Guidelines
 Northbridge Area 36 – Lake Street Design Guidelines
 Northbridge Area 35 – Russell Square Design Guidelines

Metropolitan Redevelopment Authority:
Central Perth Development Policy 3 – Sound and Vibration
Attenuation

Purpose and Background:

The purpose of this report is to seek endorsement from Council on the direction and key elements to inform the proposed amendment to the City of Perth's City Planning Scheme No. 2 (CPS2) to introduce a Special Control Area (SCA) to establish a Northbridge Entertainment Precinct.

The proposed Scheme Amendment forms part of a broader package of noise management reforms which the City has been working on with the Department of Planning, Lands and Heritage (DPLH) and the Department of Water and Environmental Regulations (DWER). It is anticipated that this package of reforms will be released for public comment in the near future.

The State Government's key deliverables include the following:

1. Western Australian Planning Commission Position Statement - a WAPC Position Statement proposed to provide guidance to local government on the establishment of designated special entertainment precincts.
2. Amendment to Environmental Protection (Noise) Regulations 1997 - the Amendment has yet to be drafted however it is understood that it will enable:
 - a) local governments to define special entertainment precinct/s for the purposes of noise management in their local planning schemes;
 - b) entertainment venues situated within a designated Entertainment Precinct to have an option to apply to the local government for a Venue Approval to emit noise levels beyond the current assigned levels under regulation 7 of the Noise Regulations for its day to day operations. The issuing of a Venue Approval will be guided by nominal or strategic noise levels established for the special entertainment precinct under the local government's local planning scheme; and
 - c) the Venue Approval would specify a maximum allowable noise level at the venue boundary, or a defined location, for compliance purposes and may have other conditions attached, such as requiring an Acoustic Report.

DWER has prepared preliminary drafting instructions for the proposed Amendment to the Noise Regulations and a Regulatory Impact Statement (RIS) which is a prerequisite to amending the Noise Regulations.

At its meeting held on **29 October 2019** the Council resolved to DEFER consideration of Amendment No. 41 to City Planning Scheme No. 2 to enable further information to be provided to Commissioners to address:

- i. Commissioner feedback on the drafting, structure and application of the proposed Special Control Area provisions;*

- ii. The impacts on and risks for existing entertainment venues within the Scheme Amendment area;*
- iii. The impacts on and risks for future noise sensitive premises within the Scheme Amendment area, particularly future residential and mixed-use developments; and*
- iv. The reasons for including the Perth Cultural Precinct and nearby existing entertainment venues in the Frame rather than the Core area, and the options, consequences, benefits and dis-benefits of revising that approach.*

These matters are addressed at a high level in this report.

Prior to initiation of a scheme amendment, it is considered important that the purpose and key elements of the proposal are confirmed. These are set out under the 'Details' Section of this report. These key elements are based on the proposal that has previously been presented to the Council on 29 October 2019 and further consideration on the purpose of the amendment and the orderly and proper planning of the city.

Details:

Key Elements

1. Purpose of creating a Special Entertainment Precinct

To provide effective planning controls to support entertainment venues in the Northbridge Special Entertainment Precinct in a manner that supports an active night time economy, with associated high external amplified music noise levels, while addressing land use conflicts between entertainment venues and noise sensitive premises.

2. Boundary

The changes to the *Environment Protection (Noise Regulations) 1997* require an area to be defined in the City Planning Scheme so it is clear as the area that the provisions will apply.

Identifying a boundary provides certainty to business, the community, landowners and the development industry. Please refer to Attachment 13.22A.

3. Core and Frame

Creation of a Core and Frame Entertainment Areas that reflects the long-term concentration of entertainment venues.

Enable a level of containment of higher noise levels to a specific area and a transition area for the broader city area.

Implement a nominal external amplified music noise level of **95 dB** in the 63 Hz octave band within the Core Entertainment Area and **79 dB** in the 63 Hz octave band within the Frame Entertainment Area.

4. New Entertainment Venues

New entertainment venues located in the **Core Entertainment Area** to be designed and constructed to incorporate noise attenuation measures to ensure that a level of **95 dB** in the 63 Hz octave band is not exceeded outside of the entertainment venue.

