

Notice of Special Council Meeting

Council Chamber
Level 9
Council House
27 St Georges Terrace, Perth WA 6000



City of Perth

Notice is hereby given that a Special Meeting of Council of the City of Perth will be held in the Council Chamber, Level 9, Council House, 27 St Georges Terrace, Perth on Wednesday, 4 December 2019 at 4pm.

Purpose: To consider the Initiation of Amendment No. 41 to City Planning Scheme No.2 to Introduce a Northbridge Special Entertainment Precinct.

ORDER OF BUSINESS

- 1 Prayer/Acknowledgment of Country
- 2 Declaration of Opening
- 3 Apologies
- 4 Question Time for the Public and Notification of Deputations
- 5 Disclosures of Interests
- 6 Matters for which the meeting may be closed
- 7 Reports

Report No.	Item Title	Page
7.1	Initiation of Amendment No. 41 to City Planning Scheme No. 2 to Introduce a Northbridge Special Entertainment Precinct	1

- 8 Closure

MURRAY JORGENSEN
CHIEF EXECUTIVE OFFICER

28 November 2019

This meeting is open to members of the public



Council Chambers Seating Layout



Chair Commissioner
Andrew Hammond



Chief
Executive Officer
Murray Jorgensen



Alliance Manager
Governance
Mark Ridgwell



Commissioner
Gaye McMath



General Manager
Community Development
Anne Banks-McAllister



Commissioner
Len Kosova



General Manager Planning
and Economic
Development
Jayson Miragliotta



Alliance Manager
Development Approvals
Margaret Smith



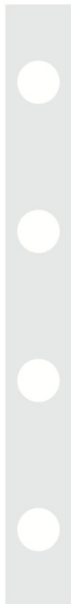
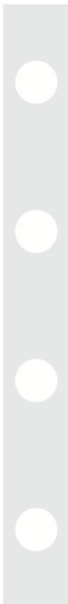
General Manager
Infrastructure and
Operations
Chris Kopec



General Manager
Corporate Services
Bill Parker



Governance Officer
Ashlee Rutigliano



Agenda **Initiation of Amendment No. 41 to City Planning Scheme No. 2**
Item 7.1 **to Introduce a Northbridge Special Entertainment Precinct**

Recommendation:

That Council:

- 1. pursuant to section 75 of the Planning and Development Act 2005, RESOLVES to initiate Amendment No. 41 to the City Planning Scheme No. 2, as detailed in Attachment 7.1B Proposed Scheme Amendment No. 41;***
- 2. pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES that Amendment No. 41 to the City Planning Scheme No. 2 is a complex amendment pursuant to regulation 34 of the Regulations as it will have an impact that is significant relative to development in the locality;***
- 3. pursuant to section 81 of the Planning and Development Act 2005, RESOLVES to refer Amendment No. 41 to the City Planning Scheme No. 2 to the Environmental Protection Authority;***
- 4. pursuant to regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to refer Amendment No. 41 to the City Planning Scheme No. 2 to the Western Australian Planning Commission;***
- 5. pursuant to section 84 of the Planning and Development Act 2005, RESOLVES to advertise Amendment No. 41 to the City Planning Scheme No. 2 for public inspection in accordance with regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015;***
- 6. 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 those areas of the Northbridge Special Entertainment Precinct currently under its planning control, and for this amendment to be gazetted prior to normalisation of these areas;***
- 7. REQUESTS the Department of Planning, Lands and Heritage to ensure that planning provisions (in accordance with those proposed as part of Amendment No. 41 to the City Planning Scheme No. 2) are applied to any land within the Northbridge Special Entertainment Precinct which is reserved under the Metropolitan Region Scheme;***
and

8. ***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 the 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 Development
REPORT AUTHOR DISCLOSURE OF INTEREST:	Nil
DATE:	28 November 2019
ATTACHMENT/S:	Attachment 7.1A – Further Information Provided to Commissioners Attachment 7.1B – Proposed Scheme Amendment Attachment 7.1C – Map of the Special Control Area - Key elements Attachment 7.1D – Regulatory flow chart

Council Role:

- | | | |
|-------------------------------------|----------------|--|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |
| <input type="checkbox"/> | Information | <i>For the Committee to note.</i> |

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 - Place

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

1. Purpose

The purpose of the proposed amendment to the City of Perth's City Planning Scheme No. 2 (CPS2) is to introduce a Special Control Area (SCA) to establish a Northbridge Special Entertainment Precinct.

2. Summary

Northbridge is the State's premier entertainment precinct. The growth of noise sensitive premises (such as residential and short stay accommodation) in Northbridge has resulted in uncertainty for entertainment venue operators, due to the potential impact noise complaints can have on the on-going operation of the venues.

The SCA will establish nominal external amplified music noise levels upon which noise attenuation requirements for new and existing entertainment venues and new noise sensitive premises will be based.

The proposed Scheme Amendment forms part of a broader package of noise management reforms the City has been preparing in collaboration with the Department of Planning, Lands and Heritage (DPLH) and the Department of Water and Environmental Regulations (DWER).

At its meeting held on **29 October 2019**, Council deferred initiation of Amendment No. 41 to City Planning Scheme No. 2 to enable further information to be provided to Commissioners. The full resolution and additional information is set out in Attachment 7.1A to this report.

In considering the further information requested by the Commissioners as well as the concerns raised by venue operators, the City's Administration reconsidered aspects of the previously proposed Scheme Amendment, particularly the proposed nominal external amplified music noise levels required for existing entertainment venues situated within the Frame Entertainment Area as outlined further in the report.

At its meeting held on **26 November 2019**, Council resolved to endorse the key elements for the proposed Northbridge Special Entertainment Precinct to inform the preparation of a revised Amendment No. 41 to the City Planning Scheme No. 2. These key elements involved:

- a) Defining the boundary and Core and Frame Entertainment Areas of the Special Entertainment Precinct;
- b) An 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; and
- c) Existing entertainment venues situated within the proposed Frame Entertainment Area, that existed at the time of gazettal of the proposed Special Control Area, shall have an external amplified music noise level of up to **90 dB** in the 63 Hz octave band.

Based on the above key elements, proposed Amendment No. 41 is presented with a recommendation to initiate the planning scheme amendment.

3. Proposed Planning Scheme Amendment - Summary

Details of the proposed revised Scheme Amendment are provided in Attachment 7.1B and are summarised below.

3.1 Purpose

The purpose of the proposed Scheme Amendment is to establish a Northbridge Special Entertainment Precinct, in recognition of its significance as the State's premier entertainment area, by supporting entertainment venues and associated high external amplified music noise levels and thereby facilitating an active night time economy.

In addition, a number of objectives are sought to achieve the following:

- a) To provide entertainment venues with greater operational certainty and to support the continued operation of existing entertainment venues;
- b) To provide a Core Entertainment Area where the highest concentration of entertainment venues and the highest external amplified music noise levels are supported;

- c) To provide a Frame Entertainment Area, which acts as a transitional area between the Core Entertainment Area and the area outside of the Special Control Area, and provide for a greater mix of land uses in the Frame, including noise sensitive premises; and
- d) To reduce potential land use conflicts between noise sensitive uses and entertainment venues by ensuring the design and construction of buildings incorporate appropriate noise attenuation measures.

3.2 Special Entertainment Precinct – Core and Frame Entertainment Areas

The Special Entertainment Precinct/SCA extends over the land bounded primarily by Newcastle, Stirling, Fitzgerald and Wellington Streets, and comprises a Core Entertainment Area and Frame Entertainment Area as shown in Attachment 7.1C. It should be noted that it will not apply to those areas under the planning control of the Development WA (formally known as Metropolitan Redevelopment Authority).

3.3 Noise Attenuation Levels

The Scheme Amendment proposes a **nominal external amplified music noise level** of:

- **95 dB** in the 63 Hz octave band and **86 dB** in the 125 Hz octave band within the Core Entertainment Area; and
- **79 dB** in the 63 Hz octave band and **70 dB** in the 125 Hz octave band within the Frame Entertainment Area.

3.3.1 New Entertainment Venues

New entertainment venues located in the Core Entertainment Area are 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 are 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.

3.3.2 Existing Entertainment Venues in Frame Entertainment Area

Noise attenuation requirements for entertainment venues located in the Frame Entertainment Area, that existed at the time of gazettal of the proposed SCA, are to be based on a nominal external amplified music noise level of up to **90 dB** in the 63 Hz octave band. This provision will provide certainty to existing entertainment venues in the Frame Entertainment Area.

3.3.3 New Noise Sensitive Premises

New noise sensitive premises in both the Core Entertainment Area and Frame Entertainment Area are to be designed and constructed to achieve a maximum internal level of **47 dB** in the 63 Hz octave band.

New noise sensitive premises shall also have notifications placed on Certificates of Title/ Strata Titles to inform prospective owners of the likelihood of elevated noise levels from entertainment venues within the precinct.

3.4 Building Extensions/Additions

In the case of applications for development approval involving an extension or addition, the applicable noise attenuation requirements shall only apply to the new or substantially modified component of an entertainment venue or noise sensitive premise. Under the previously proposed Scheme Amendment this provision only applied to noise sensitive premises.

3.5 Land Use Permissibilities

The Scheme Amendment proposes to reclassify Special Residential uses (i.e. short stay accommodation) from 'Preferred Uses' to 'Contemplated Uses' within the Core Entertainment Area and the part of the Frame Entertainment Area situated between Beaufort and Stirling Streets.

This will result in the following land use permissibilities across the Special Entertainment Precinct/SCA:

CPS2 Provisions (where it applies)	Entertainment Use	Residential Use	Special Residential Use
Core	Preferred	Contemplated	Contemplated
Frame:			
<ul style="list-style-type: none"> Between Beaufort St and Stirling St 	Contemplated	Contemplated	Contemplated
<ul style="list-style-type: none"> Remainder of frame 	Contemplated	Preferred	Preferred

It should be noted that no changes are currently proposed to the land use permissibilities under the City's Local Planning Scheme No. 26 (Normalised Redevelopment Areas) which apply to the land on the northern side of Aberdeen Street.

4. 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 – this will apply to the whole of the city and aims to clarify and consolidate current provisions, as well as incorporate additional provisions for the Special Entertainment Precinct/SCA. This will be prepared subsequent to the initiation of the Scheme Amendment.
- b) A City Policy – this will address the compliance and enforcement matters associated with noise management within the city and 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.

5. Proposed Amendments to the Environmental Protection (Noise) Regulations

On Friday, 22 November 2019, a paper titled *'Managing amplified music noise in entertainment precinct'* was released by DWER for public comment, with the submission period closing on the 14 February 2020. The paper outlines reform options for the management of amplified music noise in entertainment precincts.

There is concern about DWER's reference in its consultation paper to capping the external amplified music noise levels to those specified in the local planning scheme. As detailed in Attachment 7.1A, it may be appropriate in some instances for existing entertainment venues to be granted approval (on a temporary basis) to operate at a higher external amplified music noise level where it can be demonstrated that the proposed level will not create a greater impact on existing noise sensitive uses than the specified nominal levels.

Whilst a separate report on the DWER consultation paper will be presented to Council in February 2020, it is considered prudent at this stage to recommend that the proposed amendments to the Noise Regulations provide the CEO of the local government with the discretion to modify the assigned nominal external amplified music noise levels established for a Special Entertainment Precinct.

6. Stakeholder Engagement

Following initiation of a complex Scheme Amendment, the local government is required to refer the proposed Scheme Amendment to the:

- Environmental Protection Authority (EPA) to determine whether it needs to be assessed, with the EPA having 28 days to make this determination; and
- Western Australian Planning Commission (WAPC) to consider whether the amendment is suitable for advertisement, with the WAPC having 60 days to make this determination.

Once the EPA has considered the Scheme Amendment and the WAPC has provided its consent, the local government is required to advertise the Scheme Amendment for public comment for a period of 60 days. Advertising notices are required to be placed in the newspaper, noticeboard and on the website of the local government. Advertising notices are also required to be provided to each public authority that the local government considers is likely to be affected by the Scheme Amendment. The Scheme Amendment is also to be advertised as directed by the WAPC and in any other way that the local government considers appropriate.

In addition to the above requirements, it is anticipated that correspondence will be sent to all landowners and occupiers within the precinct as well as members of the Perth Liquor Accord.

The City also intends to present information on the proposed Scheme Amendment at the State Government organised information sessions proposed in early January and early February 2020 on the draft WAPC Position Statement and DWER's consultation paper. It should be noted however that the City cannot formally advertise the Scheme Amendment until such time as EPA and WAPC clearance has been obtained.

7. Proposed Transfer of Planning Authority – Development WA/MRA Precincts

Development WA has advised that it is intending to transfer planning authority back to the WAPC and the City over the Perth Cultural Centre and the Museum Street Precinct by 30 June 2020. These precincts fall within the proposed Northbridge Special Entertainment Precinct.

To avoid the need post normalisation for the City to undertake a separate amendment to its local planning scheme, it is considered critical that the MRA undertake an amendment to its local planning framework to incorporate planning provisions for the Northbridge Special Entertainment Precinct, similar to that proposed by the City, prior to normalisation of the above precincts.

8. Financial Implications:

ACCOUNT NO:	106070150
BUDGET ITEM:	Planning Schemes and Policies
BUDGETED AMOUNT:	\$463,200
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$9,500
BALANCE REMAINING:	\$453,700
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

9. Comments:

The primary purpose of the Scheme Amendment is to establish a Northbridge Special Entertainment Precinct, in recognition of its significance as the State's premier entertainment area, by supporting entertainment venues and associated high external amplified music noise levels and thereby facilitating an active night time economy.

The Scheme Amendment forms part of a broader package of noise management reforms which the City has been working on with the State Government for entertainment precincts. It seeks to ensure that the Northbridge Special Entertainment Precinct continues to thrive as the State's premier entertainment area whilst providing an acceptable level of acoustic amenity for noise sensitive premises.

The revised Scheme Amendment aligns with the direction and key elements endorsed by Council at its meeting held on **26 November 2019**.

In view of the above, it is recommended that Council initiates the revised Amendment No. 41 to CPS2 and forwards a copy of the document to the WAPC and the EPA for their consideration, prior to advertising in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

FURTHER INFORMATION PROVIDED TO COMMISSIONERS

The City's Administration has provided further information in response to the Commissioners questions outlined below raised at the Ordinary Council meeting held on 29 October 2019.

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) this would seriously compromise 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 attenuation 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.

- a) Existing Entertainment Venues in Frame Entertainment Area - 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.

- b) 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 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, 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.

- c) 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.

- d) 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 7.1B.

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.

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 7.1A.



City of Perth
City Planning Scheme
No. 2

Amendment No. 41



CITY of PERTH

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF PERTH

CITY PLANNING SCHEME NO. 2

AMENDMENT NO. 41

RESOLVED that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Inserting a new Special Control Area under clause 39(1) as follows:

(bb) Northbridge Special Entertainment Precinct - Special Control Area.
2. Inserting the following as Special Control Area 28 in Schedule 8:

28. Northbridge Special Entertainment Precinct - Special Control Area

28.1 Special Control Area

The following provisions apply to the land marked as Figure 28 being the Northbridge Special Entertainment Precinct Special Control Area. The Special Control Area comprises a Core Entertainment Area and a Frame Entertainment Area.

Note - The provisions of this Scheme/Special Control Area do not apply to the parts of the Special Control Area which are under the planning control of the Metropolitan Redevelopment Authority/Development WA.

28.2 Purpose

To establish a Northbridge Special Entertainment Precinct, in recognition of its significance as the State's premier entertainment area, by supporting entertainment venues and associated high external amplified music noise levels and thereby facilitating an active night time economy.

Note - the Special Control Area does not regulate the level of noise emitted by entertainment venues or override the requirements of the '*Environmental Protection (Noise) Regulation 1997*.'

28.3 Objectives

- (a) To ensure the Northbridge Special Entertainment Precinct continues to be the primary entertainment area in the city, providing for an active night time economy and a vibrant social and cultural scene, with a variety and a high concentration of entertainment venues.

- (b) To support entertainment venues and associated high external amplified music noise levels within the Northbridge Special Entertainment Precinct in recognition of its significance as the State's premier entertainment area.
- (c) To provide entertainment venues with greater operational certainty and to support the continued operation of existing entertainment venues.
- (d) To provide a Core Entertainment Area where the highest concentration of entertainment venues and the highest external amplified music noise levels are supported.
- (e) To provide a Frame Entertainment Area, which acts as a transitional area between the Core Entertainment Area and the area outside of the Special Control Area, where a high concentration of entertainment venues are supported and external amplified music noise levels are moderated to be lower than that within the Core Entertainment Area but higher than that prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (f) To reduce potential land use conflicts between noise sensitive uses and entertainment venues by ensuring the design and construction of buildings incorporate appropriate noise attenuation measures.

28.4 General Provisions

28.4.1 Noise Attenuation Requirements

(a) Core Entertainment Area

Within the Core Entertainment Area the extent of noise attenuation required for entertainment venues and noise sensitive premises shall be based on a nominal external amplified music noise level of L_{Leq} , 95dB in the 63 Hz octave band and L_{Leq} , 86 dB in the 125 Hz octave band;

(b) Frame Entertainment Area

Within the Frame Entertainment Area:

- (i) the extent of noise attenuation required for entertainment venues shall generally be based on a nominal external amplified music noise level of L_{Leq} , 79 dB in the 63 Hz octave band and L_{Leq} , 70 dB in the 125 Hz octave band;
- (ii) notwithstanding sub clause 28.4.1(b)(i), the extent of noise attenuation required for those entertainment venues that existed at the time of gazettal of this Special Control Area and are listed on the local government's Register of Existing Entertainment Venues – Frame Entertainment Area, shall be based on a nominal external amplified music noise level of up to L_{Leq} , 90 dB in the 63 Hz octave band and L_{Leq} , 81 dB in the 125 Hz octave band;
- (iii) the extent of noise attenuation required for noise sensitive premises shall be determined having regard to a Transmission Loss Design Report, prepared by

a qualified acoustic consultant, which takes into consideration the expected external amplified music noise levels within the area.

- (c) Where an application for development approval relates to a noise sensitive premises and/or an entertainment venue, the extent of noise attenuation required shall be as outlined in sub clauses 28.5 and 28.6.
- (d) Noise attenuation measures must be carefully integrated into the design of development and not significantly detrimentally impact upon:
 - (i) the buildings aesthetics, environmental sustainability, and cultural heritage significance where applicable;
 - (ii) the internal amenity for building occupants; and
 - (iii) the public realm.

28.4.2 Register of Existing Entertainment Venues – Frame Entertainment Area

- (a) The local government shall prepare a register of entertainment venues within the Frame Entertainment Area which existed at the time of gazettal of this Special Control Area and were lawfully approved and that approval had not expired or been cancelled.
- (b) The register prepared by the local government must set out the following –
 - (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;
- (c) Where an entertainment venue on the register;
 - (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 entertainment venue shall be removed from the register and the provisions of sub clause 28.4.1 (b) (ii) shall cease to apply.
- (d) The local government must ensure that the register is kept up to date and is made available for public inspection.
- (e) An entry in the register in relation to land that is being used for an entertainment venue is evidence of the matters set out in the entry, unless the contrary is proved.