New entertainment venues located in the **Frame Entertainment Area** to be designed and constructed to incorporate noise attenuation measures to ensure that a level of **79 dB** in the 63 Hz octave band is not exceeded outside of the entertainment venue.

5. Existing Entertainment Venues in the Proposed Frame Entertainment Area

Provide certainty to existing entertainment venues in the Frame Entertainment Area.

Enable noise attenuation standards for entertainment venues situated within the proposed Frame Entertainment Area, that existed at the time of gazettal of the proposed Special Control Area, to be based on a nominal external amplified music noise level of up to **90 dB** in the 63 Hz octave band.

If the entertainment venue:

- (i) ceases operation for at least 6 consecutive months; and/or
- (ii) is destroyed or damaged to the extent of at least 75% of its value;

then the requirements for new entertainment venues in the Frame Entertainment Area shall apply.

Create a register of these entertainment venues in the planning scheme:

- (i) a description of each area of land that is being used as an entertainment venue;
- (ii) a description of any building on the land; and
- (iii) a description of the entertainment venue.

6. Building Extensions

The application for development approval involving an extension or addition, the applicable noise attenuation standards shall only apply to the new or substantially modified component of an entertainment venue or noise sensitive premise.

7. Noise Sensitive Development

The noise attenuation standards for new noise sensitive premises to be designed to achieve a maximum internal level of **47 dB** in the 63 Hz octave band.

New noise sensitive premises to have notifications placed on Certificates of Title/ Strata Titles that they are purchasing in the Northbridge Special Entertainment Precinct.

8. Residential Growth

Maintain existing planning incentives in the Northbridge neighbourhood to support continued residential population growth in the city.

9. Existing Entertainment Venues Outside the Northbridge Special Entertainment Precinct

No change is proposed for existing entertainment venues situated outside of the proposed Special Entertainment precinct/SCA. These venues will have to align with the assigned noise levels prescribed under regulation 7 of the *Environmental Protection (Noise) Regulations 1997* (as amended).

10. Planning Governance

Prior to the transfer of planning authority from Development WA to the City of Perth for the Perth Cultural Centre and properties along William Street, Development WA's planning scheme is updated to reflect the provisions of the City of Perth Special Control Area for the Northbridge Special Entertainment Precinct.

11. Environmental Protection (Noise) Regulations

The proposed changes to the Noise Regulations to include the ability for the local government to apply discretion in the application of the nominal amplified music noise levels when issuing a Venue Approval.

Future Supporting Documents

Separate to the Scheme Amendment, the City will prepare a number of supporting documents including:

- a) A Local Planning Policy - Noise Attenuation – which will cover the whole of the city and aim to clarify and consolidate current provisions, as well as incorporating additional provisions for the Special Entertainment Precinct/SCA. This will be prepared subsequent to the initiation of the proposed Scheme Amendment.
- b) A Council Policy – to address the compliance and enforcement matters associated with noise management within the city and to provide guidance around the issuing of Venue Approvals within the Special Entertainment Precinct/SCA. This will be prepared once the City has visibility of the proposed Amendment to the Noise Regulations.

Stakeholder Engagement:

In late August 2019, the City sent a letter to landowners situated within the proposed Special Entertainment Precinct/SCA to inform them of the work the City and the State Government had been undertaking on the proposed planning and environmental regulatory reforms within Northbridge. No action was requested from landowners and only one landowner contacted the City with a query.

Financial Implications:

There are no financial implications associated with this report. Any costs will be reported as part of the future Scheme Amendment initiation report.

Comments:

In response to the matters raised at the Council meeting held on 29 October 2019 the following information is provided as well as a recap on key information that has guided the approach.

- i) Quick Recap - Core Entertainment Area

There are approximately 40 existing entertainment venues, in addition to 149 residential premises and several short stay accommodation premises situated within the proposed Core Entertainment Area.

The ambient noise levels measured by Lloyd George Acoustics in 2019 (over 4 nights) outside of 27 (out of a total of 40) entertainment venues within the Core Entertainment Area indicated a ranged from **75.2 – 104.2 dB** in the 63Hz octave band. The ambient noise levels measured outside of six noise sensitive premises residential buildings ranged from **74.2 – 89.6** in the 63Hz octave band.

However, the findings of the survey indicate that the noise levels can fluctuate from one night to the next depending on the type of music on the night, patron numbers and whether any external glazing is kept closed or not.

A nominal external amplified music noise level of **95dB in the 63 Hz octave band** is proposed for the Core Entertainment Area. 62% or 17 out of the 27 entertainment venues surveyed currently operate at this level or below.

ii) Quick Recap – Frame Entertainment Area

There are approximately 20 existing entertainment venues situated throughout the proposed Frame Entertainment Area, in addition to approximately 609 residential premises and 12 short stay accommodation premises.

A significant portion of this area comprising the Perth Cultural Centre and Perth City Link is under the planning authority of Development WA (formerly the Metropolitan Redevelopment Authority).

There are limited recent measurements of external amplified music noise levels within the Frame Entertainment Area. The ambient noise levels outside of the three entertainment venues surveyed ranged from **74.2 – 107.9 dB** in the 63Hz octave band whilst the ambient noise levels outside six noise sensitive premises ranged from **72.5 – 92.4** in the 63 Hz octave band.

A nominal external amplified music noise level of **79 dB** at the 63 Hz octave band is proposed for the Frame Entertainment Area.

The intent behind the Frame Entertainment Area is to act as a transitional area between the Core Entertainment Area and the area outside of the SCA and provide for a greater mix of land uses, including noise sensitive premises.

Having regard to these matters are a high-level overview of the advantages and disadvantages of the current proposal on existing entertainment venues and noise sensitive premises situated within the proposed Core and Frame Entertainment Areas is provided below.

Question 1 - the impacts on and risks for existing entertainment venues within the Scheme Amendment area.

The City has recently received correspondence from two owners of well - established entertainment venues proposed to be situated within the Frame Entertainment Area. The owners expressed serious concern regarding the maximum external amplified music noise level of **79 dB** in the 63 Hz octave band for the Frame Entertainment Area – (should they choose to ‘opt in’ and apply for a Venue Approval) would seriously comprise the viability of their business. One owner stating that such action may result in the closure of their entertainment venues due to costly attenuation works and higher operating costs. Should this occur the City is mindful of the impact on the cultural, economic and vibrancy of the locality which would undermine the intent of establishing a Special Entertainment Precinct/SCA.

It is also noted that the City has received correspondence from a resident situated within the proposed Special Entertainment Precinct/SCA seeking further information on the proposed planning and environmental regulatory reforms and the potential impact of the proposal on residents.

A balance will need to be found between the concerns raised by the owners of the entertainment venues and what the City considers would be an acceptable level of acoustic amenity for noise sensitive premises, particularly those which are existing.

With regard to the implications for entertainment venues situated within the Core and Frame Entertainment Areas the following information is provided:

Advantages

- a) Increased certainty - entertainment venues with a Venue Approval will have increased certainty about the maximum amplified music noise level they can emit which is higher than what would be permitted under the current provisions of the Noise Regulations.

In this regard, the current Noise Regulations do not provide certainty for entertainment venues as the noise levels that they must comply with are determined at each noise receiver and compliance should be achieved at each receiver. As a result, the allowable noise levels for entertainment venues change as new noise sensitive development occurs in the area. Additionally, under the current approach only the noise emitter is responsible for ameliorating noise impacts.

- b) Noise complaints - any additional attenuation measures adopted by an entertainment venue is done with certainty that it will provide greater protection against noise complaints.
- c) Stronger night time economy - establishing a shared expectation of street vibrancy which will assist to future - proof the Northbridge Special Entertainment Precinct and have flow on benefits for surrounding business, visitors and residents seeking a vibrant entertainment, dining and cultural experience.