28.4.3 Requirement for Development Approval for Works

In accordance with sub clause 61(3)(a) of the Deemed Provisions, an application for development approval shall be required, for the following works associated with a noise sensitive premises and/or an entertainment venue which are typically excluded under sub clause 61(1) of the Deemed Provisions:

- (a) the carrying out of works that are wholly located on an area identified as regional reserve under the region planning scheme;
- (b) the carrying out of internal building work;
- (c) the erection or extension of a single house on a lot; and/or
- (d) the erection or an extension of an ancillary dwelling.

Note: In accordance with sub clause 61(2)(b) of the Deemed Provisions, development that is a use that is permitted in the zone in which the development is located and which involves the above works shall require Development Approval.

28.5 Noise Sensitive Premises

- (a) Core Entertainment Area

Noise sensitive premises within the Core Entertainment Area shall be located, designed and constructed so that the Transmission Loss is a minimum of L_{Leq} 48 dB in the 63 Hz octave band and L_{Leq} 45 dB in the 125 Hz octave band.

- (b) Frame Entertainment Area

Noise sensitive premises within the Frame Entertainment Area shall be located, designed and constructed so that the Transmission Loss is a minimum of L_{Leq} 32 dB in the 63 Hz octave band and L_{Leq} 29 dB in the 125 Hz octave band, plus any additional Transmission Loss required to achieve a theoretical internal design level of 47 dB in the 63 Hz octave band and L_{Leq} 41 dB in the 125 Hz octave band.

- (c) Where an application for development approval relates to a noise sensitive premises involving:

- (i) an extension or addition; and/or
- (ii) proposed works as outlined in sub clause 28.4.3;

the extent of noise attenuation required as outlined in sub clause 28.4.1 shall only apply to the new habitable room(s).

- (d) Plot Ratio

For the purposes of meeting the noise attenuation requirements, semi- enclosed balconies may be permitted and if so will not form part of the calculation of 'floor area of a building' as defined in Schedule 4 of the City Planning Scheme No. 2 (as amended).

- (e) Transmission Loss Design Report

- (i) An application for development approval relating to a noise sensitive premises shall include a Transmission Loss Design Report, prepared by a qualified acoustic consultant in a manner and form to the satisfaction of the local government. The Transmission Loss Design Report shall include details of the noise attenuation measures that are proposed to be included in the development's design and construction to achieve the applicable Core

Entertainment Area or Frame Entertainment Area Transmission Loss levels as prescribed by sub clauses 28.5(a) and (b).

- (ii) Noise sensitive premises shall be designed and constructed to incorporate the noise attenuation measures detailed in the Transmission Loss Design Report forming part of an approved development application.
- (f) Noise sensitive premises shall not be approved where the local government is not satisfied that the development can be acoustically attenuated to meet the applicable Transmission Loss levels.
- (g) The local government shall, as a condition of development approval for noise sensitive premises, require a notification pursuant to section 70A of the Transfer of Land Act 1893 to inform prospective owners of the likelihood of elevated noise levels from entertainment venues.
- (h) Prior to the commencement of development, a qualified acoustic consultant shall review the construction drawings and certify to the satisfaction of the local government that they incorporate all the noise attenuation measures outlined in the Transmission Loss Design Report forming part of an approved development application.
- (i) After practical completion stage and prior to occupation of the development, a qualified acoustic consultant shall certify to the satisfaction of the local government that all of the recommendations of the Transmission Loss Design Report forming part of an approved development application have been implemented.

28.6 Entertainment Venues

- (a) Appropriate noise mitigation shall primarily be achieved through design and construction methods rather than reliance upon on-going operational management measures.
- (b) Core Entertainment Area
Entertainment venues located in the Core Entertainment Area shall be designed and constructed to incorporate noise attenuation measures to ensure that the external amplified music noise levels specified in sub clause 28.4.1(a) are not exceeded at 1 metre from the entertainment venue boundary.
- (c) Frame Entertainment Area
Entertainment venues located in the Frame Entertainment Area shall be designed and constructed to incorporate noise attenuation measures to ensure that the external amplified music noise levels specified in sub clauses 28.4.1(b)(i) and (ii) are not exceeded at 1 metre from the entertainment venue boundary.
- (d) Where an application for development approval relates to an entertainment venue involving:
 - (i) an extension or addition; and/or

- (ii) proposed works as outlined in sub clause 28.4.3;
- the extent of noise attenuation required as outlined in sub clause 28.4.1 shall only apply to the new or substantially modified component of an entertainment venue.
- (e) Acoustic Report
 - (i) An application for development approval relating to an entertainment venue shall include an Acoustic Report, prepared by a qualified acoustic consultant in a manner and form to the satisfaction of the local government. The Acoustic Report shall include details of the existing and proposed noise attenuation measures that are to be included in the development's design and construction as well as any mitigation measures to achieve the applicable Core Entertainment Area and Frame Entertainment Area noise levels prescribed by sub clauses 28.6(b) and (c).
 - (ii) Entertainment venues shall be designed and constructed to incorporate the noise attenuation and mitigation measures detailed in the Acoustic Report forming part of an approved development application.
 - (f) Prior to the commencement of development, a qualified acoustic consultant shall review the construction drawings and certify to the satisfaction of the local government that they incorporate all the necessary noise attenuation and mitigation measures detailed in the Acoustic Report forming part of an approved development application.
 - (g) After practical completion stage and prior to occupation of the development, a qualified acoustic consultant shall certify to the satisfaction of the local government that all of the recommendations of the Acoustic Report forming part of an approved development application have been implemented.

DEFINITIONS

Core Entertainment Area – means the area designated as such in Figure 28.

Entertainment Venue – means a tavern, nightclub, small bar, function centre, entertainment complex, theatre, or other such entertainment premises that plays amplified music, either live or pre-recorded, on a regular or periodic basis. This includes both indoor and/or outdoor areas where applicable.

Entertainment Venue Boundary - means the perimeter walls or outdoor containment structures, floors, ceiling or roof, that form the horizontal and vertical extent of an entertainment venue, unless the entertainment venue is the sole land use on a lot, in which case its horizontal extent shall be the boundaries of the lot upon which it is located. Where an entertainment venue has no physically defined vertical extent, such as in the case of an outdoor area or roof top venue, its vertical extent shall be 4 metres above the ground or floor level of the venue.

External amplified music noise level – means the maximum, nominal noise level directly attributable to amplified music emitted by an entertainment venue or multiple entertainment venues.

Frame Entertainment Area – means the area designated as such in Figure 28.

Noise Sensitive Premises –for the purposes of this Special Control Area has the same meaning as defined in the *Environmental Protection (Noise) Regulations 1997* (as amended), however excludes the following: churches, education establishments and day-time childcare facilities. This definition includes Special Residential and Residential uses as defined in Schedule 2 of the City Planning Scheme No. 2 (as amended).

Receiver Facade – means the roof and all external walls of a noise sensitive premises situated within the Special Control Area.

Special Entertainment Precinct – means a precinct containing a number of entertainment venues and includes a diverse mix of land uses which contribute to an active night-time economy as referenced in the '*Environmental Protection (Noise) Regulation 1997.*'

Transmission Loss – means the noise level reduction provided by a receiver façade that is required to meet acceptable internal noise levels.

3. Modifying P1 Northbridge Use Group Table outlined in Schedule 3 to reclassify Special Residential from a 'Preferred Use' to a 'Contemplated' Use within the Core Entertainment Area of the Northbridge Special Entertainment Precinct Special Control Area;
4. Modifying P3 Stirling Use Group Table outlined in Schedule 3 to reclassify Special Residential Use from a 'Preferred' Use to a 'Contemplated' Uses within the Frame Entertainment Area of the Northbridge Special Entertainment Precinct Special Control Area situated between Beaufort and Stirling Streets;
5. Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly; and
6. Inserting Figure 28 - Northbridge Special Entertainment Precinct Special Control Areas into Schedule 8 – Special Control Areas of the Scheme.

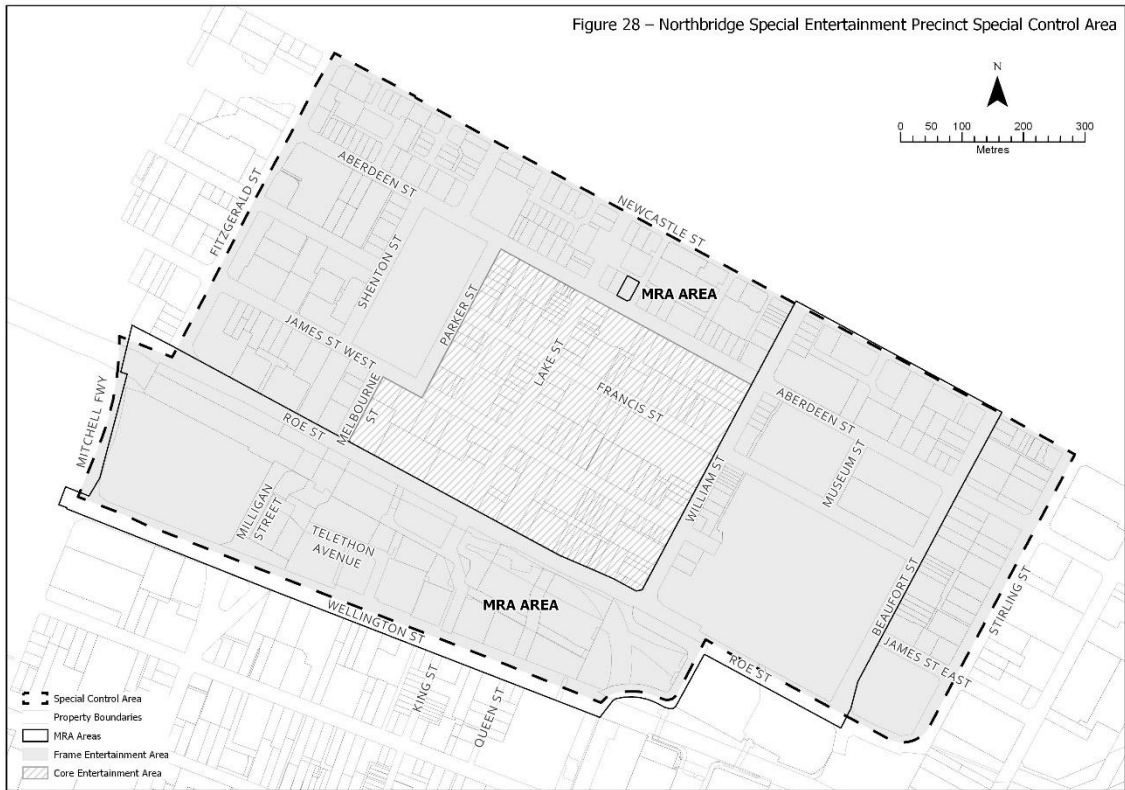


Figure 28 –Northbridge Special Entertainment Precinct Special Control Area

The amendment is complex under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:

- The amendment will have an impact that is significant relative to development in the locality.

Dated this xxth day of xxxx 2019

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

1.0 INTRODUCTION

The purpose of this proposed amendment to City Planning Scheme No. 2 (CPS2) is to introduce a Special Control Area (SCA) to create a Special Entertainment Precinct in Northbridge. The intent of the SCA is to provide effective planning controls to support entertainment venues in the Northbridge Special Entertainment Precinct/SCA in a manner that facilitates 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.

The proposed SCA over the subject area is part of a suite of the State Government's planning and environmental regulatory reforms which aim to:

- provide clear and consistent development guidance for designated Special Entertainment Precincts;
- establish a framework that reduces potential land use conflicts between noise sensitive receivers and entertainment venues through the application of relevant planning considerations; and
- provide an increased level of assurance for entertainment venues by establishing a framework to achieve operational certainty.

2.0 BACKGROUND

Northbridge is the State's premier entertainment district servicing the Perth metropolitan region and is characterised by a concentration of entertainment venues including night clubs and bars and Perth Arena, as well as cafés and restaurants. It is also a hub for cultural facilities such as the State Theatre Centre, Museum and Art Gallery. It is a vibrant mixed-use locality that contributes significantly to Perth's social and cultural scene, as well as its economic prosperity.

Entertainment venues which play live and/or amplified music in Northbridge have historically operated relatively unfettered at higher noise levels than those prescribed under the State Government's *'Environmental (Noise) Regulations 1997'* (Noise Regulations), given the low number of noise sensitive uses such as residential and short stay accommodation situated within the area. However, the growth of noise sensitive uses in Northbridge over the last decade has resulted in uncertainty for entertainment venue operators, due to the potential for complaints under the Noise Regulations.

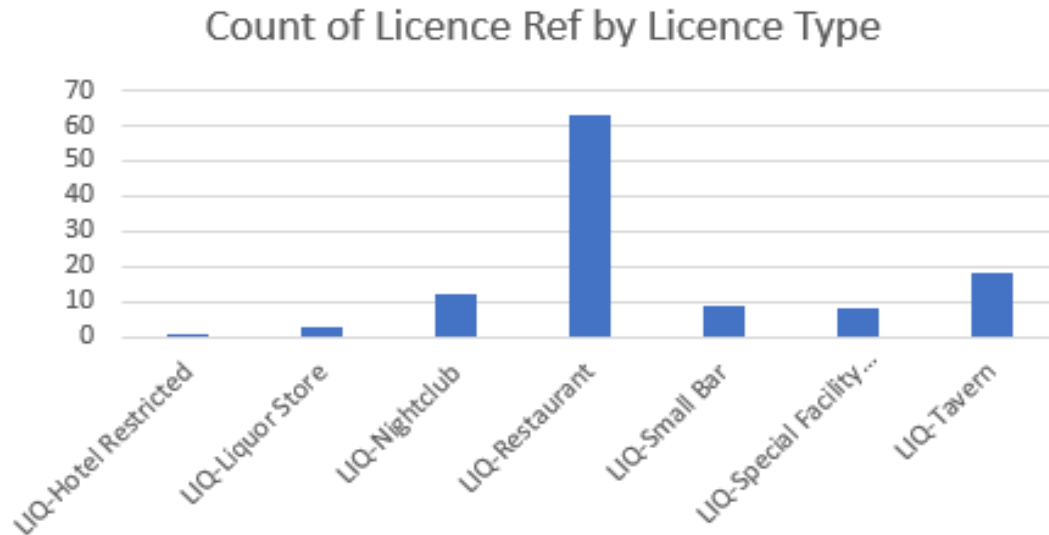
Further details of the contribution that the Northbridge Special Entertainment Precinct makes to the economy as well as issues with the Noise Regulations are outlined below.

2.1 Economic Contribution

Northbridge plays a significant economic and cultural role with its concentration of entertainment venues as well as cultural facilities. Collectively, this blend of land uses has created the largest cultural and entertainment precinct in WA.

Northbridge accommodates over 100 licensed premises of which about half currently host, or have the capacity to host, music events. **Figure 1** below indicates the overall number of liquor licences and types of licences by location.

Figure 1 – Overall number and types of liquor licence for Northbridge (source DRGL, 2018-2019)



The contribution of entertainment uses must be considered in the broader context of the night time economy (NTE) which is drink, entertainment and food. This is necessary because of the complementary linkages that exist between the uses.

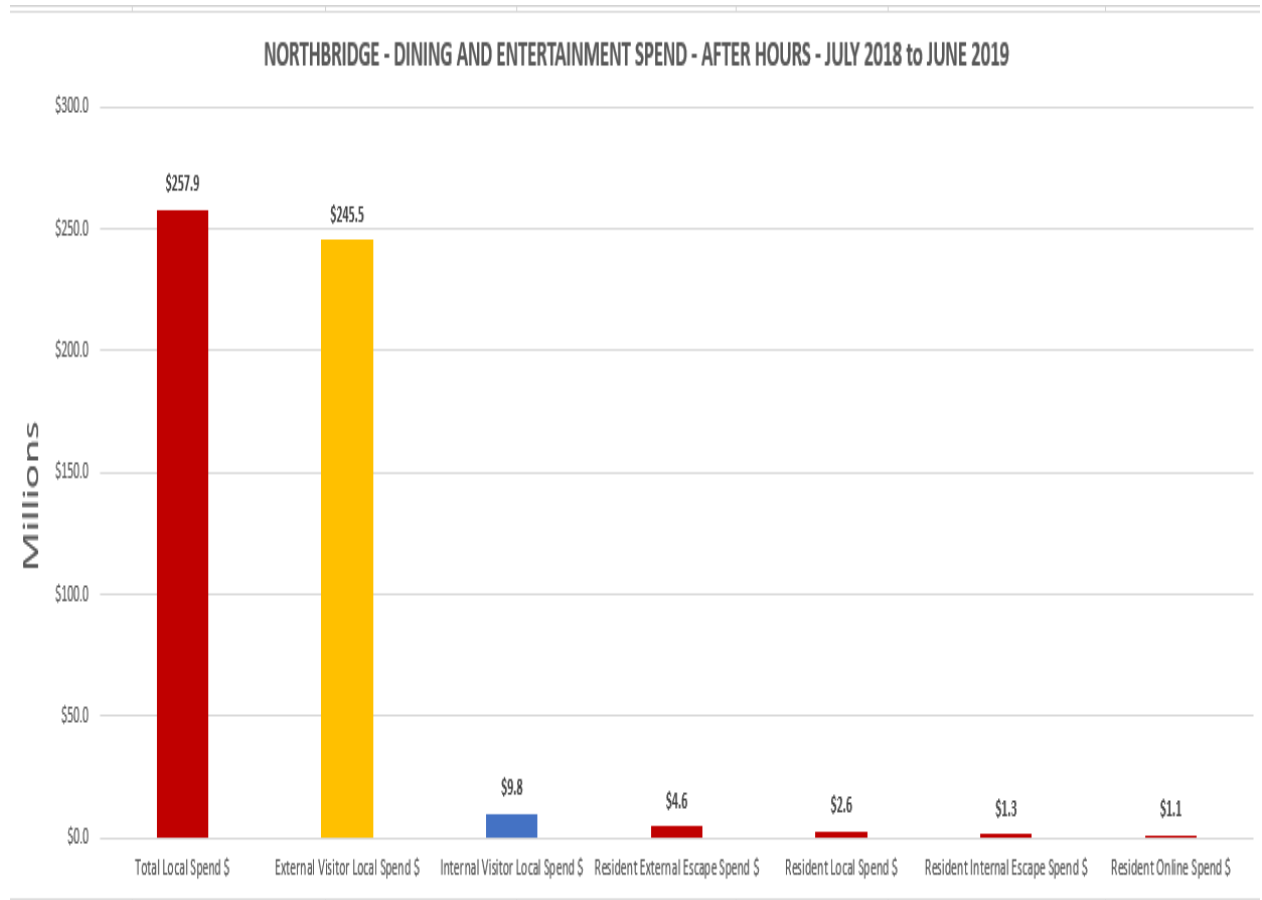
An economic analysis of the proposed Northbridge Special Entertainment Precinct undertaken by Lucid Economics in 2018 on behalf of Tourism WA, demonstrated that the value of tourism generated within the precinct equated to \$174 million in Gross State Product and approximately 1,600 jobs (both directly 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).