An economic analysis of the proposed Northbridge Special Entertainment Precinct undertaken by Lucid Economics in 2018 on behalf of Tourism WA, demonstrated that the value of tourism generated within the precinct equated to \$174 million in Gross State Product and approximately 1,600 jobs (both directly and indirectly). The report stated that late night activity (10pm – 4am) is responsible for 40% of total activity in the precinct, generating \$70 million in Gross State Product and supporting 639 jobs (both directly and indirectly).

In addition, DWERs research into the economic value of the Fortitude Valley special entertainment precinct (which has a maximum external amplified music noise level of **90dB** in the 63 Hz octave band) found that Brisbane's night time economy was growing faster than the rest of Brisbane economy in terms of sales revenue, employment and numbers of businesses.

Disadvantages

- a) Higher attenuations costs - number of existing entertainment which are emitting higher external amplified music noise level may have to alter their day to day operations and/or invest in additional noise attenuation measures to accord with the lower assigned level. In some instances, the level of noise reduction and associated attenuation costs with entertainment venues situated within the Frame Entertainment Area will be much greater

than that required for existing entertainment venues situated within Core Entertainment Area.

The City understands that there are a number of ways an entertainment venue can reduce the acoustic impact it has on surrounding noise sensitive premises including:

- limiters on sound equipment;
- the installation of newer technology speakers/sound systems allowing fully programmable sound generation;
- reduction of lower frequencies levels in music (at a cost of sound quality);
- noise reduction panelling, cladding etc;
- constant self-monitoring and adjustment;
- staff training, entertainer controls, feedback and monitoring;
- reduction of hours, restriction of louder music to only certain areas of a venue or times;
- construction of structures to contain sound such as walls, roofs, bass bins etc; and
- change in operations (which may result in loss of trade).

However, it is acknowledged that many of these methods are costly, difficult to be retrospectively fitted to a premise or require additional staffing or operational measures.

- b) Proximity to the Core – it may be difficult for existing entertainment venues situated in close proximity to the Core Entertainment Area to comply with the assigned level for the Frame Entertainment Area due to external amplified music emissions emitting from the Core Entertainment Area.
- c) Potential venue closures – the flow on effect of costly attenuation works and higher operating costs may have a detrimental impact on the viability of the business and may lead to the potential closure of some existing entertainment venues. The impact of such an outcome on the character, the economy and vibrancy of the locality would undermine the intent of establishing a Special Entertainment Precinct/SCA.

Question 1 - Potential Way forward

The City's administration is mindful of the potential impact that significant attenuation costs and/or modifying the existing operations may have on the viability of the existing entertainment venues to continue to operate, particularly within the proposed Frame Entertainment Area. Accordingly, a new clause will be proposed in the Special Control Area scheme amendment that will enable those entertainment venues that existed at the time of gazettal of this SCA will be based on a nominal external amplified music noise level of up to **90 dB** in the 63 Hz octave band until the entertainment venue:

- (i) ceases operation for at least 6 consecutive months; and/or
- (ii) is destroyed or damaged to the extent of at least 75% of its value.

The level of attenuation required and associated costs to achieve this higher assigned level would be reduced. New entertainment venues would however, have to comply with the nominal external amplified music noise level of **79 dB** in the 63 Hz octave band.

It should be noted that the proposed higher assigned level is similar to the maximum external amplified music level adopted in the Fortitude Valley entertainment area in Brisbane.

- a) Targeted approach – the above targeted approach to address the potential financial and operational impact on the established entertainment venues situated within the Frame Entertainment Area are considered more appropriate from a planning perspective than the other option of expanding the Core Entertainment Area where the full impact on existing noise sensitive uses, nor land situated within an adjacent local government (City of Vincent) has yet to be fully determined. The expansion of the Core Entertainment Area would also compromise the ability of new sensitive premises or mixed-use development (which incorporates noise sensitive uses) proposed within the reduced Frame Entertainment Area (and potentially the area immediately outside of the SCA) from being constructed.

Additionally, it is not considered appropriate to extend the boundary of the Core Entertainment area to align between lot boundaries rather than the street, given the potential for greater noise impact on existing noise sensitive premises.

- b) Venue Approval – should the proposed amendments to the Noise Regulations allow the City to apply some discretion in granting a Venue Approval, this may allow the City to apply a higher external amplified music noise level for existing entertainment venues (on a temporary basis) where it can be demonstrated that the proposed level will not create a greater impact on existing noise sensitive uses than the nominal levels specified above. However, any proposed attenuation works would still need to accord with the provisions of the SCA in order to future proof the entertainment venue.
- c) Further clarity on new additions - the applicable noise attenuation standards shall only apply to the new or substantially modified component of an entertainment venue.

Question 2 - the impacts on and risks for future noise sensitive premises within the Scheme Amendment area, particularly future residential and mixed-use developments

- a) Impact on existing noise sensitive premises – the external amplified noise music levels will be reduced in some areas of the Core Entertainment Area which will benefit existing residents. However, in other areas the noise levels may increase either via the establishment of new entertainment venues or existing entertainment venues which opt in to obtain a Venue Approval to operate at higher levels than they are currently.
- b) Impact on future noise sensitive premises - a key finding of the Gabriel's Hearne Farrell study indicated that the higher noise attenuations standards required to meet a transmission loss for new noise sensitive development over **79 dB** in the 63Hz octave band would be impractical and financially unviable.
- c) Protection for new noise sensitive premises – new noise sensitive development will be designed and constructed with the aim of achieving internal levels of no more than **47dB** in the 63 Hz octave band. This can be achieved where external noise levels are up to **79 dB** in the 63Hz octave band. DWER has advised that these levels are consistent with protection and health and amenity for residents.

Whilst the higher noise attenuation standards will add to the cost to new noise sensitive development, it will lead to higher quality construction projects which will enable future residents and guests to enjoy their inner city living experience.

- d) Future urban infill - attenuation standards for proposed noise sensitive development within the Frame Entertainment Area will also have to account for noise emissions emitting from the Core Entertainment Area. The higher the assigned level in the Core Entertainment Area (or the expansion of the Core Entertainment Area), the less likely new noise sensitive development will be able to occur within certain areas of the Frame Entertainment Area due to the higher costs associated with requiring a greater transmission loss to achieve acceptable internal noise levels.

Ideally, the City is hoping to achieve a more balanced land use mix within the proposed Frame Entertainment Area to align with other strategic planning priorities such as encouraging more residents within the city to enhance the vitality of the area as outlined in the City's draft City Planning Strategy and reiterated in the Federal and State Government's recent announcement on City Deals.

- e) Day/Night Time Economy/Vibrancy – existing and future noise sensitive premises will contribute to the day/night time economy, vibrancy and perceived safety of the local area.

Question 2 - Potential Way forward

- a) Council Policy – as outlined in the report of 29 October 2019, the World Health Organisation (WHO) has carried out research which concluded that exposure to noise, including low frequency noise, can have negative impacts on a person's health and well-being, particularly when they are exposed over a long-time period.

In view of the above matters and the potential longer term health impacts on existing residents, the proposed level for the Core Entertainment Area is recommended on the basis that the overall external amplified noise level steps down to a level of **90 dB** in the 63 Hz octave band after a certain period of time (e.g. 1am) and possibly also on particular days of the week (e.g. some week days) to provide an acceptable level of acoustic amenity for existing noise sensitive premises. This approach is similar to that adopted in the Fortitude Valley entertainment area in Brisbane (albeit that their maximum external amplified music level is 90dB(C)). As outlined above, this could be incorporated into the Council Policy which the City will need to prepare following consultation with key stakeholders and the community - should the proposed Amendment to the Noise Regulations allow for this.

- b) Retaining Bonus Plot Ratio – it is acknowledged that there is value in retaining the existing Residential and Special Residential bonuses within the Core Entertainment Area and within the portion of the Frame Entertainment Area between Beaufort and Stirling Street to allow for future economies of scale, should improvements to the current building design and construction methods achieve the required building attenuation standards.

Whilst the Gabriels Hearne Farrell study advises that an overall increase of 8 per cent building cost may be required to achieve the required transmission loss for new noise sensitive premises to achieve the **79 dB** in the 63 Octave band, it is acknowledged there may be other innovative acoustic solutions, including triple glazing which have yet to be investigated.