The report also found that Northbridge:

- represented 15% of the City of Perth’s total accommodation and food service sector turnover
- represented 18% of the City of Perth’s total employment in accommodation and food services
- represented 23% of the City of Perth’s visitation (over 27% of the City’s day trip visitors)
- represented 16% of the City of Perth’s visitor expenditure
- was the 3rd most visited precinct within the City of Perth
- was the City of Perth’s most vibrant precinct (as perceived by West Australians)

Figure 2 below provides an overview of after hours spending on dining and entertainment within the Northbridge Precinct for the 2018-2019 financial year.

Figure 2 – Northbridge - Dining and Entertainment Spend – After Hours – (source Spend Map, 2018-2019)



Data provided by Spend Map indicated that overall after hour spending on dining and entertainment within the Northbridge Precinct for the 2018-2019 financial year was \$257.9 million of which External visitors (coming from outside of the City Perth) contributed a total of \$245.5 million.

It is estimated that in 2017 the precinct attracted approximately 916,000 visitors. The Lucid Economics 2018 report suggested that with recent and planned investments (Perth Arena, Perth City Link, Perth Stadium, New Museum for WA, hotels and other tourism infrastructure) the importance of Northbridge as a precinct will continue to grow. In 2026, tourism in Northbridge is expected to equate to \$273 million in Gross State Product and 2,500 jobs, which is an increase of 57% over 2017 figures.

A report prepared by the Department of Culture and the Arts on Live Music Venues review in July 2015 stated that there are some potential barriers to continual growth in live music due to the impact of residential infill, in addition to rising venue establishment costs and potential increase in rents in successful precincts.

2.2 Issues with Environmental Protection (Noise) Regulations 1997

The primary instruments for noise regulation in the State are the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997 (Noise Regulations)*.

The Noise Regulations set legally enforceable assigned (or allowable) levels for noise emitted from a premises or venue at the point of a sensitive receiver. The assigned levels (which are defined as outdoor levels) vary according to the type of premises receiving the noise and the time of day the noise is received. Higher levels of protection are afforded to the most sensitive premises, classed as ‘noise-sensitive’. Premises classified as noise-sensitive include residential accommodation, small hospitals, schools, aged care facilities and short-term accommodation.

Given the high density of entertainment venues in Northbridge cumulative emissions may arise which impact on nearby noise sensitive premises. While entertainment venues are also located in other areas of the city, the density of venues contributing to noise emissions is more pronounced in Northbridge.

Noise emissions in Northbridge have only become an issue since the growth of noise sensitive uses in the area. This is due to the Noise Regulations only being enforced when a noise complaint is received.

City of Perth data on complaints about Northbridge entertainment noise suggest that complaints fluctuate from year to year. Between 2012 and 2017, the annual level of complaints about music noise varied from 10 to 45 (of which between 7 to 20 relate to established music venues).

Table 1 below highlights that the City has received four complaints regarding amplified music from venues within Northbridge during the 2018-2019 financial year, with some of these being in relation to a pop up bar site. It should be noted however that the City is currently investigating a noise complaint from a resident residing in a recently constructed residential premises on Stirling Street concerning the current external amplified music levels.

Table 1 – Northbridge Noise Complaints 2018-2019 Financial Year

2018-2019	
Suburb	NORTHBRIDGE
Row Labels	Count of Request Type Description
Air Conditioners Noise	1
Noise Complaint Amplified Music	4
NOISE COMPLAINTS	18
Noise Complaints Building/Construction	1
Noise Incident	3
Grand Total	27

It is understood that consultation undertaken by the Department of Local Government, Sport and Cultural Industries(DLGSC) in 2018 with live music venue operators indicated that ‘*compliance with environmental and Liquor Licensing regulation coupled with the upsurge of residential infill is placing a burden on venue operators*’. Established entertainment venues are aware of regulatory requirements and the constraints these could impose on their ongoing operation, regardless of whether they are actively receiving complaints from nearby residents.

The City along with other local governments across the State is responsible for administering the Noise Regulations. For the City, and several other local governments, it has become increasingly difficult to administer some aspects of the Noise Regulations.

The issue is predominantly the result of the Noise Regulations applying one set of noise standards across the whole State, with a presumption of separation between land uses. This separation is not present in Northbridge where there is a concentration of entertainment venues that play live and/or amplified music co-existing with residential developments.

Other complications in the application and enforcement of the Noise Regulations include:

- The current Noise Regulations requires noise-emitting venues to comply with the assigned outdoor and indoor noise levels for noise-sensitive premises. It is however often difficult for noise emitting venues to comply with the outdoor noise levels which apply at the noise sensitive development (i.e. balconies, patios or alfresco areas) within entertainment areas. This is due to the external ambient noise levels (such as traffic, patrons noise, in addition to music which spills out into the street) being higher than those prescribed in the Noise Regulations. Accordingly, at various times of the day/night throughout the week and weekend, there are areas across Northbridge that do not comply with the Noise Regulations.
- The Noise Regulations are intended to become more stringent as the night progresses to suit a typical noise environment where noise levels would reduce from evening to night. For example, the external assigned level of 55/50/45dB (A) in the Noise Regulations would typically apply to entertainment noise at noise sensitive premises situated within the SCA, varying depending on the time of day and day of the week. The most stringent assigned level would typically be 45dB(A), which would apply after 10:00pm at night¹. The reverse, however, occurs in Northbridge on a Friday, Saturday and Sunday night. The noise levels increase at night particularly between 11pm and 1am on Friday and Saturday nights/Sunday morning.
- Additionally, where noise is measured inside a building, adjustments of either 10dB or 15 dB apply to the measured levels, depending on whether the windows and doors to the building are open or shut. So, for a typical residential building within the SCA, the internal assigned noise levels would need to be 30-35 dB(A) at night (after 10pm) to comply with the Noise Regulations.²
- The 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, only the noise emitter is responsible to ameliorating noise impacts.
- The current assigned levels under the Noise Regulations are A weighted, which attempt to reflect human hearing, but are not sensitive to low frequency noise, such as that emitted by amplified music. Alternatives are available that provide a better relationship to bass related noise complaint/intrusion.

¹ Lloyd George Acoustics - Northbridge Entertainment Precinct Noise Study September 2012

² Lloyd George Acoustics Northbridge Entertainment Precinct Noise Study September 2012

- During the investigation and measurement of a noise complaint, determining the entertainment venue that is causing the annoyance is often difficult to isolate and confirm. This is because other similar venues are operating simultaneously and identifying the offending venue requires sophisticated methods of analysis. It is further exacerbated with measurements required to be undertaken at the noise sensitive receiver.

The complications above make measuring, analysing and enforcing the Noise Regulations, in relation to entertainment venues in Northbridge, as well as in other mixed-use areas difficult.

Whilst the City receives a limited number of complaints about amplified music from entertainment venues in Northbridge, the complexities and resources required to resolve the issues are a burden on the City.

2.3 State Government and City Coordinated Approach

To help maintain the unique character of Northbridge as the State's premier entertainment precinct the City has over the last decade strongly advocated for noise management reform including changes to the Noise Regulations to provide for a higher degree of certainty for entertainment venues within Northbridge.

In September 2018, the Department of Planning, Lands and Heritage (DPLH) and the Department of Water and Environmental Regulation (DWER) released a Discussion Paper 'Planning for Entertainment Noise in the Northbridge Area' to consult on the establishment of an entertainment precinct in Northbridge. The Discussion Paper proposed a package of planning and environmental reforms, including possible changes to the Noise Regulations, to achieve the State Government's commitment to supporting the performing arts sector and night time economy in Western Australia. This included the application of the 'agent of change' principle, whereby any new entertainment venues or residential developments would be responsible for the protection of noise sensitive receivers from excessive noise. The Discussion Paper also identified a potential boundary for the entertainment precinct.

It is understood that a number of submissions received by the State Government during the public consultation period suggested that the proposed 'agent of change' approach may not provide the level of certainty being sought by entertainment venue operators and that it may be difficult to implement and ensure compliance.

In response, the State Government in consultation with the City is now proposing an alternative approach to noise management in Northbridge as outlined below in **section 6.0**.

3.0 SUBJECT AREA

The proposed SCA comprises land bound by Newcastle Street to the north, Stirling Street to the east, Wellington Street to the south and Fitzgerald Street to the west, and comprises a Core Entertainment Area and Frame Entertainment Area as shown on **Figure 28** of the Scheme Amendment. It will not apply however to those areas under the planning control of the Metropolitan Redevelopment Authority (MRA) (now known as 'Development WA' as the MRA and LandCorp have recently merged).

3.1 Current and Surrounding Land Uses

The proposed SCA Northbridge is a diverse and dynamic inner-city area that is characterised by a robust cultural, entertainment and night time economy. A concentration of entertainment

uses is situated east of Russell Square, with residential uses largely concentrated west of Russell Square and in the northern portion of the proposed SCA towards Newcastle Street. Short stay accommodation, in addition to a variety of commercial development is spread throughout the SCA. A variety of mixed-retail offerings are provided along William and James Streets.

The built form within the proposed SCA is somewhat informed by its function as the State’s primary entertainment and cultural precinct. The area contains predominately low to medium scale development, with some recent larger-scale development interspersed in certain locations. There are a number of places and areas of cultural heritage significance situated within the proposed SCA including the City’s William Street Heritage Area, MRA’s William Street Conservation Precinct and along Aberdeen Street.

Over 40% of the SCA accommodates the Perth City Link (PCL) and the Perth Cultural Centre which are under the MRA’s planning authority.

The Perth Cultural Centre is situated within the eastern portion of the SCA and 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 such as the Art Gallery of WA, the State Library of WA, North Metro TAFE campus, the Perth Theatre Centre and the new Museum (under construction).

PCL situated in the southern portion of the SCA is being delivered in stages by the State Government and private sector. Major elements which have been completed include the new Perth Arena; rail and bus works, the first four mixed use commercial buildings within the Kings Square precinct, as well as Wellington Gardens.

Yagan Square is also a major component of the PCL. It is situated between the central Perth Train Station, the heritage listed Horseshoe Bridge and the underground Perth Busport in the eastern part of PCL. It provides a range of entertainment/cultural experiences in addition to a variety of food and beverage offerings.

Table 2 below indicates the property types and numbers within the Proposed Core Entertainment Area.

Table 2 – Property details within the Proposed Core Entertainment Area

Property Type	Number of Properties
Residential	149 properties (all strata lots except for one freehold lot)
Special Residential	7 properties accommodating a range of short stay accommodation from a hotel to a lodging house.
Entertainment Venues (excluding restaurants and cafes)	Approximately 40
Total (including commercial, retail, residential and special residential etc.)	331 properties (predominantly strata lots)

Table 3 below indicates the property types and numbers within the Proposed Frame Entertainment Area.

Table 3 – Property details within the Proposed Frame Entertainment Area

Property Type	Number of Properties
Residential	609 properties
Special Residential	12 properties accommodating a range of short stay accommodation including purpose built student accommodation, serviced apartments, a hotel and lodging houses.
Entertainment Venues (excluding restaurants and cafes)	Approximately 20
Total excluding the MRA Areas (including commercial, retail, residential and special residential etc.)	791 properties (predominantly strata lots)
Total within the MRA Areas (including commercial, retail, residential and special residential etc.)	179 properties

A number of properties within the proposed SCA are owned by State Government agencies including the Housing Authority and Development WA.

The land uses within the areas surrounding the SCA are generally mixed use in nature. It should be noted that the area to the north of the SCA is situated within the City of Vincent.

4.0 STATE & REGIONAL PLANNING CONTEXT

4.1 Perth and Peel @ 3.5 Million and Central Sub-Regional Planning Frameworks

These planning frameworks estimate that the Perth and Peel regions' population will increase by 1.5 million by 2050 and recognise that continued urban sprawl is placing unsustainable pressure on the environment, resources, infrastructure and amenity.

The strategic land use planning and infrastructure framework seeks to guide:

- where future homes and jobs should be located;
- how to protect important environmental assets;
- how to best utilise existing and proposed infrastructure; and
- appropriate areas for greater infill development and residential density.

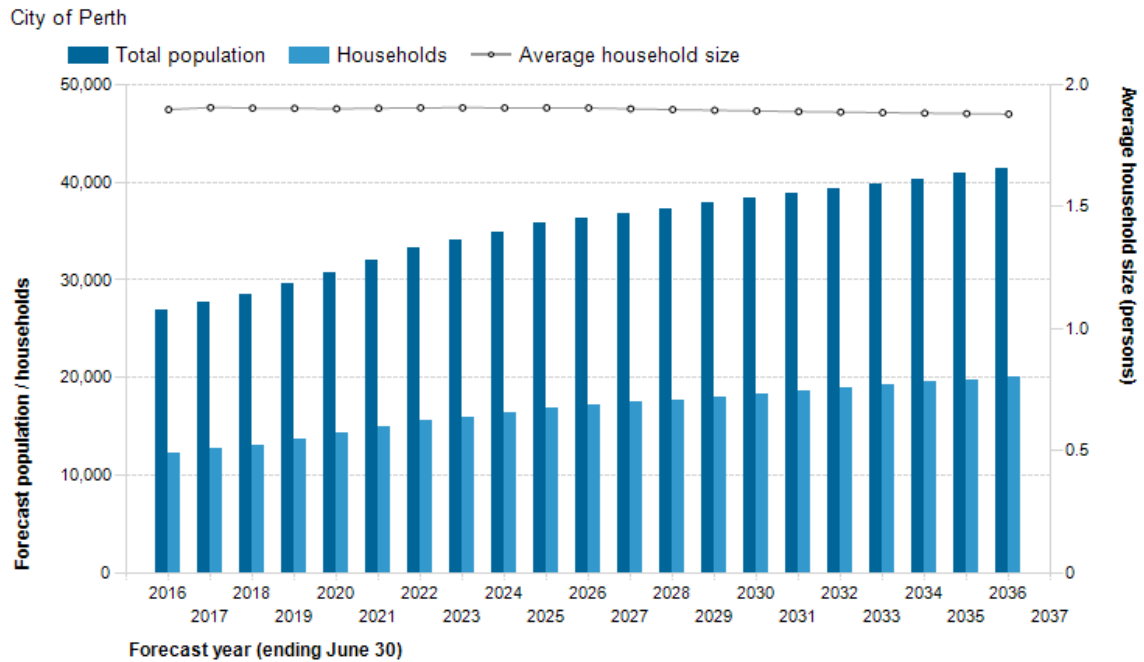
The '*Central Sub-Regional Planning Framework*' identified the following targets:

- additional 215,000 infill dwellings and 780,000 new jobs within Central Sub-Region by 2050.
- 16,000 additional infill dwellings within the City of Perth by 2031.

The residential population for Perth city is currently forecast (based on business as usual) to be 41,341 by 2036, of which 3,748 will be within Northbridge.

The graphs below provide a detailed breakdown of these forecasts and also indicate that Perth city is forecast to accommodate 25,468 dwellings by 2036, of which 2,262 will be within Northbridge.³

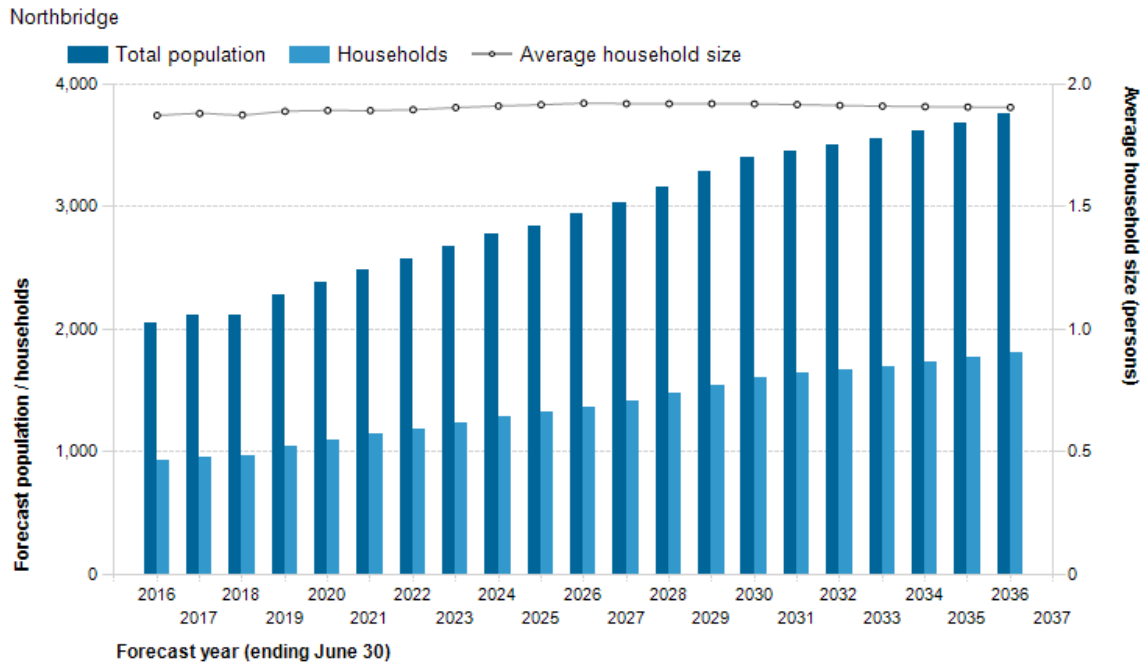
Figure 3 – Forecast residential population for the City of Perth



Source: Population and household forecast, 2016 to 2036, prepared by .id Consulting, March 2019

Figure 4 – Forecast residential population for Northbridge

³ .id Consulting, March 2019



Source: Population and household forecast, 2016 to 2036, prepared by .id +Consulting, March 2019

PCL when complete is also anticipated to feature:

- 1,650 apartments, providing living space for 3,000 residents;
- 244,000sqm of commercial space for offices, shops and more, creating space for 13,500 workers; and
- 250 hotel rooms and 350 short-stay apartments.

Accordingly, proposed planning and environmental regulatory reforms will be required to assist in managing conflict between entertainment venues and noise-sensitive land uses to ensure vibrant, liveable and successful communities.

It is considered that the proposed SCA and amendments to the City’s City Planning Scheme No. 2(CPS2) will assist to manage potential land use conflict within the proposed SCA without compromising the City’s ability to achieve its housing infill targets outlined in the State Government’s ‘Central Sub-Regional Planning Framework’.

4.2 State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP 4.2)

State Planning Policy 4.2 sets out broad planning requirements for the development of new activity centres and the redevelopment and renewal of existing centres. SPP 4.2 objectives include the following:

- Ensure activity centres provide sufficient development intensity and land use mix to support high frequency public transport.
- Plan activity centres to support a wide range of retail and commercial premises and promote a competitive retail and commercial market.
- Increase the range of employment in activity centres and contribute to the achievement of sub-regional employment self-sufficiency targets.

- Increase the density and diversity of housing in and around activity centres to improve land efficiency, housing variety and support centre facilities

The SPP identifies the Capital City Activity Centre as including the City's suburbs of Northbridge, Perth, West and East Perth.

Further consideration of land use permissibilities is discussed in **section 8** of this report to ensure a vibrant inner-city area.

4.3 State Planning Policy 7.3 Apartment Design (SPP 7.3)

This policy provides apartment design guidance to minimise the impacts of noise using apartment siting and layout, and construction techniques for noise attenuation, to deliver broad economic, environmental, social and cultural benefits.

New development within the proposed SCA will need to accord with the SPP7.3 policy provisions.

4.4 State Planning Policy 5.4 – Road and Rail (SSP 5.4) – September 2019

The objectives of this policy are to:

- Protect the community from unreasonable levels of transport noise;
- Protect strategic and other significant freight transport corridors from incompatible urban encroachment;
- Ensure transport infrastructure and land use can mutually exist within urban corridors;
- Ensure that noise impacts are addressed as early as possible in the planning process; and
- Encourage best practice noise mitigation design and construction standards.

This policy has application in the southern portion of the SCA due to the railway that traverses this area. The policy sets out the assigned noise targets to be measured from the façade of the proposed building and also provides an assigned indoor level for noise sensitive premises similar to the current approach under the Noise Regulations.

4.5 Metropolitan Region Scheme

The Metropolitan Region Scheme (MRS) only applies to the portions of the SCA under the City's planning control. These portions of the SCA are primarily zoned 'Central City Area' under the MRS with the exception of Russell Square which is reserved for 'Parks and Recreation'.

5.0 LOCAL PLANNING CONTEXT

The local planning framework for the proposed SCA is complex as it deals with two planning authorities namely the City of Perth and the MRA and their associated planning schemes and policies.

5.1 City of Perth Act 2016

The *City of Perth Act* (Act) came into effect on 1 July 2016. The objects of the *City of Perth Act 2016* relevant to the planning and management of noise are outlined below:

‘4. (a) to recognise, promote and enhance:

(i) the special social, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and

(ii) the important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level;’

Clause 8 of the Act outlines further objectives namely:

- *‘to initiate and promote the continued growth and environmentally sustainable development of the City of Perth and ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow-on impact on the Perth metropolitan area;*
- *to maintain and strengthen the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone;*
- *to nurture and support the initiatives and innovations of the diverse precincts of the City of Perth;*
- *to develop and maintain collaborative inter-governmental relationships at regional, State, national and international levels with a view to developing and implementing strategies for the continued improvement of the City of Perth;’*

It is considered that the proposed SCA will assist to facilitate the role of the City as an ‘innovative, sustainable and a vibrant global city’ with ‘cultural and entertainment precincts’.

5.2 Draft City Planning Strategy

The City has prepared a draft City Planning Strategy (the Strategy) to guide growth and development across the Perth city for the next 10-15 years. The draft Strategy will inform the preparation of the new City Planning Scheme No. 3, which will replace the current CPS2. The City is currently reviewing submissions received on the draft Strategy from preliminary community consultation that was recently undertaken.

The draft Strategy identifies the need to mitigate land-use conflict through appropriate planning controls in order to protect neighbourhood identity. In the Northbridge neighbourhood, key actions have been identified for the City to work with State Government, landowners and entertainment venue operators in the designation of the Northbridge Entertainment Area boundary and the implementation of associated planning and environmental reforms.

The draft Strategy reiterates the vision for Northbridge as follows:

'Northbridge is the entertainment capital of Perth, attracting people from across the metropolitan area and beyond. They are drawn to its lively and gritty nightlife, combined with its diverse food scene.'

'Northbridge is also the hub of a vibrant culture and arts scene, supported by the residential creatives that call this neighbourhood home. There is a true sense of community in this inner-city neighbourhood.'

The draft Strategy also refers specifically to the proposed Northbridge Entertainment Precinct and states the need to *'support and protect Northbridge as the primary entertainment centre and a place of culture, art and creative industries and protect it from non-complementary land uses'*. The draft Strategy states that the primary land use focus in this area should be entertainment, creative and cultural industries, food and beverage, small business and not-for-profit as outlined in **Figure 5**.

The draft Strategy identifies Russell Square and the areas surrounding the Square, as well as the area of the SCA to the east of the Perth Cultural Centre (identified as 'Northbridge East') as investigation areas.

The Russell Square investigation area primarily deals with establishing a master plan to enhance the Square and the activation of land surrounding the Square.

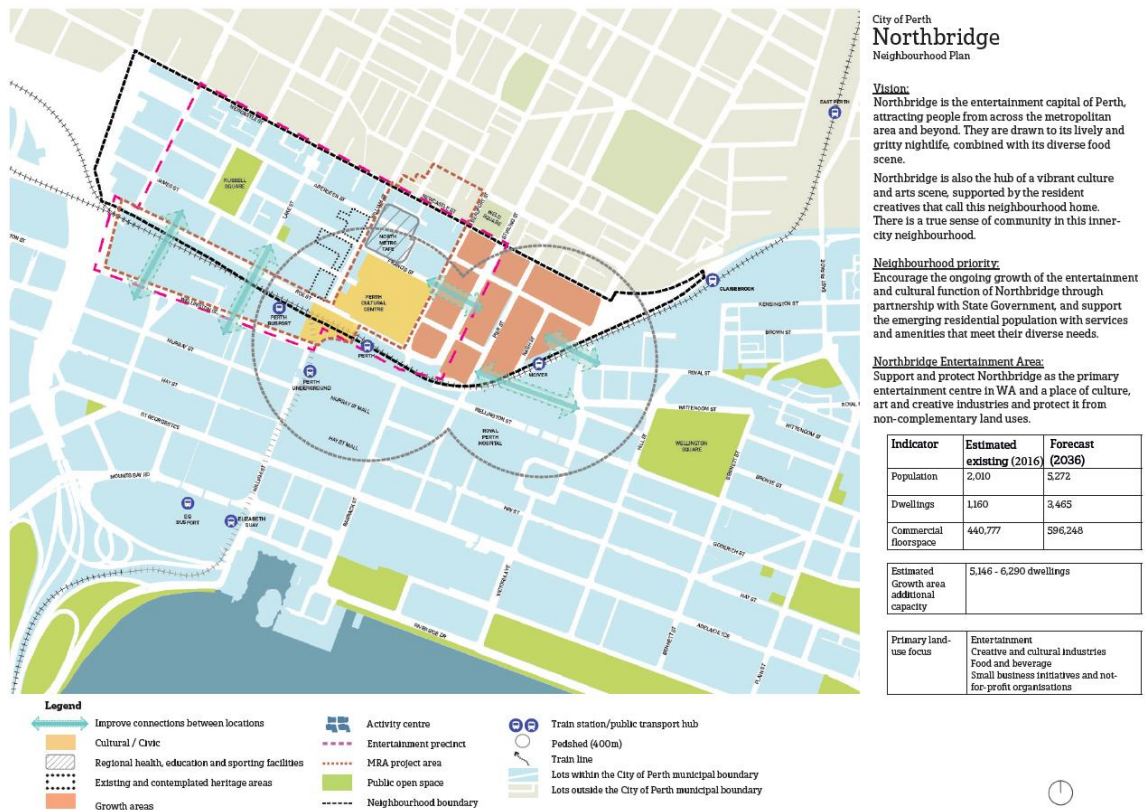
The 'Northbridge East' investigation area covers the majority of CPS2 Precinct 3 (Stirling) and includes the area of land between Beaufort and Stirling Street. It is also identified as a growth area and as such the draft Strategy states that *'more detailed planning and investment is required in the area to ensure new residents are provided with the services and amenities required to support their needs.'* It states that growth should be coordinated and a future plan for the neighbourhood must consider a number of matters including the following:

- New community and live-local land uses being required to support the growing residential population;
- Impacts of noise and appropriate built form controls to respond to the impacts of the Northbridge Entertainment Area.

Under the draft Strategy, the Perth Cultural Centre is identified as a 'Cultural and Civic Spine' investigation area to guide the investigation of land between the Perth Cultural Centre and the Perth Concert Hall to better connect a number of key destinations.

Further consideration of the above matters is discussed in detail in **section 8.0** of the report.

Figure 5 – Draft Northbridge Neighbourhood Plan⁴



5.3 City Planning Scheme No. 2

5.3.1 Scheme Use Area and Precinct Plans

The CPS 2 applies to the portions of the SCA under the City’s planning control. CPS 2 divides the Scheme Area up into a number of Scheme Use Areas as well as Precincts.

These portions of the SCA are primarily included in the ‘City Centre’ Scheme Use Area under the CPS2 with the exception of the northern portion of the SCA, situated between Newcastle, Fitzgerald, William and Aberdeen Streets, which is included in the Normalised Redevelopment Area and also contained within the City’s Local Planning Scheme No. 26 (Normalised Redevelopment Areas).

The ‘Northbridge Precinct’ (P1) under the CPS2 covers a significant portion of the SCA. The intent of the ‘Northbridge Precinct’ is to:

“continue to evolve as a diverse, interesting and dynamic inner-city precinct and will be promoted as an attractive destination for the local population and interstate and overseas visitors. This Precinct will remain Perth’s primary entertainment and night life area and provide a variety of residential and visitor accommodation and commercial services. It will be a unique area in terms of uses and character and the social and cultural diversity that clearly distinguishes the Precinct will be fostered.”

⁴ City of Perth’s - Draft City Planning Strategy 2019

The CPS2 Precinct Plan for Northbridge states:

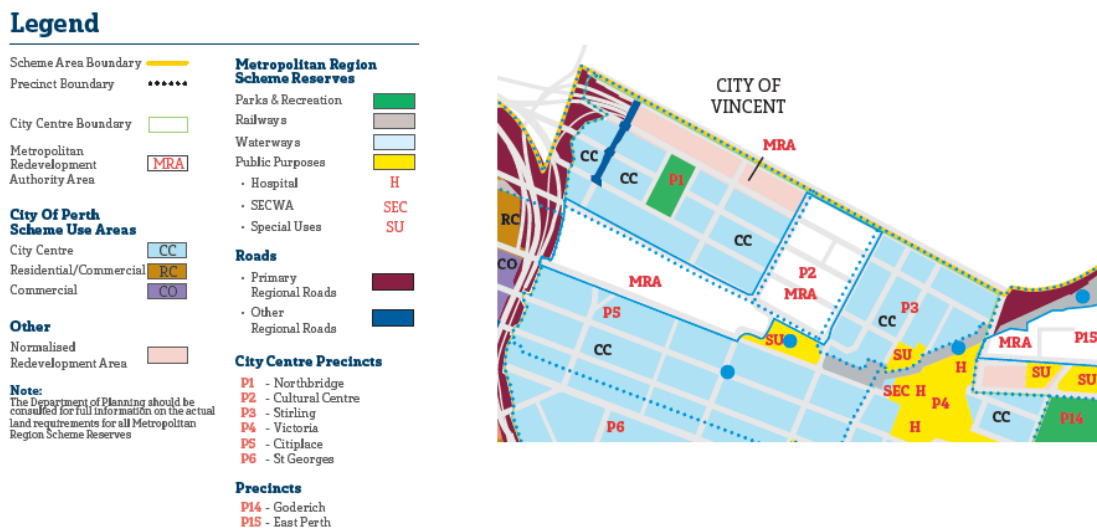
‘East of Russell Square, entertainment activities will predominate. However, a rich mix of other commercial uses, including short stay accommodation such as hotels and serviced apartments will be encouraged. The remainder of the Precinct, generally west of Russell Square, will have a residential emphasis, accommodating a variety of residential dwellings, visitor accommodation and other compatible non-residential uses’.

A smaller portion of the SCA (situated between Beaufort and Stirling Streets) is captured within ‘Stirling Precinct (P3) under the CPS2. The intent of this Precinct is to:

‘develop as an office, mixed commercial and residential area taking advantage of good access to public transport and close proximity to retail and entertainment areas. The section of the Precinct between Beaufort and Stirling Streets will consolidate as a secondary office area for the city centre, with residential uses and visitor accommodation also encouraged throughout the precinct. Offices and commercial uses such as showrooms, shops and educational activities, which add life and interest to the street, are appropriate along Stirling Street. Restaurants (including cafes), specialised retail and service activities, along with residential uses at upper levels are encouraged to locate along Beaufort Street.’

An extract of the CPS2 Scheme Use Area map is provided below.

Figure 6 – Extract of the City Planning Scheme No.2-Scheme Map



5.3.2 CPS2 Land Use Permissibility

The land use permissibilities within the Northbridge Precinct reflect the intent set out in the Precinct Plan and show a distinction between east and west of Russell Square. East of Russell Square, Entertainment use is a ‘Preferred’ use while Residential use is a ‘Contemplated’ use. West of Russell Square, the opposite applies whereby Entertainment use is a ‘Contemplated’ use

while Residential is a 'Preferred' use as outlined in **Table 4** below. Special Residential⁵ is a 'Preferred' use throughout the proposed SCA.

Table 4 – CPS2 - Schedule 3 Use Group Table– P1 Northbridge (cc)

Use Group	Use Symbol	
	East of Russell Square	West of Russell Square
Business Services	P	C
Civic	C	C
Community and Cultural	P	P
Dining	P	P
Education 1	C	C
Education 2	C	C
Entertainment	P	C
Healthcare 1	C	C
Healthcare 2	C	C
Home Occupation	C	P
Industry - Light	X	X
Industry - Service	C	C
Industry - Cottage	C	C
Mixed Commercial	C	C
Office	C	C
Recreation and Leisure	P	C
Residential	C/X(1)	P/X(2)
Retail (Central)	C	X
Retail (General)	P	C
Retail (Local)	P	P
Special Residential	P/X(3)	P/X(4)
Storage	C	C

Notes:

X(1) – Means the use is prohibited where it fronts the street at pedestrian level.

X(2) - Means for lots with frontage to Roe Street, Fitzgerald Street or which are located west of Fitzgerald Street the use is prohibited where it fronts the street at pedestrian level.

X(3) - Means the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity.

X(4)-Means for lots with frontage to Roe Street, Fitzgerald Street or which are located west of Fitzgerald Street the use is prohibited where it fronts the street at pedestrian level unless it provides pedestrian interest and activity.

⁵ Special Residential is defined in Schedule 2 of CPS2 as meaning - premises providing short-term, temporary or specialised residential accommodation including: lodging house, hotel, serviced apartment.

The Northbridge Precinct Plan also provides the following guidance with respect to land use.

- (a) *'East of Milligan, Shenton and Palmerston Streets entertainment activities such as restaurants, cafes, nightclubs and theatres will remain prevalent; an ample mix of other uses such as shops, small offices, showrooms, small-scale service industry, community activities and visitor accommodation will be encouraged.'*
- (b) *'West of Milligan, Parker and Palmerston Streets a greater residential component, accommodating a variety of residential and visitor accommodation and other compatible non-residential uses, including small local shops, community facilities, recreational uses, restaurants, coffee shops, medical consulting rooms, service industries and small showrooms and workshops will be supported.'*

Within the Stirling Precinct (P3) – Residential and Entertainment Uses are both 'Contemplated' Uses, whilst Special Residential is a 'Preferred' Use.

Due to higher external amplified music levels proposed within the Core and Frame Entertainment Areas outlined in the report, a number of changes are proposed to the land use permissibilities to minimise any further land use conflicts and amenity impacts between entertainment venues and noise sensitive uses. This is discussed in further detail in **section 8** of the report.

5.3.3 CPS 2 Special Control Areas

Within the proposed SCA, three Special Control Areas exist under CPS 2 over a number of individual development sites, namely:

- Special Control Area No.15 - 92-120 Roe Street;
- Special Control Area No. 18 - 30 Beaufort Street; and
- Special Control Area No.19 - 2-6 (Lot 40) Parker Street.

SCA No. 15 and No. 18 relate primarily to car parking and plot ratio calculations although SCA No. 15 also provides guidance in relation to built form. They are not considered to significantly be affected by the proposed SCA under this Scheme Amendment.

SCA No. 19 relating to 2-6 (Lot 40) Parker Street Special Control Area however incorporates a clause which allows the local government to permit a bonus plot ratio of up to a maximum of 20% per lot where the development incorporates a new Special Residential use.

This Scheme Amendment is requiring higher noise attenuation requirements for noise sensitive premises proposed within the proposed Core Entertainment Area which has implications for the above SCA.

5.4 Local Planning Scheme No. 26 (Normalised Redevelopment Areas)

As outlined above, a portion of the SCA (north of Aberdeen Street) is contained within the City's Local Planning Scheme No. 26 (Normalised Redevelopment Areas) (LPS26). This Scheme provides planning provisions for the 'normalised' redevelopment areas with the administrative power to determine applications being provided by the CPS2. It details the requirements for development in the New Northbridge Project Area. This minor local planning scheme is complementary to CPS2.

The Vision for the New Northbridge Project Area is:

‘New Northbridge will develop as a vibrant, cosmopolitan community that builds on the rich history and unique atmosphere of Northbridge. The area will exemplify the Scheme Principles, with unique, people-focused design, true diversity and connections with the city centre to the south and inner suburbs to the north. The area will incorporate adaptive reuse of heritage buildings with a mix of residential, office and educational development, as well as retail and entertainment activities, which will develop as an exciting yet natural extension of the existing mixed land use distinct of Northbridge.’