- c) No. 2 -6 (Lot 40) Parker Street – in view of the above, it is also considered that SCA relating to No. 2 -6 (Lot 40) Parker Street which enables the City to grant bonus plot ratio where

development incorporates a new Special Residential use could be retained. The draft SCA provisions will incorporate a clause which permits the local government to refuse a development application relating to a noise sensitive premises where the local government is not satisfied that the development can be acoustically attenuated to meet the applicable Transmission Loss levels.

- d) Notification of Title - although Northbridge is well known as a lively entertainment precinct with music spilling into the street from various entertainment venues, new residents may still move into the area without fully appreciating, or being prepared, for the noise environment that they will experience. As such it is recommended, that a notification on the certificate of title (pursuant to section 70A of the *Transfer of Land Act 1893*) be imposed upon all noise sensitive to inform prospective owners of potential noise impacts.
- e) Noise sensitive premises situated immediately outside of the SCA – as part of the preparation of the local planning policy for noise attenuation, it is recommended that any new noise sensitive premises proposed adjacent to the proposed Special Entertainment Precinct/SCA but outside of this area, be required to be designed and constructed as if they were situated within the proposed Frame Entertainment Area.

Question 3 - The reasons for including the Perth Cultural Centre Precinct and nearby existing entertainment venues in the Frame rather than the Core area, and the options, consequences, benefits and dis-benefits of revising that approach.

The Perth Cultural Centre (PCC) Precinct is situated within the eastern portion of the Special Entertainment precinct/SCA, bound by William, Aberdeen, Beaufort and Roe Streets and covers an area of approximately 8.5 hectares. It incorporates a mix of fine-grain low scale heritage buildings (accommodated within the MRA's William Street Conservation Precinct) through to medium-scale cultural administrative and education buildings. The State's major cultural and educational institutions including the new W.A Museum (under construction), Art Gallery of WA, Perth Institute of Contemporary Arts, The Blue Room Theatre, State Library of WA, State Records Office, North Metropolitan TAFE and the State Theatre Centre of WA are accommodated within this area.

- a) Distinct role and function - PCC has a distinct character and function which distinguishes it from the proposed Core Entertainment Area.

Consideration should be afforded to existing uses within the PCC such as the State Library of WA, the new W.A Museum and the North Metropolitan TAFE, whereby a higher level of amplified music level may not be appropriate.

- b) Planning authority - PCC is currently under the MRA's planning authority and is subject to the provisions of the MRA's Central Perth Redevelopment Scheme 2012 (the MRA Scheme). Please refer to Attachment 13.22B.

Section 4.17 of the MRA's Scheme incorporates a Special Control Area to establish a 'Northbridge Entertainment Precinct' which also accommodates Core and Frame Areas. The majority of the PCC (with the exception of a properties situated on the east side of William Street between Francis and Roe Streets) is also included within the Frame Area.

- c) Vision - The vision for the PCC outlined in the MRA's Scheme is to realise the potential of the State's principle cultural hub in the heart of the city centre. Additionally, the MRA Scheme states the area will develop "with a rich mix of cultural facilities and creative industries, supported by educational, entertainment, retail and residential development and an engaging

public realm". An objective of the MRA's William Street Precinct Design Guidelines 2010 is to promote the establishment of a residential population within the William Street Precinct through the provision of affordable and diverse housing opportunities, particularly for students, creative industry workers and hospitality workers.

However, it is noted that under the MRA's Scheme 'Residential' land use (including permanent and transient) is a 'Contemplated' Use and 'Dining and Entertainment' land uses are 'Preferred'.

- d) Future proofing urban infill – should the State Government wish to continue to provide opportunities for increasing the student and workforce populations within the PCC as outlined in the MRA Scheme, the proposed lower external amplified music noise level will require less stringent building attenuation measures than that proposed for the Core Entertainment Area. Noting anything above 79 dB in the 63Hz octave band may be cost prohibitive for new noise sensitive development.
- e) Existing amenity – the lower external amplified music noise level proposed for the PCC will assist to provide an acceptable level of acoustic amenity for the existing noise sensitive premises situated within the PCC (e.g. Alex Hotel).

Additionally, the lower external amplified music noise level proposed for the PCC will assist to achieve one of the objectives for the area which is to *'ensure acoustic comfort in internal spaces and provide for minimal transfer of noise between uses within the precinct'*.

- f) Ability to host events - it is noted that the PCC has hosted a number of major events including Fringe World, the Perth International Arts Festival and the Awesome International Arts Festival. The proposal to accommodate the PCC within the Frame Entertainment Area will not compromise its ability to continue to provide festivals, micro-festivals or one-off public events, as suitable case-by case-approvals processes already exist under the Noise Regulations.
- g) Creating a transitional area – the PCC will assist to provide a significant transitional/buffer area between the higher external amplified music noise levels being emitted from the Core Entertainment Area and the area to the east of the PCC which has been identified under the draft City Strategy as a residential growth area, as well as existing noise sensitive premises situated to the north of PCC within the MRA's New Northbridge Area.
- h) Nearby entertainment venues - similarly, nearby entertainment venues situated in the Frame Entertainment Area are also located in well-established mix use areas which accommodate noise sensitive uses.

Accordingly, as discussed above a targeted approach to address the potential financial and operational impact on the established entertainment venues situated within the Frame Entertainment Area is considered more appropriate from a planning perspective than the other option of expanding the Core Entertainment Area where the full impact on existing noise sensitive uses has yet to be fully determined.

- i) Normalisation - DPLH advised on 1 November 2019 that the Minister for Lands has formally approved commencement of 'normalisation' for the PCC Precinct with planning control for a portion of the area (including some properties on the eastern side of William Street) to be handed back to the City on 1 July 2020.

The normalisation involves an amendment of the City's planning framework using sections 35 and 57 of the MRA Act to be generally consistent with the existing framework. Accordingly, it is recommended that the Council request Development WA to amend the MRA's Central Perth Redevelopment Scheme to incorporate planning provisions similar to those proposed as part of Amendment No. 41 to the City's CPS2 for the areas of the Northridge Special Entertainment Precinct currently under its planning control, and for this amendment to be gazetted by the proposed normalisation date of the precincts within the Northridge Special Entertainment Precinct.

Question 3 - Potential Way Forward

For the reasons outlined above, on balance it is recommended that the PCC and nearby entertainment venues be retained in the proposed Frame Entertainment Area identified in Attachment 13.22A.

Council may consider convening a Special Council Meeting to initiate Amendment 41 to the City Planning Scheme No.2 to introduce a Northridge Special Entertainment Precinct.



**CORE AREA
Entertainment Uses**

- New and existing Entertainment Venues attenuate to 95 dB in the 63 Hz octave band
- Noise Sensitive Uses (e.g. Residential and short stay)**
- New noise sensitive uses noise attenuation designed and constructed to achieve 47 dB in the 63 Hz octave band inside
 - New noise sensitive uses to have notification on title advising they are in an Entertainment Area
 - Existing noise sensitive uses – no changes required

0 80 160 metres

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on behalf of the Western Australian Planning Commission.
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AS_Northbridge Core Entertainment Aerial - No Boundaries.mxd

Base information supplied by
Western Australian Land Information Authority
SLIP 1066-2018-1