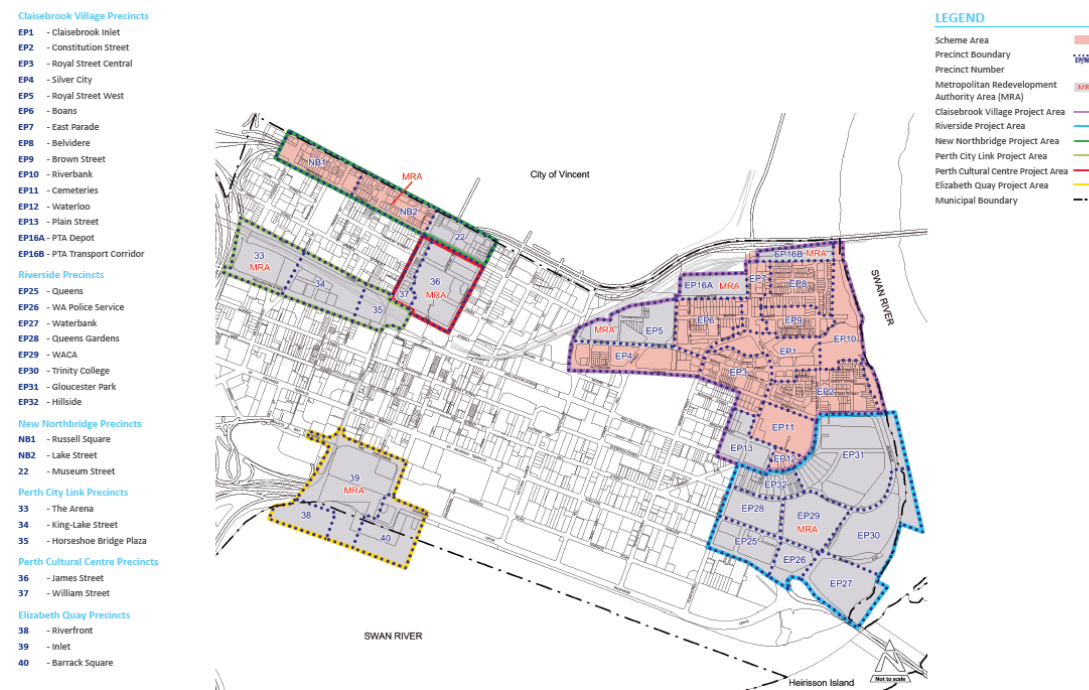
In considering development applications within the New Northbridge Project Area, the City is to have regard to the following objectives:

- (a) To facilitate the successful operation of Northbridge as a mixed land use environment; and
- (b) To reduce land use conflicts between residential and entertainment development by achieving a careful mix of land uses, acoustic attenuation of buildings, and management of amenity impacts.

This is consistent with the intent of the proposed SCA.

An extract of LPS26 Scheme map is provided below in **Figure 7**.

Figure 7 –Local Planning Scheme No. 26 - Scheme Map



5.4.1 Precinct NB1: Russell Square - Statement of Intent

A portion of the proposed SCA is situated within the Russell Square Precinct under the LPS26. The intent of the Precinct is for it to ‘continue to encourage a rich social and cultural diversity with an emphasis on infill residential development providing single lot, multiple dwellings and mixed-use buildings’.

Within this precinct Permanent Residential and Transient Residential are 'Preferred' uses, whereas Dining and Entertainment are 'Contemplated' uses.

5.4.2 Precinct NB2: Lake Street Statement of Intent

A portion of the proposed SCA is situated within the Lake Street Precinct under the LPS26. The intent of the Precinct to *'become a mixed land use Precinct that will create a careful transition from the existing core Northbridge entertainment precinct south of Aberdeen Street to the predominantly residential areas north of Newcastle Street. Essential to the successful activation of the Lake Street Precinct is the creation of a social focal point based around the Plateia Hellas in Lake Street. The Plateia will provide a community and entertainment space, framed by high quality dining, retail and mixed-use development, and add to the quality pedestrian experience of Lake Street.'*

Within this precinct, Dining and Entertainment and Transient Residential are 'Preferred' uses, whereas Permanent Residential is a 'Contemplated' uses.

No changes are proposed to the existing land use permissibilities outlined in the New Northbridge Project Area, as such action would require a separate Scheme Amendment under LPS26. However, as part of the preparation of the City Planning Scheme No. 3, further consideration should be given as to whether Entertainment and Transient Residential uses should be 'Contemplated' uses to allow for any potential development of such uses to be considered on a case by case in accordance with the objectives and provisions of the SCA. It would also enable the local government to consider the potential impact of new entertainment venues on the amenity of properties situated within the City of Vincent.

5.5 **MRA's Central Perth Redevelopment Scheme 2012**

The remaining portions of the SCA are under the planning control of the MRA and include the PCL, the Perth Cultural Centre and a portion of the New Northbridge Project Area. These areas are subject to the provisions of the MRA's Central Perth Redevelopment Scheme 2012.

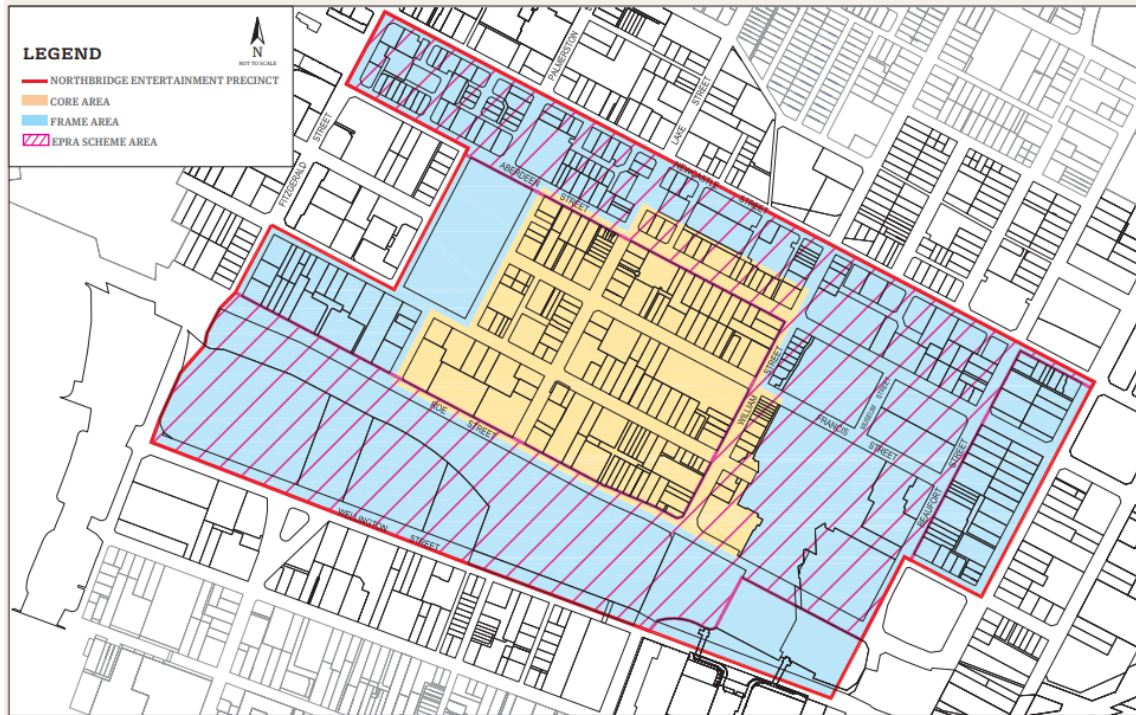
Section 4.17 of the MRA's Central Perth Redevelopment Scheme 2012 incorporates a Special Control Area to accommodate a 'Northbridge Entertainment Precinct' which also accommodates a Core and Frame Areas and includes land under the planning control of the City and subject to CPS2 and LPS26.

The MRA's Northbridge Entertainment Precinct differs to the Special Entertainment Precinct/SCA being proposed by the City in this Scheme Amendment in that it excludes an area of predominately noise sensitive uses on the western side of Russell Square bound by Fitzgerald, Aberdeen, James and Shenton Streets.

The boundaries of the MRA's Core Area (which is under the planning control of the City) are somewhat similar to that proposed by the City in this Scheme Amendment except it also includes those properties situated on the northern side of Aberdeen Street (between Lake and William Streets) and the properties situated on the east side of William Street (between Francis and Roe Streets) as shown on Figure 6 below. This is discussed further in **section 8** of the report.

Figure 8 – Extract from the MRA’s Central Perth Redevelopment Scheme 2012 –

Northbridge Entertainment Precinct Map



The MRA’s vision for the Northbridge Entertainment Precinct is similar to that proposed by the City whereby it states:

‘the central area of Northbridge has an important role in providing entertainment to residents and visitors of the Perth region, particularly evening and late night entertainment through live music, dancing, cultural activities and dining and drinking. The Authority seeks to support the ongoing operation of entertainment activities in this area, whilst also enabling a diverse and successful urban environment to develop across the Scheme Area’.

The MRA’s Northbridge Entertainment Precinct Map still indicates sections of the New Northbridge Project Area as still being under the planning control of the MRA which have since been ‘normalised’ (with planning control transferred to the City).

The land use permissibilities for the relevant project areas are outlined in **Table 5** overleaf.

Table 5 –MRA Project Areas

Project Areas	Category 7 Dining and Entertainment	Category Permanent Residential 5A	Category Transient Residential 5B
New Northbridge– Precinct 22 Museum Street	Contemplated Use	Preferred Use	Preferred Use
The Link	Contemplated Use	Preferred Use (except for Precinct 33-Arena where it is a Contemplated Use)	Preferred Use
Perth Cultural Centre	Preferred Use	Contemplated Use	Contemplated Use

5.6 Local Planning Policies

The City of Perth's *Residential Design Policy* and the MRA's *Development Policy 3 – Sound and Vibration Attenuation* provide design guidance on noise attenuation. These include requirements for developers to demonstrate an understanding of the noise context of the site and provide appropriate construction measures to achieve sound attenuation, such as glazing options and wall and roof treatments, to meet the requirements of the Noise Regulations and comply with the Building Code of Australia. These policies will need to be amended to reflect the City's and the State Government's proposed planning and environmental reforms.

A number of CPS2 and LPS26 local planning policies including the *James, William Roe and Lake Street Block Planning and Development Guidelines*, in addition to the relevant Precinct Plans may also need to be amended as part of the preparation of the City's Noise Attenuation Policy to align with the objectives and provisions of the proposed SCA.

6.0 COORDINATED STATE GOVERNMENT AND CITY APPROACH

The creation of a Special Entertainment Precinct in Northbridge requires both the State Government and the City to pursue planning and environmental reforms. Key deliverables include the following:

6.1 Western Australian Planning Commission Position Statement

A WAPC Position Statement is proposed to provide guidance to local government on the establishment of designated special entertainment precincts.

A draft Position Statement was prepared and endorsed by the WAPC on 24 July 2019 for targeted stakeholder engagement. Representatives from the DPLH along with DWER and the City met with a range of key stakeholders and provided a high level overview of the proposed new noise management approach. This appeared to be generally well received.

The draft WAPC Position Statement: 'Special Entertainment Precincts' was released for public comment on Friday 22 November 2019, with the submission period closing on the 14 February 2020.

6.2 Amendment to Environmental Protection (Noise) Regulations 1997

The Amendment has yet to be drafted however it understood that it will enable:

- local governments to define special entertainment precinct/s for the purposes of noise management in their local planning schemes; and
- entertainment venues situated within a designated special entertainment precinct to have an option to apply to the local government for a special 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.
- the Venue Approval would specify a maximum allowable noise level at the venue boundary, or a defined point, for compliance purposes and may have other conditions attached, such as requiring an Acoustic Report.

The 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.

On Friday 22 November 2019, a paper titled '*Managing amplified music noise in entertainment precinct*' was released by DWER for public comment on Friday 22 November 2019, with the submission period closing on the 14 February 2020. The paper outlines reforms options for the management of amplified music noise in entertainment precincts and addresses the consultation element of a regulatory impact assess (RIA) for the proposed changes to the Noise Regulations.

The paper acknowledges Northbridge as the State's premier entertainment precinct and refers to the proposed Northbridge Special Entertainment Precinct.

6.3 Amendment to City Planning Scheme No. 2

The City proposes to amend City Planning Scheme No. 2 to establish a Northbridge Special Entertainment Precinct through the creation of a Special Control Area (SCA), the details of which are the subject of this report.

7.0 THE PROPOSAL

7.1 Proposed Scheme Amendment – Northbridge Special Entertainment Precinct

The purpose of the proposed Scheme Amendment and Special Control Area, is to establish a Northbridge Special Entertainment Precinct, in recognition of its significance as the State's premier entertainment area, by supporting entertainment venues and associated high external amplified music noise levels and thereby facilitating an active night time economy.

7.1.1 Key Objectives and Components

The key objectives of the proposed SCA are to:

- (a) To ensure the Northbridge Special Entertainment Precinct continues to be the primary entertainment area in the city, providing for an active night time economy and a vibrant social and cultural scene, with a variety and a high concentration of entertainment venues.
- (b) To support entertainment venues and associated high external amplified music noise levels within the Northbridge Special Entertainment Precinct in recognition of its significance as the State's premier entertainment area.
- (c) To provide entertainment venues with greater operational certainty and to support the continued operation of existing entertainment venues.
- (d) To provide a Core Entertainment Area where the highest concentration of entertainment venues and the highest external amplified music noise levels are supported.
- (e) To provide a Frame Entertainment Area, which acts as a transitional area between the Core Entertainment Area and the area outside of the Special Control Area, where a high concentration of entertainment venues are supported and external amplified music noise levels are moderated to be lower than that within the Core Entertainment Area but higher than that prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (f) To reduce potential land use conflicts between noise sensitive uses and entertainment venues by ensuring the design and construction of buildings incorporate appropriate noise attenuation measures.

The proposed SCA will:

- Establish the boundary of the proposed SCA (which will have application under both the Scheme and Noise Regulations);
- Identify higher external (i.e. strategic) amplified noise levels for the Core and Frame Entertainment Areas for the purposes of setting appropriate noise attenuation standards (which will also guide the issuing of Venue Approvals under the Regulations);
- Set the requirements for new noise sensitive and noise emitting uses/development including:
 - building attenuation requirements;
 - information to be submitted as part of development applications e.g. Acoustic Report and/or a Transmission Loss Report;
 - conditions of approval e.g. - Notification on title.

For the purposes of the SCA:

- entertainment venues are defined as a tavern, nightclub, small bar, function centre, entertainment complex, theatre, club or other such entertainment premises that plays amplified music, either live or pre-recorded, on a regular or periodic basis. This definition

does not generally include cafes and restaurants unless these establishments host music events. It also does not include festivals, micro-festivals or one-off public events, for which suitable case-by case-approvals processes already exist.

- noise sensitive premises include those uses within the Residential and Special Residential (i.e. short stay accommodation) use groups.

7.1.2 Key elements

a) Special Entertainment Precinct – Core and Frame Entertainment Areas

The Special Entertainment Precinct/SCA extends over the land bounded primarily by Newcastle, Stirling, Fitzgerald and Wellington Streets, and comprises a Core Entertainment Area and Frame Entertainment Area as shown in Figure 28. It should be noted that it will not apply to those areas under the planning control of the Metropolitan Redevelopment Authority (MRA – now formerly known as ‘Development WA’).

b) Noise Attenuation Levels

The purpose of the proposed SCA is not to set assigned external amplified music levels for the Core and Frame Entertainment Areas (as this is beyond the remit of a local planning scheme) but rather to establish nominal or strategic external amplified music sound levels upon which noise attenuation requirements for building will be based. Notwithstanding this, it is understood that some reference will be made to these nominal or strategic levels in the proposed Amendment to the Noise Regulations to guide the issuing of Venue Approvals within the area.

The SCA proposes a nominal external amplified music noise level of:

- L_{Leq} , **95 dB** in the 63 Hz octave band and L_{Leq} , **86 dB** in the 125 Hz octave band within the Core Entertainment Area; and
- L_{Leq} , **79 dB** in the 63 Hz octave band and L_{Leq} , **70 dB** in the 125 Hz octave band within the Frame Entertainment Area.

c) New Entertainment Venues

New entertainment venues located in the Core Entertainment Area are 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 are 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.

d) Existing Entertainment Venues in Frame Entertainment Area

A provision is proposed to provide certainty to existing entertainment venues in the Frame Entertainment Area.

Noise attenuation requirements for entertainment venues located in the Frame Entertainment Area, that existed at the time of gazettal of the proposed SCA, are to be based on a nominal external amplified music noise level of up to **90 dB** in the 63 Hz octave band.

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 Noise Regulations.

e) New Noise Sensitive Premises

New noise sensitive premises in both the Core Entertainment Area and Frame Entertainment Area are to be designed and constructed to achieve a maximum internal level of **47 dB** in the 63 Hz octave band.

New noise sensitive premises shall also have notifications placed on Certificates of Title/ Strata Titles to inform prospective owners of the likelihood of elevated noise levels from entertainment venues within the precinct.

f) Building Extensions/Additions

Provisions are proposed to clarify that an application for development approval involving an extension or addition, the applicable noise attenuation requirements shall only apply to the new or substantially modified component of an entertainment venue or noise sensitive premise.

g) Land Use Permissibilities

The proposed Scheme Amendment proposes to reclassify Special Residential uses from 'Preferred Uses' to 'Contemplated Uses' within the Core Entertainment Area and part of the Frame Entertainment Area situated between Beaufort and Stirling Streets.

Special Residential uses are described under CPS 2 as '*premises providing short-term, temporary or specialised residential accommodation including: lodging house, hotel, serviced apartment.*'

This will result in the following land use permissibilities across the proposed SCA:

Table 6 –CPS2 Proposed Land Use Permissibilities

CPS2 Provisions	Entertainment Use	Residential Use	Special Residential Use
Core	Preferred	Contemplated	Contemplated
Frame:			
Between Beaufort St and Stirling St	Contemplated	Contemplated	Contemplated
Remainder	Contemplated	Preferred	Preferred

It should be noted that no changes are currently proposed to the land use permissibilities under the City's LPS26 which apply to the land on the northern side of Aberdeen Street. Land use permissibilities will remain as follows:

- Precinct NB1: Russell Square - Permanent Residential and Transient Residential are 'Preferred' uses, whereas Dining and Entertainment are 'Contemplated' uses.
- Precinct NB2: Lake Street - Dining and Entertainment and Transient Residential are 'Preferred' uses, whereas Permanent Residential is a 'Contemplated' uses.

h) Plot Ratio

It is recommended for the purpose of this SCA, the definition of 'floor area of a building' outlined in CPS2 may exclude semi-enclosed balconies where required to assist in mitigating noise intrusion.

7.2 Other

7.2.1 Future Supporting Documents

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

- i) 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. This will be prepared subsequent to the initiation of the proposed Scheme Amendment.
- ii) A City 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. This will be prepared once the City has visibility of the proposed Amendment to the Noise Regulations.

8.0 PLANNING RATIONALE

The planning rationale for the key components of the proposed Scheme Amendment are outlined below.

8.1 Core and Frame Entertainment Areas

The external boundary of the proposed SCA is the same as that identified in the State Government's Discussion Paper 'Planning for Entertainment Noise in the Northbridge Area'.

The Metropolitan Redevelopment Authority's (MRA) Central Perth Redevelopment Scheme also incorporates a 'Northbridge Entertainment Precinct' with both Core and Frame Areas. Refer to **Figure 8**. The external boundary of the City's proposed Special Entertainment Precinct/SCA is similar to that of MRA's however the MRA's Northbridge Entertainment Precinct excludes an area of predominately noise sensitive uses on the western side of Russell Square bound by Fitzgerald, Aberdeen, James and Shenton Streets. This area is included in the City's proposed Special Entertainment Precinct/SCA to ensure a higher level of noise attenuation is required for any new noise sensitive developments.

The proposed Core Entertainment Area has been identified to correspond to:

- The areas with the greatest concentration of high external amplified music noise levels as identified in the 'Northbridge Entertainment Precinct Noise Study' (2012) and the 'Northbridge Noise Monitoring Report' (2019);
- The location of a large number (approximately 40) of the Northbridge entertainment venues which play live/amplified music;
- Fewer noise sensitive premises (accommodating approximately 149 residential premises, which are predominately strata titled and several short-term accommodation premises) than that situated within the proposed Frame Entertainment Area (which accommodates approximately 609 residential premises, which are predominantly strata titled and 12 short stay accommodation premises); and
- The CPS2 use area where 'Entertainment' uses are preferred and 'Residential' uses are contemplated.

The City's proposed Core Entertainment Area is similar to that of the MRA except the MRA's Core Area also includes properties situated on the northern side of Aberdeen Street (between Lake and William Streets) and on the eastern side of William Street (between Francis and Roe Streets).

The properties on the northern side of Aberdeen Street (which fall under the City's planning control) have not been included in the City's proposed Core Entertainment Area as they are intended to form part of a transition area. This is consistent with the Statement of Intent for this area under the City's Local Planning Scheme No. 26: to *'become a mixed land use Precinct that will create a careful transition from the existing core Northbridge entertainment precinct south of Aberdeen Street to the predominantly residential areas north of Newcastle Street'*.

Similarly, those properties situated on the eastern side of William Street (which currently fall under the MRA's planning control) have not been included in the City's Core Entertainment Area as they are intended to provide an area of transition for mixed use development. It should be noted that this area of land is anticipated to be 'normalised' with the planning control to be handed back to the City around mid-2020.

8.1.1 Suggested Expansion of Core Entertainment Area

As part of the media release of the WAPC draft Position Statement and DWER consultation paper, the State Government indicated that it is keen for the final boundaries of the Northbridge's Core Entertainment Area to include long established venues of the area and the Perth Cultural Centre. These matters are addressed below.

a) Perth Cultural Centre

The Perth Cultural Centre (PCC) Project Area 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. 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.

The planning rationale for excluding PCC and nearby venues from the Core Entertainment Area is discussed in detail in the report to Council on 26 November 2019 but essentially it is considered

that PCC has a distinct character and function which distinguishes it from the proposed Core Entertainment Area.

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). The vision for the PCC outlined in the MRA's Scheme is to realise the potential of the State's principal 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".

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's 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.

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.

b) Long Established Venues

The expansion of the Core Entertainment Area to accommodate long established venues currently proposed within the Frame Entertainment Area would exacerbate the impact on existing noise sensitive premises and could compromise the ability to develop any new noise sensitive premises within the resulting reduced Frame Entertainment Area as well as immediately outside of the SCA.

An alternative targeted approach is now proposed to support long established venues within the Frame Entertainment Area as detailed in **section 8.2.5** of the report.

Expanding the Core Entertainment Area to accommodate long established venues would also likely result in the boundary being defined by lot boundaries rather than streets. This is not considered appropriate given the potential for greater noise impact on existing noise sensitive premises.

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.

8.2 Noise Attenuation Levels

In determining appropriate nominal external amplified music noise levels for the Core and Frame Entertainment Areas consideration has been given to the following:

- ensuring Northbridge remains one of the State’s premier entertainment areas whilst providing an acceptable level of acoustic for noise sensitive premises;
- existing external amplified music noise levels outside of existing entertainment venues and noise sensitive premises;
- likely levels of building attenuation and associated transmission loss of existing noise sensitive premises; and
- levels of building attenuation and associated transmission loss that are possible in new noise sensitive premises and the associated cost implications.

8.2.1 Impact of Noise

The current Noise Regulations provide for the regulation of noise to protect the health and amenity of noise sensitive premises. For this reason, assigned levels are currently set by the State Government from the point of the receiver rather than the emitter (this will change however under the proposed Amendments to the Noise Regulations).

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.⁶

The current assigned levels in the Noise Regulations are A-weighted. These levels attempt to reflect human hearing, but are not as sensitive to low frequency noises, such as that emitted by amplified music.⁷

There is currently no guidance within Australia in relation to what levels of low frequency noise are acceptable. Some States or local governments have however prescribed internal low frequency noise levels as outlined in **Table 8**.

Table 8 – Australian State and Local Government Low Frequency Noise Criteria

Criteria	63 Hz one octave band dB L _{Lin eq}
Fortitude Valley	48
South Australian Guideline ⁸	48
Sydney low frequency proposed Option 1 ⁹	44
Sydney low frequency proposed Option 2	48

The UK’s Department of Environment, Food and Rural Affairs (DEFRA) prescribes a maximum internal low frequency noise level for noise sensitive premises of L_{Leq} **47 dB** at the 63 Hz octave

⁶ World Health Organisation- Night Noise Guidelines for Europe (2009)

⁷ Lloyd George Acoustics -Northbridge Entertainment Precinct Noise Study September 2012

⁸ Identical to Fortitude Valley criteria.

⁹ Summation of spectral levels not to exceed a broadband level.

band. Whilst this level was not developed specifically for music, DWER has advised that the nature of the noise (i.e. fluctuating/modulating) upon which this was based has characteristics in common with music. Whilst some other Australian States and local governments have prescribed slightly higher internal low frequency noise levels, DWER has advised that the DEFRA criteria presents the most up to date and appropriate basis to establish criteria for entertainment noise where significant low frequency noise is a feature. Accordingly, the proposed nominal external amplified music noise levels for the SCA are based on a desired maximum internal low frequency noise level for noise sensitive premises of L_{Leq} **47 dB** at 63 Hz octave band.

8.2.2 Existing External Amplified Noise Levels

The City engaged consultants Lloyd George Acoustics in 2012 to undertake an independent noise study of Northbridge to gain an evidence base from which to develop new legislation, planning provisions and management strategies.

The study found that the ambient noise levels outside noise sensitive premises within the Northbridge Entertainment Precinct exceeded the Noise Regulations most of the time, particularly between 10pm and 1am on Thursday, Friday and Saturday nights.

In 2019, DWER engaged consultants Lloyd George Acoustics to undertake ambient noise measurements over 4 nights primarily within the proposed Core Entertainment Area. Key objectives of the study included identifying the noise levels currently emitted by venues and obtaining an indication of the ambient noise levels near noise sensitive premises.

Ambient noise levels were measured outside of:

- 27 (out of a total of 40) entertainment venues and 6 noise sensitive premises within the Core Entertainment Area; and
- 3 (out of a total of 20) entertainment venues and 6 noise sensitive premises within the Frame Entertainment Area.

In the Core Entertainment Area, the ambient noise levels outside of entertainment venues ranged from L_{Leq} **75.2 – 104.2 dB** in the 63Hz octave band whilst the ambient noise levels outside of residential buildings ranged from L_{Leq} **74.2 – 89.6** in the 63Hz octave band.

In the Frame Entertainment Area, the ambient noise levels outside of entertainment venues ranged from L_{Leq} **74.2 – 107.9 dB** in the 63Hz octave band whilst the ambient noise levels outside residential buildings ranged from L_{Leq} **72.5 – 92.4** in the 63 Hz octave band.

Details of these measurements are provided in **Schedule 3**.

8.2.3 Building Attenuation Levels

In 2019, DWER engaged consultants Gabriel's Hearne Farrell to examine residential building attenuation.

The actual building attenuation requirements of existing residential buildings within the Core and Frame Entertainment Areas have not been able to be fully quantified however based on typical apartment construction within the Core Entertainment Area, the study indicated that

existing building attenuation would be such that a transmission loss of **L_{Leq} 20 dB** in the 63Hz octave band would likely be achieved.

The study identified that low frequency noise intrusion into residential buildings in the Special Entertainment Precinct/SCA can be controlled to meet a maximum internal low frequency noise level for noise sensitive premises of **L_{Leq} 47 dB** at the 63 Hz octave band where external noise levels are up to **L_{Leq} 79 dB** in the 63Hz octave band (at an estimated additional cost of approximately 8% to the development). Where the external low frequency noise level exceeds **L_{Leq} 79 dB** in the 63Hz octave band, the required building attenuation to achieve a maximum internal low frequency noise level for noise sensitive premises of **L_{Leq} 47 dB** at the 63 Hz octave band is unlikely to be viable.

It is acknowledged however, there may be other innovative acoustic solutions, including triple glazing which have not been investigated.

Please see **Schedule 3** for further details.

8.2.4 Core Entertainment Area

A key objective of the proposed SCA is to enable a higher concentration of entertainment venues in the Core Entertainment Area by acknowledging that higher external amplified music levels arising from entertainment venues are permitted in this area than in the Frame Entertainment Area.

Accordingly, three nominal external amplified music noise level scenarios were considered for the Core Entertainment Area, these being **L_{Leq} 85 dB, 90dB and 95dB** at the 63 Hz octave band.

The following table (Table 9) shows the impact of these scenarios on new and existing noise sensitive premises as well as existing venues within the Core Entertainment Area.

Table 9 — Core Entertainment Area – External Amplified Music Noise Level Scenarios

Core Entertainment Area	Scenario 1	Scenario 2	Scenario 3
63 Hz octave band dB L _{Lin eq}	85 dB	90 dB	95 dB
New Noise Sensitive Premises	Minimum L _{Leq} , 38 dB in the 63 Hz octave band	Minimum L _{Leq} , 43 dB in the 63 Hz octave band	Minimum L _{Leq} , 48 dB in the 63 Hz octave band
Transmission Loss Requirements to achieve a maximum internal low frequency noise level of L _{Leq} 47 dB at the 63 Hz octave band	Based on study findings of the Gabriels Hearne Farrell Report commissioned by DWER July 2019, these transmission loss requirements are likely to be impractical and cost prohibitive for new noise sensitive development.		
Existing Noise Sensitive Premises			

Estimated indoor noise level based on an assumed transmission loss of L_{Leq} , 20 dB in the 63 Hz octave band	L_{Leq} , 65 dB @ 63 Hz octave band	L_{Leq} , 70 dB @ 63 Hz octave band	L_{Leq} , 75 dB @ 63 Hz octave band
Existing Venues	5/27	11/27	17/27
Number and % of Venues in Compliance based on 2019 Measurements	18%	40%	62%

One of the key drivers of establishing the Northbridge Special Entertainment Precinct is to protect the entertainment precinct. There is also a need however to consider what would be an acceptable level of acoustic amenity for noise sensitive premises, particularly those which are existing.

Whilst the building attenuation levels of existing noise sensitive premises have not been able to be fully quantified to determine the impacts of the various scenarios on these premises with a high degree of certainty, the building attenuation standards of recent apartment developments provide a guide as to the possible impacts. Based on these and the associated transmission loss, it is likely that the desired maximum internal amplified music noise level for noise sensitive premises of L_{Leq} **47 dB** at the 63 Hz octave band would be exceeded under each of the scenarios, with the degree of impact increasing from Scenario 1 to Scenario 3. However, it should be noted that the City has received very few complaints about external amplified music noise levels over the last financial year.

Based on the potential impacts on noise sensitive premises alone, Scenario 1 would be the preferred scenario. However, only 18% or 5 out of the 27 entertainment venues surveyed could currently comply with this level and as such proceeding with such a level would potentially undermine the primary purpose for establishing the Special Entertainment Precinct.

Scenario 2 with a proposed nominal external amplified music noise level of L_{Leq} **90dB** at the 63 Hz octave band level, is reflective of the maximum amplified music noise levels (ranging between L_{Leq} **74.2 dB** to L_{Leq} **89.6 dB** within the 63Hz octave band) recently measured outside of existing noise sensitive premises. However only 40% or 11 out of the 27 entertainment venues surveyed could currently comply with this level.

If the primary purpose of establishing a Special Entertainment Precinct is to ensure that Northbridge remains the State's premier entertainment area then Scenario 3 which proposes a nominal external amplified music noise level of L_{Leq} **95dB** at the 63 Hz octave band would be preferable. 62% or 17 out of the 27 entertainment venues surveyed currently operate at this level or below. It is acknowledged that 38% of the existing entertainment venues surveyed would need to either reduce their operating levels, or invest in further noise attenuation measures to accord with this proposed nominal level should they choose to apply for a Venue Approval. However, a greater level of certainty would be provided against complaints from noise sensitive premises than what is currently provided for under the Noise Regulations.

Scenario 3 would have the least impact on existing venue operations, however setting such a high level across the whole of the Core Entertainment Area may in some areas exacerbate the

current external amplified music noise levels experienced by existing noise sensitive premises should a greater number of existing entertainment venues not currently operating at this level choose to 'opt in' to seek a Venue Approval. Although the likelihood of every entertainment venue (approximately 40) situated within the Core Entertainment Area choosing to opt in to obtain a Venue Approval to operate at the maximum level is questioned.

It is acknowledged that setting such a high level within the Core Entertainment Area is also likely to have greater flow on impacts to the Frame Entertainment Area. The higher the proposed nominal external amplified music noise level in 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 attenuating to achieve acceptable internal noise levels. Similarly, the higher the proposed nominal external amplified music noise level in the Core Entertainment Area, the more difficult it may be for some entertainment venues within the Frame Entertainment Area to comply with the proposed nominal external amplified music noise level for that area.

Under each of the scenarios it is unlikely that new noise sensitive premises would be viable or acceptable given the high levels of noise attenuation that would be required to ensure acceptable internal noise levels for these uses.

Considering the primary purpose of establishing the Northbridge Special Entertainment Precinct, Scenario 3 which proposes a nominal external music noise level of L_{Leq} **95dB** at the 63 Hz octave band is considered appropriate. However, it is recommended this be on the basis that the overall external amplified noise level steps down to a level of L_{Leq} **90dB** at 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)). This could be incorporated into the Council Policy which the City will need to prepare should the proposed Amendment to the Noise Regulations allow for this.

Additionally, 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.

8.2.5 Frame Entertainment Area

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

In view of this intent, as well as advice from consultant's Gabriel's Hearne Farrell that noise attenuation is only likely to be feasible up to an external amplified music noise levels of L_{Leq} **79 dB** in the 63 Hz octave band to meet acceptable internal levels for noise sensitive premises, the noise attenuation standards for new noise sensitive premises and new entertainment venues within the Frame Entertainment Area have been based on a nominal external amplified music

noise level of **L_{Leq}79 dB** in the 63 Hz octave band. It is also intended under the future local planning policy to be prepared that new noise sensitive developments situated outside of the Special Entertainment Precinct/SCA but adjacent to the Frame Entertainment Area also be required to attenuate to this same level.

Whilst a limited number of measurements were taken outside of entertainment venues in the Frame Entertainment Area, the noise monitoring survey discussed above indicates that there are some entertainment venues which are emitting higher amplified music levels than some of the entertainment venues within the Core Entertainment Area. External amplified music noise levels outside some of the existing venues ranged from **74.2– 107.9dB** within the 63Hz octave band and outside some of the existing noise sensitive premises ranged from **72.5 to 92.4dB** within the 63Hz octave band.

In recognition that there are existing entertainment venues operating with external amplified music noise levels above **79 dB** with the Frame Entertainment Area and the potential cost impacts of requiring them (should they opt in for a Venue Approval) to comply with an external amplified music noise level of **79 dB**, the Scheme Amendment proposes that those entertainment venues that existed at the time of gazettal of this SCA be based on a nominal external amplified music noise level of up to **90 dB** in the 63 Hz octave band. The level of attenuation required and associated costs to achieve this higher assigned level would be reduced. 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.

The above 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 which is likely to have a greater impact on existing noise sensitive uses as well discourage further residential growth.

Should existing entertainment venues choose to apply for a Venue Approval, they may still need to either reduce their operating levels or invest further in noise attenuation measures to accord with the new assigned levels. However, a greater level of certainty would be provided against complaints from noise sensitive premises, than what is currently provided for under the Noise Regulations.

The levels of noise attenuation of existing noise sensitive premises within the Frame Entertainment Area have not been able to be fully quantified. Under the proposed external amplified music noise levels of **79 dB** and **90 dB** in the 63 Hz octave band for the Frame Entertainment Area, existing noise sensitive premises in the Frame Entertainment Area could potentially receive an internal amplified music noise level of **59 dB** and **70 dB** in the 63 Hz octave band. Both of these internal levels are above the desired internal amplified music noise level for noise sensitive premises of **47 dB** in the 63 Hz octave band. Any reduction in the noise levels of existing entertainment venues will however be of benefit to existing residents.

8.3 Land Use Permissibilities

As outlined above, the Scheme Amendment proposes to reclassify Special Residential uses (i.e. short stay accommodation) from 'Preferred Uses' to 'Contemplated Uses' within the Core Entertainment Area and part of the Frame Entertainment Area situated between Beaufort and Stirling Streets.

The rationale for this as follows:

- Special Residential uses are proposed to be treated similarly to Residential uses within the SCA as both are regarded as noise sensitive uses under the Noise Regulations (albeit a higher regard is given to permanent residential uses). Consideration has also been given to future proofing any proposed changes of use between Residential and Special Residential uses.
- Residential use is currently a 'Contemplated' use within the proposed Core Entertainment Area.
- A 'Preferred Use' cannot be refused on the basis of its use whilst a 'Contemplated Use' can be approved or refused taking into consideration the provisions of the Scheme and its planning policies.
- The proposal will assist to ensure that only appropriately located, designed and constructed Special Residential development with high building attenuation standards will be approved within the SCA. This will assist to minimise any further land use conflicts and amenity impacts between entertainment venues and short stay accommodation.

8.4 New Noise Sensitive Premises –Memorials on 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 be exposed to.

Higher noise attenuation standards will be required in the Core Entertainment Area, which is likely to discourage any new noise sensitive uses (i.e. Residential and Special Residential) as they may not be financially feasible.

Notwithstanding this, 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.

8.5 Plot Ratio

A key finding of the Gabriels Hearne Farrell Report commissioned by DWER July 2019, into the evaluation of residential buildings in Northbridge identified that a very large cavity (minimum 1 metre) is required in the double-glazing format to provide good sound reduction performance in the 63 Hz octave band. This would however be achievable by fully glazing the balcony perimeter (i.e. constructing a normal balcony and installing an openable window above the normal balustrade height).

Under the current definition of 'floor area of a building' outlined in CPS2 enclosed balconies are included as part of the plot ratio calculation. However, it is recommended that for the purpose of this SCA, this definition exclude semi-enclosed balconies where required to assist in mitigating noise intrusion.

8.6 Heritage Considerations

The proposed Northbridge Special Entertainment Precinct contains several places and areas of cultural heritage significance including a number of properties listed on the State Register. It is

acknowledged that a number of existing venues are accommodated within buildings that were constructed to a different building code and sometimes built with materials that are not easily adapted. Nevertheless, any required noise attenuation measures should be designed so that they do not have a significant detrimental impact on any cultural heritage significance of a place and will need to have regard to any relevant local and/or state heritage policies.

8.7 Proposed Transfer of Planning Authority – Development WA/MRA Precincts

Development WA has advised that it is intending to transfer planning authority back to the Western Australian Planning Commission (WAPC) and the City over the Perth Cultural Centre (comprising the James Street and William Street Precincts) and the Museum Street Precinct (which lies to the north of the Perth Cultural Centre), by 30 June 2020. These precincts fall within the proposed Northbridge Special Entertainment Precinct.