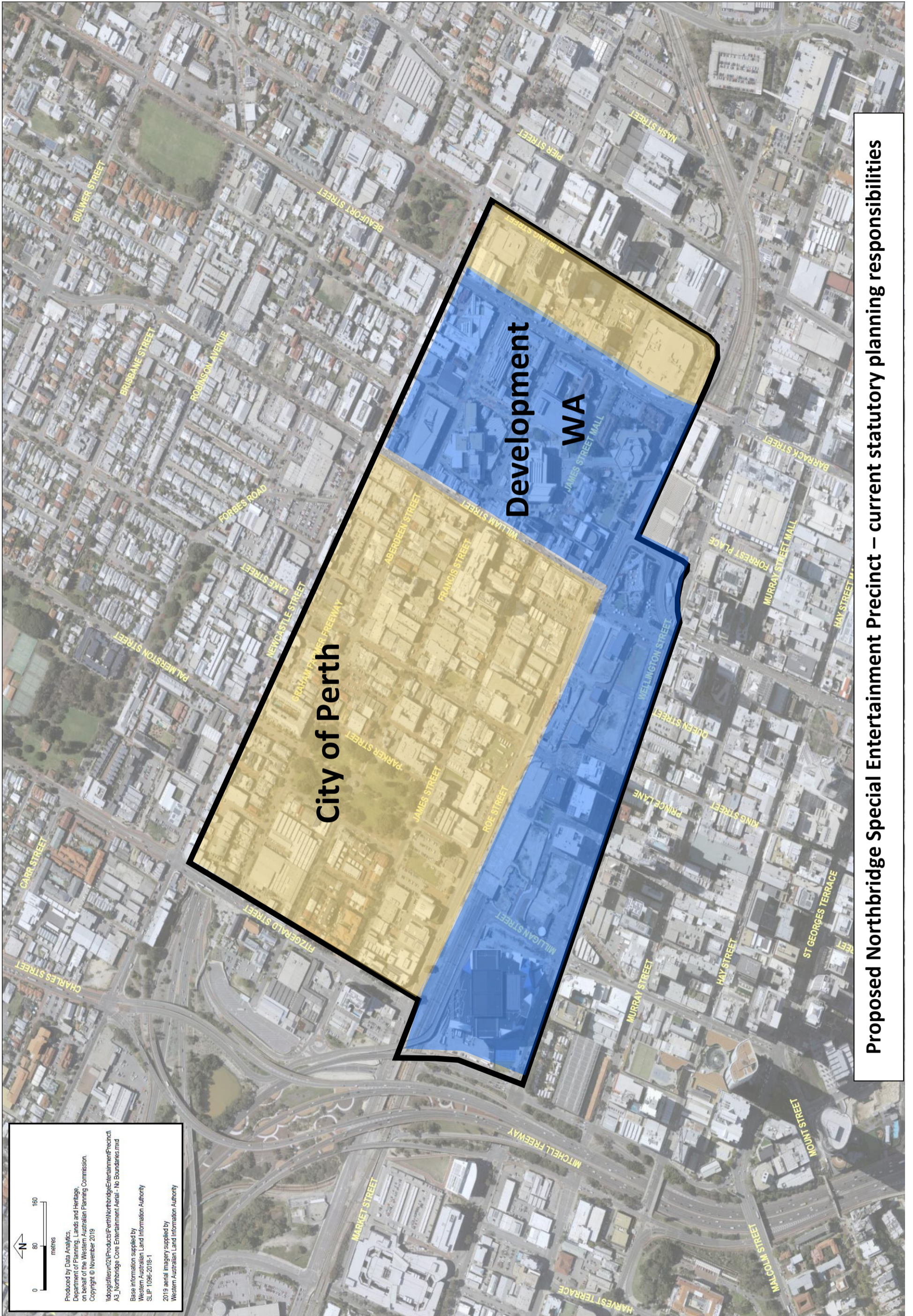
2019 aerial imagery supplied by
Western Australian Land Information Authority

**FRAME AREA
Entertainment Uses**

- New Entertainment Venues attenuate to achieve 79 dB in the 63 Hz octave band one metre from venue boundary
- Existing Entertainment Venues operate up to 90 dB in the 63 Hz octave band one metre from venue boundary
- Create a register to list existing Entertainment Venues at the time of gazettal of planning scheme amendment

- Noise Sensitive Uses (e.g. Residential and short stay)**
- New noise sensitive uses noise attenuation designed and constructed to achieve 47 dB in the 63 Hz octave band inside
 - Existing noise sensitive uses – no changes required

**Proposed Northbridge Special Entertainment Precinct
Key elements**



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 metres
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 A3_Northbridge Core Entertainment Aerial - No Boundaries.mxd
 Base information supplied by
 Western Australian Land Information Authority
 SLIP_1096-2018-1
 2019 aerial imagery supplied by
 Western Australian Land Information Authority

Proposed Northbridge Special Entertainment Precinct – current statutory planning responsibilities