It is intended that section 35 of the MRA Act will be used to create Transitional Regulations for the purpose of normalisation. These regulations will enable the City to apply the MRA's current local planning framework (i.e. Central Perth Redevelopment Scheme and supporting planning documents) to the normalised areas until such time as the City amends its local planning scheme to incorporate planning provisions for these areas. The MRA's planning provisions for the Northbridge Special Entertainment Precinct however do not currently reflect those proposed by the City. To avoid the need post normalisation for the City to undertake a separate amendment to its local planning scheme to ensure that the proposed provisions for the Northbridge Special Entertainment Precinct apply, it is considered critical that the MRA undertake an amendment to its local planning framework to incorporate planning provisions for the Northbridge Special Entertainment Precinct, similar to that proposed by the City, prior to normalisation of the above precincts.

It is understood that post normalisation, parts of the above precincts will be reserved under the Metropolitan Regional Planning Scheme and therefore subject to the planning authority of the WAPC. It will therefore be important for the DPLH ensure that mechanisms exist under the MRS to enable application of the proposed planning provisions for the Northbridge Special Entertainment Precinct over any reserved land.

9.0 SCHEME AMENDMENT CLASSIFICATION

The *Planning and Development (Local Planning Schemes) Regulations 2015* include three categories for amending Local Planning Schemes which are; Basic, Standard and Complex. It is considered that the proposed amendment would be a Complex amendment as it will have an impact that is significant relative to development in the locality.

10.0 CONCLUSION

The Scheme Amendment forms part of a broader package of noise management reforms which the City has been working on with the State Government for entertainment precincts.

The Scheme Amendment seeks to ensure that the Northbridge Special Entertainment Precinct continues to thrive as the State's premier entertainment area whilst providing an acceptable level of acoustic amenity for noise sensitive premises.

Potential land use conflicts between noise sensitive uses and entertainment venues are intended to be minimized via ensuring the design and construction of buildings incorporate appropriate sound attenuation measures.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

CITY OF PERTH

CITY PLANNING SCHEME NO. 2

AMENDMENT NO. 41

RESOLVED that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Inserting a new Special Control Area under clause 39(1) as follows:

(bb) Northbridge Special Entertainment Precinct - Special Control Area.
2. Inserting the following as Special Control Area 28 in Schedule 8:

28. Northbridge Special Entertainment Precinct - Special Control Area

28.1 Special Control Area

The following provisions apply to the land marked as Figure 28 being the Northbridge Special Entertainment Precinct Special Control Area. The Special Control Area comprises a Core Entertainment Area and a Frame Entertainment Area.

Note - The provisions of this Scheme/Special Control Area do not apply to the parts of the Special Control Area which are under the planning control of the Metropolitan Redevelopment Authority/Development WA.

28.2 Purpose

To establish a Northbridge Special Entertainment Precinct, in recognition of its significance as the State's premier entertainment area, by supporting entertainment venues and associated high external amplified music noise levels and thereby facilitating an active night time economy.

Note - the Special Control Area does not regulate the level of noise emitted by entertainment venues or override the requirements of the '*Environmental Protection (Noise) Regulation 1997*.'

28.3 Objectives

- (a) To ensure the Northbridge Special Entertainment Precinct continues to be the primary entertainment area in the city, providing for an active night time economy and a vibrant social and cultural scene, with a variety and a high concentration of entertainment venues.

- (b) To support entertainment venues and associated high external amplified music noise levels within the Northbridge Special Entertainment Precinct in recognition of its significance as the State's premier entertainment area.
- (c) To provide entertainment venues with greater operational certainty and to support the continued operation of existing entertainment venues.
- (d) To provide a Core Entertainment Area where the highest concentration of entertainment venues and the highest external amplified music noise levels are supported.
- (e) To provide a Frame Entertainment Area, which acts as a transitional area between the Core Entertainment Area and the area outside of the Special Control Area, where a high concentration of entertainment venues are supported and external amplified music noise levels are moderated to be lower than that within the Core Entertainment Area but higher than that prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997 (as amended).
- (f) To reduce potential land use conflicts between noise sensitive uses and entertainment venues by ensuring the design and construction of buildings incorporate appropriate noise attenuation measures.

28.4 General Provisions

28.4.1 Noise Attenuation Requirements

(a) Core Entertainment Area

Within the Core Entertainment Area the extent of noise attenuation required for entertainment venues and noise sensitive premises shall be based on a nominal external amplified music noise level of L_{Leq} , 95dB in the 63 Hz octave band and L_{Leq} , 86 dB in the 125 Hz octave band;

(b) Frame Entertainment Area

Within the Frame Entertainment Area:

- (i) the extent of noise attenuation required for entertainment venues shall generally be based on a nominal external amplified music noise level of L_{Leq} , 79 dB in the 63 Hz octave band and L_{Leq} , 70 dB in the 125 Hz octave band;
- (ii) notwithstanding sub clause 28.4.1(b)(i), the extent of noise attenuation required for those entertainment venues that existed at the time of gazettal of this Special Control Area and are listed on the local government's Register of Existing Entertainment Venues – Frame Entertainment Area, shall be based on a nominal external amplified music noise level of up to L_{Leq} , 90 dB in the 63 Hz octave band and L_{Leq} , 81 dB in the 125 Hz octave band;
- (iii) the extent of noise attenuation required for noise sensitive premises shall be determined having regard to a Transmission Loss Design Report, prepared by

a qualified acoustic consultant, which takes into consideration the expected external amplified music noise levels within the area.

- (c) Where an application for development approval relates to a noise sensitive premises and/or an entertainment venue, the extent of noise attenuation required shall be as outlined in sub clauses 28.5 and 28.6.
- (d) Noise attenuation measures must be carefully integrated into the design of development and not significantly detrimentally impact upon:
 - (i) the buildings aesthetics, environmental sustainability, and cultural heritage significance where applicable;
 - (ii) the internal amenity for building occupants; and
 - (iii) the public realm.

28.4.2 Register of Existing Entertainment Venues – Frame Entertainment Area

- (a) The local government shall prepare a register of entertainment venues within the Frame Entertainment Area which existed at the time of gazettal of this Special Control Area and were lawfully approved and that approval had not expired or been cancelled.
- (b) The register prepared by the local government must set out the following –
 - (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;
- (c) Where an entertainment venue on the register;
 - (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 entertainment venue shall be removed from the register and the provisions of sub clause 28.4.1 (b) (ii) shall cease to apply.
- (d) The local government must ensure that the register is kept up to date and is made available for public inspection.
- (e) An entry in the register in relation to land that is being used for an entertainment venue is evidence of the matters set out in the entry, unless the contrary is proved.

28.4.3 Requirement for Development Approval for Works

In accordance with sub clause 61(3)(a) of the Deemed Provisions, an application for development approval shall be required, for the following works associated with a noise sensitive premises and/or an entertainment venue which are typically excluded under sub clause 61(1) of the Deemed Provisions:

- (a) the carrying out of works that are wholly located on an area identified as regional reserve under the region planning scheme;
- (b) the carrying out of internal building work;
- (c) the erection or extension of a single house on a lot; and/or
- (e) the erection or an extension of an ancillary dwelling.

Note: In accordance with sub clause 61(2)(b) of the Deemed Provisions, development that is a use that is permitted in the zone in which the development is located and which involves the above works shall require Development Approval.

28.5 Noise Sensitive Premises

- (a) Core Entertainment Area

Noise sensitive premises within the Core Entertainment Area shall be located, designed and constructed so that the Transmission Loss is a minimum of L_{Leq} 48 dB in the 63 Hz octave band and L_{Leq} 45 dB in the 125 Hz octave band.

- (b) Frame Entertainment Area

Noise sensitive premises within the Frame Entertainment Area shall be located, designed and constructed so that the Transmission Loss is a minimum of L_{Leq} 32 dB in the 63 Hz octave band and L_{Leq} 29 dB in the 125 Hz octave band, plus any additional Transmission Loss required to achieve a theoretical internal design level of 47 dB in the 63 Hz octave band and L_{Leq} 41 dB in the 125 Hz octave band.

- (c) Where an application for development approval relates to a noise sensitive premises involving:

- (i) an extension or addition; and/or
- (ii) proposed works as outlined in sub clause 28.4.3;

the extent of noise attenuation required as outlined in sub clause 28.4.1 shall only apply to the new habitable room(s).

- (d) Plot Ratio

For the purposes of meeting the noise attenuation requirements, semi- enclosed balconies may be permitted and if so will not form part of the calculation of 'floor area of a building' as defined in Schedule 4 of the City Planning Scheme No. 2 (as amended).

- (e) Transmission Loss Design Report

- (i) An application for development approval relating to a noise sensitive premises shall include a Transmission Loss Design Report, prepared by a qualified acoustic consultant in a manner and form to the satisfaction of the local government. The Transmission Loss Design Report shall include details of the noise attenuation measures that are proposed to be included in the development's design and construction to achieve the applicable Core

Entertainment Area or Frame Entertainment Area Transmission Loss levels as prescribed by sub clauses 28.5(a) and (b).

- (ii) Noise sensitive premises shall be designed and constructed to incorporate the noise attenuation measures detailed in the Transmission Loss Design Report forming part of an approved development application.
- (f) Noise sensitive premises shall not be approved where the local government is not satisfied that the development can be acoustically attenuated to meet the applicable Transmission Loss levels.
- (g) The local government shall, as a condition of development approval for noise sensitive premises, require a notification pursuant to section 70A of the Transfer of Land Act 1893 to inform prospective owners of the likelihood of elevated noise levels from entertainment venues.
- (h) Prior to the commencement of development, a qualified acoustic consultant shall review the construction drawings and certify to the satisfaction of the local government that they incorporate all the noise attenuation measures outlined in the Transmission Loss Design Report forming part of an approved development application.
- (i) After practical completion stage and prior to occupation of the development, a qualified acoustic consultant shall certify to the satisfaction of the local government that all of the recommendations of the Transmission Loss Design Report forming part of an approved development application have been implemented.

28.6 Entertainment Venues

- (a) Appropriate noise mitigation shall primarily be achieved through design and construction methods rather than reliance upon on-going operational management measures.
- (b) Core Entertainment Area
Entertainment venues located in the Core Entertainment Area shall be designed and constructed to incorporate noise attenuation measures to ensure that the external amplified music noise levels specified in sub clause 28.4.1(a) are not exceeded at 1 metre from the entertainment venue boundary.
- (c) Frame Entertainment Area
Entertainment venues located in the Frame Entertainment Area shall be designed and constructed to incorporate noise attenuation measures to ensure that the external amplified music noise levels specified in sub clauses 28.4.1(b)(i) and (ii) are not exceeded at 1 metre from the entertainment venue boundary.
- (d) Where an application for development approval relates to an entertainment venue involving:
 - (i) an extension or addition; and/or

- (ii) proposed works as outlined in sub clause 28.4.3;
the extent of noise attenuation required as outlined in sub clause 28.4.1 shall only apply to the new or substantially modified component of an entertainment venue.
- (e) Acoustic Report
 - (i) An application for development approval relating to an entertainment venue shall include an Acoustic Report, prepared by a qualified acoustic consultant in a manner and form to the satisfaction of the local government. The Acoustic Report shall include details of the existing and proposed noise attenuation measures that are to be included in the development's design and construction as well as any mitigation measures to achieve the applicable Core Entertainment Area and Frame Entertainment Area noise levels prescribed by sub clauses 28.6(b) and (c).
 - (ii) Entertainment venues shall be designed and constructed to incorporate the noise attenuation and mitigation measures detailed in the Acoustic Report forming part of an approved development application.
- (f) Prior to the commencement of development, a qualified acoustic consultant shall review the construction drawings and certify to the satisfaction of the local government that they incorporate all the necessary noise attenuation and mitigation measures detailed in the Acoustic Report forming part of an approved development application.
- (g) After practical completion stage and prior to occupation of the development, a qualified acoustic consultant shall certify to the satisfaction of the local government that all of the recommendations of the Acoustic Report forming part of an approved development application have been implemented.

DEFINITIONS

Core Entertainment Area – means the area designated as such in Figure 28.

Entertainment Venue – means a tavern, nightclub, small bar, function centre, entertainment complex, theatre, or other such entertainment premises that plays amplified music, either live or pre-recorded, on a regular or periodic basis. This includes both indoor and/or outdoor areas where applicable.

Entertainment Venue Boundary - means the perimeter walls or outdoor containment structures, floors, ceiling or roof, that form the horizontal and vertical extent of an entertainment venue, unless the entertainment venue is the sole land use on a lot, in which case its horizontal extent shall be the boundaries of the lot upon which it is located. Where an entertainment venue has no physically defined vertical extent, such as in the case of an outdoor area or roof top venue, its vertical extent shall be 4 metres above the ground or floor level of the venue.

External amplified music noise level – means the maximum, nominal noise level directly attributable to amplified music emitted by an entertainment venue or multiple entertainment venues.

Frame Entertainment Area – means the area designated as such in Figure 28.

Noise Sensitive Premises –for the purposes of this Special Control Area has the same meaning as defined in the *Environmental Protection (Noise) Regulations 1997* (as amended), however excludes the following: churches, education establishments and day-time childcare facilities. This definition includes Special Residential and Residential uses as defined in Schedule 2 of the City Planning Scheme No. 2 (as amended).

Receiver Facade – means the roof and all external walls of a noise sensitive premises situated within the Special Control Area.

Special Entertainment Precinct – means a precinct containing a number of entertainment venues and includes a diverse mix of land uses which contribute to an active night-time economy as referenced in the '*Environmental Protection (Noise) Regulation 1997.*'

Transmission Loss – means the noise level reduction provided by a receiver façade that is required to meet acceptable internal noise levels.

3. Modifying P1 Northbridge Use Group Table outlined in Schedule 3 to reclassify Special Residential from a 'Preferred Use' to a 'Contemplated' Use within the Core Entertainment Area of the Northbridge Special Entertainment Precinct Special Control Area;
4. Modifying P3 Stirling Use Group Table outlined in Schedule 3 to reclassify Special Residential Use from a 'Preferred' Use to a 'Contemplated' Uses within the Frame Entertainment Area of the Northbridge Special Entertainment Precinct Special Control Area situated between Beaufort and Stirling Streets;
5. Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly; and
6. Inserting Figure 28 - Northbridge Special Entertainment Precinct Special Control Areas into Schedule 8 – Special Control Areas of the Scheme.

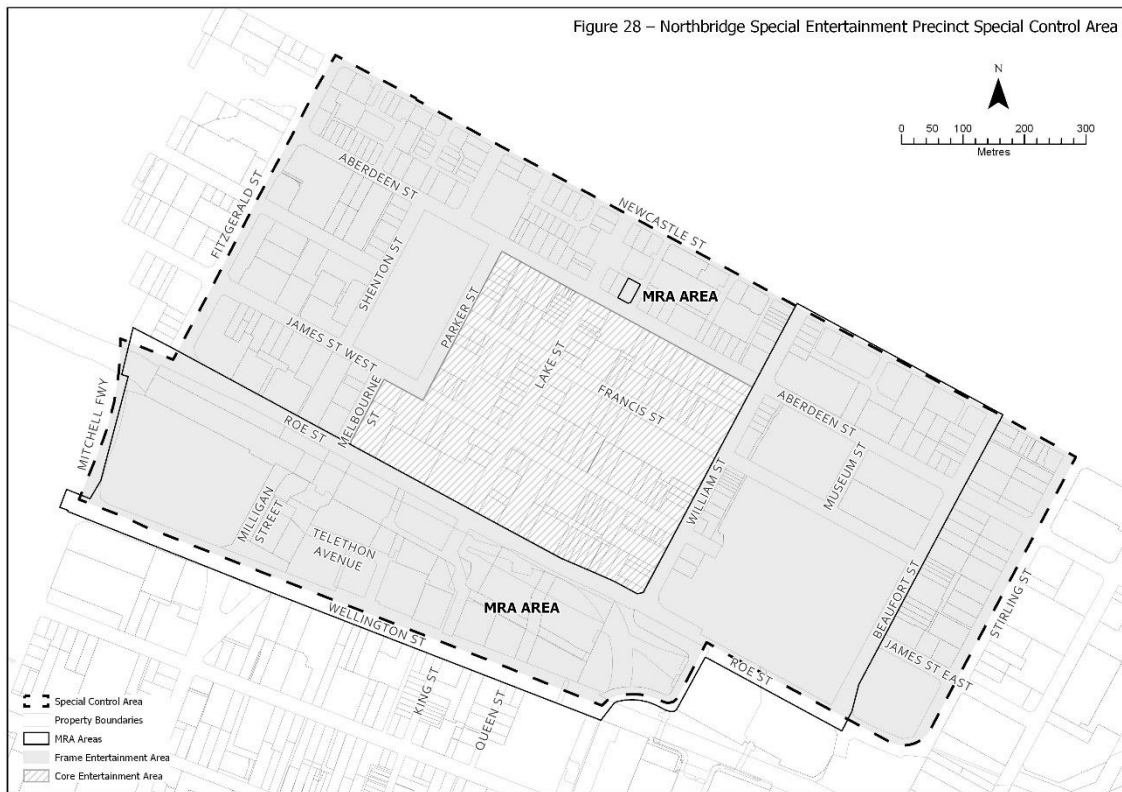


Figure 28 –Northbridge Special Entertainment Precinct Special Control Area

The amendment is complex under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:

- The amendment will have an impact that is significant relative to development in the locality.

COUNCIL ADOPTION

This [Complex/] Amendment was adopted by resolution of the Council of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [day] day of [month], 20[year].

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [day] day of [month], 20[year], proceed to advertise this Amendment.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the [LOCAL GOVERNMENT] was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

DATE.....

FORM 6A CONTINUED

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....

SCHEDULE 1 - EXISTING CITY CENTRE PRECINCTS PLAN (P1 TO 8)

City Planning Scheme No.2
CITY CENTRE - Precincts 1-8

CITY CENTRE:
Will continue to develop as the focus of business, retail, civic, cultural and entertainment activities in Western Australia

PRECINCTS:
The City Centre contains the following Precincts

- P1 - Northbridge
- P2 - Cultural Centre
- P3 - Stirling
- P4 - Victoria
- P5 - Citiplace
- P6 - St Georges
- P7 - Civic
- P8 - Foreshore

PARLIAMENT HOUSE AND SURROUNDS:
A Clause 32 area which maintains the visual prominence of Parliament House and the aesthetic quality of development in the area.

MINOR TOWN / LOCAL PLANNING SCHEMES (TPS / LPS):

The additional Schemes which apply in the city centre are:

- TPS 11 - Wesley Trust and WA Travel Centre
- TPS 13 - State Government Insurance Office
- TPS 16 - David Jones Site (now Central Park)
- TPS 21 - FAI Site
- TPS 23 - Paragon
- LPS 26 - Normalised Redevelopment Areas

SPECIAL CONTROL AREAS

Special control areas apply in the city centre for these areas:

- 2 - CTA Building
- 5 - 240 St Georges Tce & 899-915 Hay St
- 6 - 141 & 125-137 St Georges Tce & 18 Mounts Bay Road
- 8 - 126-144 Stirling Street
- 11 - 225-239 St Georges Tce (Bishops See)
- 12 - 298-316 Murray Street
- 15 - 92-120 Roe Street
- 17 - St Martins
- 18 - 30 Beaufort Street
- 19 - 2-6 (Lot 40) Parker Street

PLANNING POLICIES:

Planning and design guidelines apply in the city centre for these areas:

- James, William, Roe and Lake Street
- King Street
- Goderich
- William Street Station Precinct

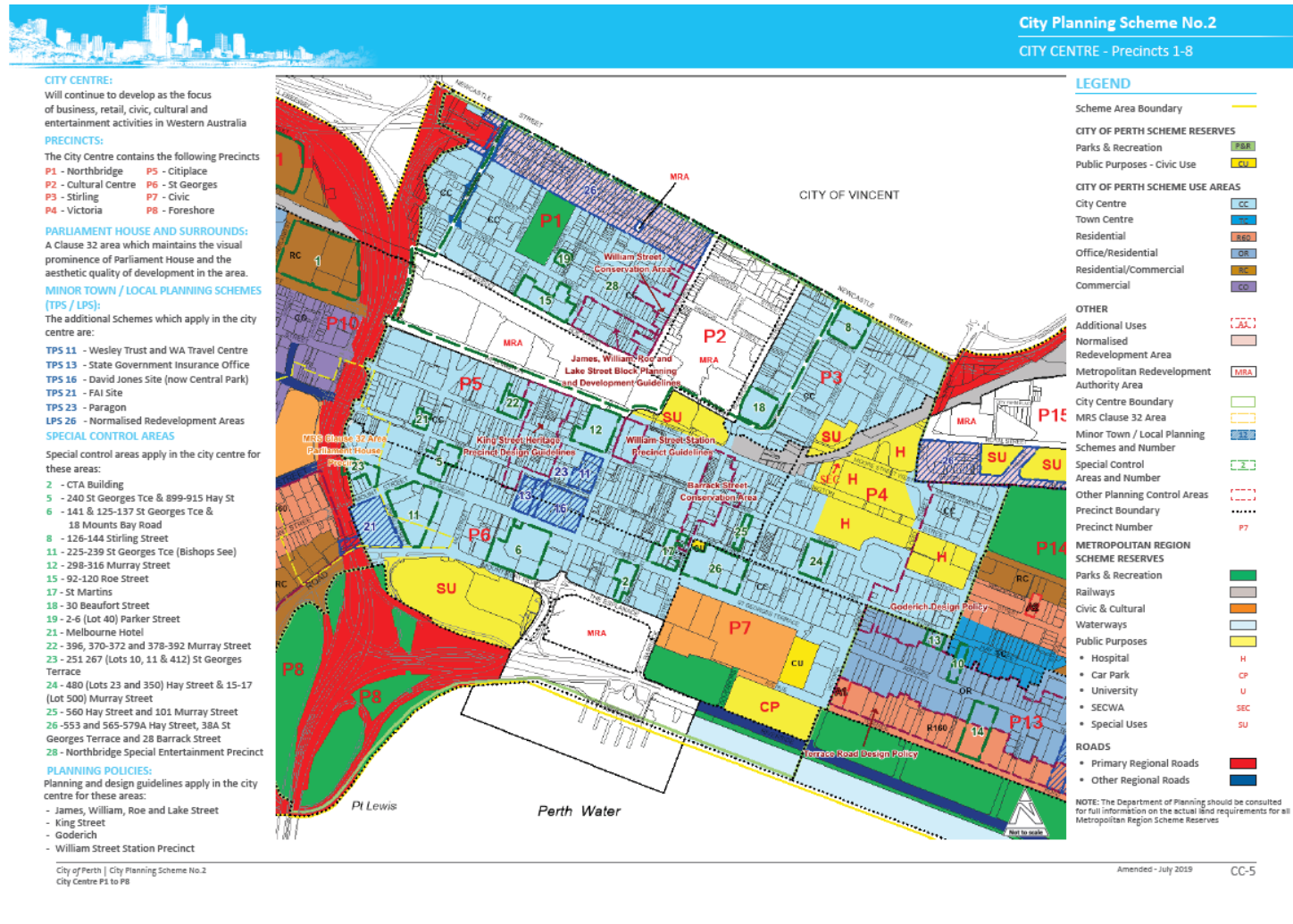


LEGEND

- Scheme Area Boundary
- CITY OF PERTH SCHEME RESERVES**
 - Parks & Recreation
 - Public Purposes - Civic Use
- CITY OF PERTH SCHEME USE AREAS**
 - City Centre
 - Town Centre
 - Residential
 - Office/Residential
 - Residential/Commercial
 - Commercial
- OTHER**
 - Additional Uses
 - Normalised Redevelopment Area
 - Metropolitan Redevelopment Authority Area
 - City Centre Boundary
 - MRS Clause 32 Area
 - Minor Town / Local Planning Schemes and Number
 - Special Control Areas and Number
 - Other Planning Control Areas
 - Precinct Boundary
 - Precinct Number
- METROPOLITAN REGION SCHEME RESERVES**
 - Parks & Recreation
 - Railways
 - Civic & Cultural
 - Waterways
 - Public Purposes
 - Hospital
 - Car Park
 - University
 - SECWA
 - Special Uses
- ROADS**
 - Primary Regional Roads
 - Other Regional Roads

NOTE: The Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves

SCHEDULE 2 – PROPOSED CITY CENTRE PRECINCTS PLAN (P1 TO 8)



SCHEDULE 3 - INFORMING ACOUSTIC STUDIES

Northbridge Entertainment Precinct Noise Study (2012)

The City engaged consultants Lloyd George Acoustics in 2012 to undertake an independent noise study of Northbridge to gain an evidence base from which to develop new legislation, planning provisions and management strategies. The study was completed in 2012 and included 26 recommendations.

The key recommendations included:

- Imposing higher construction standards for all new residential development in the Northbridge Entertainment Precinct.
- Allocating noise certificates to entertainment venues prescribing an internal C-weighted noise level limit based on an external noise limit and establishing an associated enforcement procedure.
- Developing an information and education strategy for existing and future businesses and residents.

The study found the ambient noise levels outside residential premises within the Northbridge Entertainment area exceeded the Noise Regulations most of the time, particularly between 10pm and 1am on Thursday, Friday and Saturday nights. This creates some complexity in enforcing the Regulations in Northbridge and requires sophisticated methods of noise analysis to reliably determine which venue/s are emitting the noise resulting in complaints.¹⁰

Evaluation of Residential Building Attenuation

The State Government (DWER) engaged consultants Gabriels Hearne Farrell to undertake an acoustic study in July 2019 for the proposed Northbridge Entertainment Precinct evaluating residential building attenuation. The purpose of this study was to focus on low frequency noise intrusion and determine a practical approach to acoustic upgrades.

The study stated there are currently no clear design standards for low frequency noise in Australia. Based on a review of various Australian examples including Fortitude Valley, the implied requirements of the Noise Regulations, and the approach taken internationally, a design objective for the 63Hz

¹⁰ Lloyd George Acoustics - *Northbridge Entertainment Precinct Noise Study (2012)*

and 125 Hz octave bands is recommended, this being based on the UK DEFRA curve. As such, the design objective for internal noise levels due to music entertainment noise intrusion were set at Leq **47dB** in the 63 Hz Octave Band and Leq **41 dB** in the 125 Hz Octave Band.

The study found that recent apartment constructions in the Northbridge area had the following characteristics:

- High mass external walls being concrete or cavity brick;
- Upgraded glazing typically 10.38mm glass; and
- Typical light frame roof ceiling construction with double layer plaster sheeting to ceiling.

The study stated that whilst the above construction standards would provide satisfactory attenuation to address the general ambient noise level, generated from traffic and street activity, in Northbridge, it would not however provide satisfactory attenuation to address the low frequency noise associated with the music entertainment industry. These construction standards would generally equate to a transmission loss of L_{Leq} , **20 dB** in the 63 Hz octave band/

The study outlined the design and construction requirements to maximise sound reduction performance through the façade of multi storey residential buildings to address low frequency noise and also provided an indication of the additional costs to construction.

The study identified that low frequency noise intrusion into residential building in the Northbridge Precinct can be controlled to meet Low Frequency Noise design targets where external noise levels are up to **65 dB(A)** and **79 dB(C)** at the 63 Hz octave band. It was estimated that the additional cost associated with the constructing to these levels would be in the order of 8%. Where the external noise levels exceed these levels, it is likely that further increases in construction standards are not likely to be practical nor financially viable.

The implications are that new noise sensitive development within the Core Entertainment Area given the current levels is likely to be unviable. However, such development would be achievable within certain areas of the proposed Frame Entertainment Area and it may be possible to develop 'deem to comply' standards in these areas.

The study also identified that a very large cavity (minimum 1 metre) is required in the double-glazing format to provide good sound reduction performance in the 63 Hz octave band. This would however be achievable by fully glazing the balcony perimeter (i.e. constructing a normal balcony and installing an openable window above the normal balustrade height).

Northbridge Noise Monitoring Report - September 2019

In 2019, DWER engaged consultants Lloyd George Acoustics to undertake ambient noise measurements primarily within the proposed Core Entertainment Area. Key objectives of the study included identifying the noise levels currently emitted by venues and obtaining an indication of the ambient noise levels near noise sensitive premises.

The noise monitoring survey was undertaken on Friday 16 August 2019, Saturday 17 August 2019, Friday 23 August 2019 and Saturday 24 August 2019 between 10pm and 1am (the following day).

The City has tabulated the noise measurements provided in the survey at the 63Hz levels to capture the low frequency noise levels associated with amplified music levels in Tables 1 and 2 below.

Table 1 – Existing Venues

SCA Area	No Venues *	Volume range @ 63Hz	Max 63Hz level	Compliant venues	% of compliance	Non compliant venues	% of non-compliance
Core	27	75.2 – 104.2dB	80 dB	2	7%	25	93%
			85 dB	5	18%	22	82%
			90 dB *	11	40%	16	60%
			95 dB Proposed	17	62%	10	38%
			100 dB	25	92%	2	8%
Frame	3	74.2 – 107.9dB	79 dB* Proposed	0	0	3	100%
			85 dB	0	0	3	100%

			90 dB	2	67%	1	33%
			95 dB	2	67%	1	33%
			100 dB	2	67%	1	33%

Notes

1. The number of venues referred to in column 2 of this table refers to the number of venues at which noise readings were undertaken for the Northbridge Noise Monitoring Report.
2. The 'volume range @ 63 Hz' column represents the range of sound levels that venues are currently operating at. The lower level represents the quietest venue on its quietest night, the highest level is the loudest venue on its loudest night.
3. The 'Max 63 Hz level' column expresses different theoretical maximum venue boundary levels that could be set through the SCA. The compliance columns relate to the number of venues that would comply, or not comply, with that theoretical imposed maximum level.

The survey selected 27 out of the 40 venues situated within the proposed Core Entertainment Area and indicated a noise range between L_{Leq11} **75.2 dB** and L_{Leq} **104.2 dB** within the 63Hz octave band. The majority (92%) of the venues operated at or below a maximum of L_{Leq} **100 dB**.

The survey sample for the venues situated within the Frame Entertainment Area was limited with only 3 venues situated closest to the Core Entertainment out of a total of 20 venues surveyed.

Interestingly, the survey indicated a noise range of between L_{Leq} **74.2 dB** to L_{Leq} **107.9 dB** within the 63Hz octave band for venues situated within the Frame Entertainment Area which was greater than that of the venues situated within the Core Entertainment Area. Two of the three venues also operated at or below a maximum of L_{Leq} **100dB**.

However, it is acknowledged as only 3 venues were surveyed it is unlikely to be a representative sample for the Frame Entertainment Area.

¹¹ Lloyd George Acoustics -Sound level descriptor L_{Leq} or 'equivalent continuous sound level', is a widely-used parameter used for sound levels that fluctuate over time. This parameter better represents the noise a person is exposed to due to entertainment uses, compared to L10, that only represents the noise level exceeded just for 10% of the measurement period or LMax that describes the highest sound level spike during measurement. This parameter is also easier to apply as it is more mathematically robust when considering contributing levels from various noise sources.

Table 2 – Existing Noise Sensitive Premises

SCA Area	No noise sensitive buildings	Current 63 Hz range	63 Hz levels	Number of current receivers	Nearest Venue
Core	6	74.2 – 89.6	< 85 dB	4 R3, R1, R2, R8	R3: V32c, V21c R1: V6c, V16c R2: V20c, V21c R8: V12c, V41c, V11c
			85 – 90 dB	2 R12, R5	R12: V32c, V21c R5: V28c
			90 – 95 dB	0	
			95 – 100 dB	0	
			> 100 dB	0	
Frame	6	72.5 – 92.4	< 85 dB	4 R9, R10, R11, R6	R9: V38f R10: V34f, V22f R11: V12c, V41c R6: V35c
			85 - 90 dB	0	
			90 - 95 dB	2 R4, R7	R4: V23c, V24c, V25c R7: V33f, V32c
			95 - 100 dB	0	
			> 100 dB	0	

Notes

1. The number of noise sensitive buildings referred in column 2 of this table represent the number of noise sensitive buildings at which noise readings were undertaken for the Northbridge Noise Monitoring Report 2.
2. Each of the noise sensitive buildings listed in column 2 may contain multiple dwellings.

Table 2 indicates that within the proposed Core Entertainment Area, noise levels ranging between L_{Leq} **74.2 dB** to L_{Leq} **89.6 dB** within the 63Hz octave band occurred outside of the noise sensitive premises.

In a section of the proposed Frame Entertainment Area, noise levels ranging between L_{Leq} **72.5 dB** to **92.4 dB** within the 63Hz octave band occurred outside of the noise sensitive premises. Interestingly, two noise sensitive premises situated within the proposed Frame Entertainment Area (one situated on the eastern side of William Street and the other situated on the northern side of Aberdeen Street) received noise levels up to L_{Leq} **91-92dB** within the 63Hz octave band. These noise levels were higher than those found outside noise sensitive uses within the proposed Core Entertainment Area.

DWER has advised that the average noise levels across the SCA, including both the Core and Frame Entertainment Areas, equates to L_{Leq} **81dB** within the 63Hz octave band with an anticipated internal level within noise sensitive premises of **61db** (based on a typical apartment construction outlined in the Gabriels Hearne Farrell Acoustic Study dated July 2019).

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. It was also noted that all noise levels were recorded at 1.5 metres above ground and therefore, elevated receivers are potentially subjected to higher noise levels as well as low frequency levels given that less shielding from adjacent buildings would occur.

Produced by Data Analytics,
Department of Planning, Lands and Heritage,
on behalf of the Western Australian Planning Commission.
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Base information supplied by
Western Australian Land Information Authority
SLIP 1096-2018-1

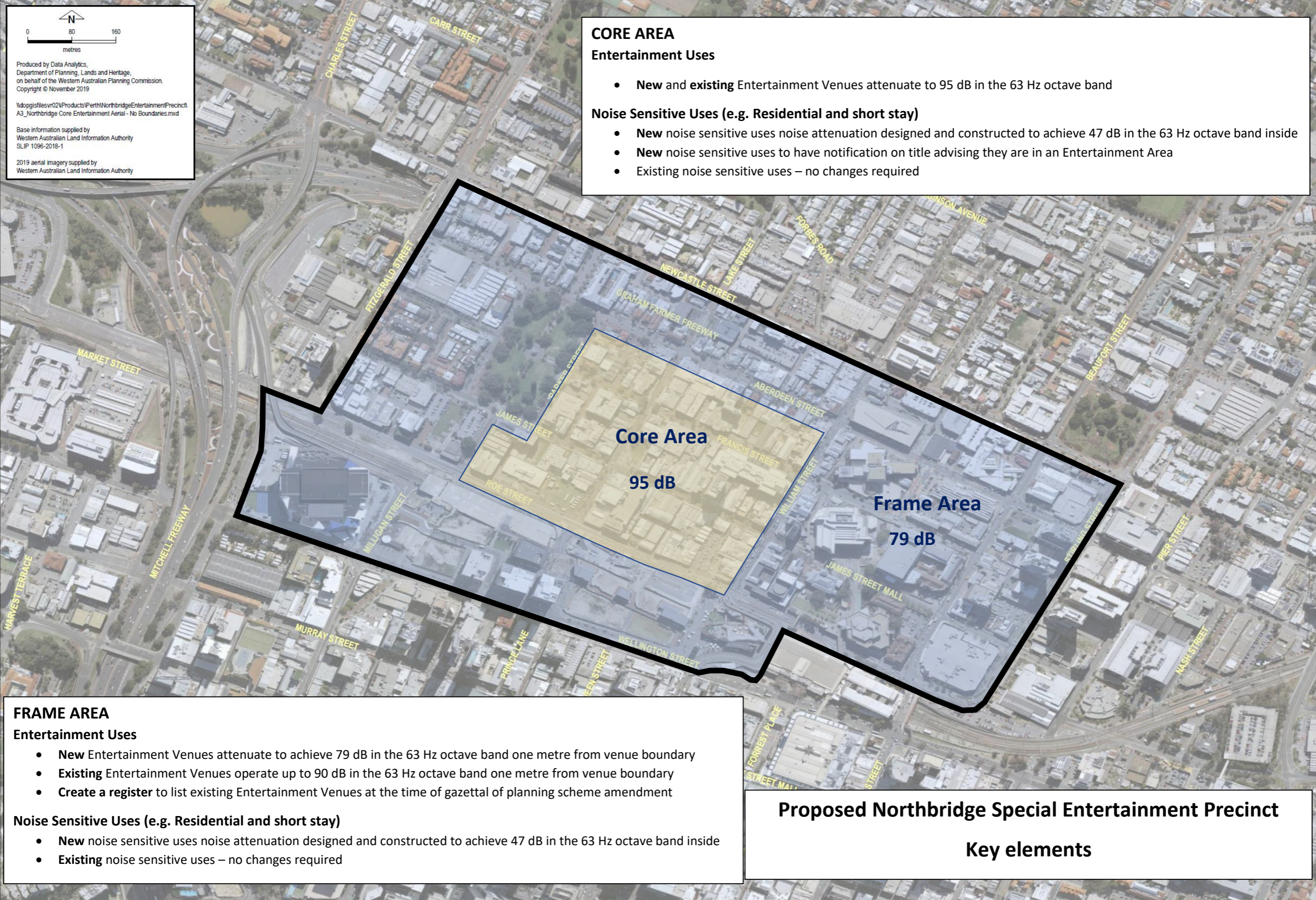
2019 aerial imagery supplied by
Western Australian Land Information Authority

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



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

PROPOSED REGULATORY PLANNING AND ENVIRONMENTAL REFORMS

