

ATTACHMENT D: CONSULTATION KEY THEMES ARISING FROM SUBMISSIONS RECEIVED ON THE DRAFT WAPC POSITION STATEMENT

A high-level summary of the main themes emerging from key stakeholders’ feedback from submissions received by the Department of Planning, Lands and Heritage (DPLH) on the Western Australian Planning Commission’s draft Position Statement: *Special Entertainment Precincts* is provided below.

A total of 130 submissions were received from a broad spectrum of stakeholders. Approximately 80 per cent of submissions received were in support of the proposed approach, as advertised or with modifications. Not surprisingly given the inter-related nature of the reform components, many comments received were of direct relevance to the City’s Amendment No. 41 and/or the Department of Water and Environmental Regulation’s (DWER’) consultation paper.

<p>Acoustic consultants</p>	<ul style="list-style-type: none"> • In-principle support for the special entertainment precinct model with a set vibrancy level used to guide entertainment venue and residential requirements. • Considered the internal noise levels required by the City (47 dB at 63 Hz) and the proposed external noise levels of 90 dB and 95 dB at 63 Hz are fundamentally incompatible. • The internal noise level of 47dB in the 63Hz octave band was considered to be conservative and may not be an appropriate target. • Inability to test and certify building products in the specified low frequency range of 63Hz octave band. • Highlighted Building Code of Australia and planning conflicts. • Some submissions suggested the need to limit amplified music at certain times of the day/days of the week, possibly linked with liquor licencing trading hours.
<p>Local government Environmental Health Officers (non City of Perth EHOs) via Environmental Health Australia and the Metropolitan Environmental Health Managers Group</p>	<ul style="list-style-type: none"> • Not supportive of the special entertainment precinct approach and considered it would allow entertainment venues to emit noise above the assigned levels in the Noise Regulations; • Concerned that these higher levels would have an unacceptable impact on the health of residents. • Considered the special entertainment precinct approach is inconsistent with Section 4a 4(2) (The polluter pays principle) of the EP Act whereby “...those who generate pollution and waste should bear the cost of containment, avoidance or abatement.”
<p>Local government (Vincent)</p>	<ul style="list-style-type: none"> • Generally supportive of the special entertainment precinct approach. • Raised concerns about the impacts on existing residents in Vincent where the City has no control over the amount of noise coming from the proposed entertainment precinct and has requested that “The Department, in consultation with the WAPC investigate this conflict and provide a suitable solution prior to progressing with the position statement or amendments to the Noise Regulations.

	<p><i>This includes providing guidance on investigation and enforcement with respect to cross boundary jurisdiction."</i></p>
<p>Local government (including WALGA)</p>	<ul style="list-style-type: none"> • The WALGA submission was generally supportive of the special entertainment precinct approach and has incorporated the City's request to DWER to <i>"Make 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."</i> It also included a request to <i>"consider the appropriateness of removing the additional nuisance factor level assigned under the Regulations to music in City Centre zones areas or other designated precincts."</i> • Other local governments were supportive of the special entertainment precinct approach but raised concerns that the State Government reforms do not resolve the underlying conflict between entertainment venues and existing residents.
<p>Property developers and architects</p>	<ul style="list-style-type: none"> • Generally supportive of the special entertainment precinct approach. • Concerned about the very high noise levels proposed by the City for the Core area and existing venues in the Frame area. • Stated it is not practicable to achieve an internal level of 47 dB at 63 Hz. • The proposed levels would effectively impose a bar on residential development which is contrary to the City's target of mixed use infill development in the Stirling St area of the proposed precinct.
<p>Residents</p> <p>Situated within the Proposed NSEP and immediately outside in the City of Vincent</p>	<ul style="list-style-type: none"> • Residents were the least supportive of the broad stakeholder groups, although more residents supported the proposed approach than objected to it. • General consensus was that the proposed approach provides an unfair balance in favour of entertainment venues, at the expense of existing residents. • Concerned about a long history of excessive noise and anti-social behaviour in Northbridge. • Raised concerns about the human and mental health impacts of sleep disturbance. • Some residents commented on compliance matters and the lack of enforcement of the Noise Regulations. • Events such as Fringe Festival and temporary venues such as the Ice-Cream Factory were often singled out as problematic (although they fall outside the scope of these reforms), • Conditions of residents qualified support include: <ul style="list-style-type: none"> ○ reducing the proposed noise levels to 90 dB at 63 Hz in the Core and 79 dB at 63 Hz in the Frame area (note: there was no support for the proposed grandfathering clause to allow 90 dB at 63 Hz for existing venues);

	<ul style="list-style-type: none"> ○ elevated compliance and enforcement action to ensure the proposed “external amplified music noise level” is achieved by the City; and ○ compensation or grants for existing residents in relation to the need to retrofit noise attenuation in existing homes as they no longer enjoy the protections of the Noise Regulations.
Short stay accommodation	<ul style="list-style-type: none"> ● Backpacker accommodation providers indicated support for the entertainment precinct and noted that the proximity to entertainment venues and events is a key drawcard for their customers (anecdotally however, feedback on online travel review sites such as trip-advisor demonstrates that some guests were not happy with the level of music noise and complained of disturbed sleep when staying in Northbridge). ● Other providers, whilst generally supportive, raised concerns on the proposed noise levels, citing existing businesses have invested significant sums of money in attenuation costs e.g. new glazing and acoustic masking. Despite this expenditure, these businesses still have had complaints from guests. ● One business has made repeated complaints to neighbouring venues and the City about the noise and routinely provides ear-plugs to guests.
State Government Agencies (other than DPLH and DWER)	<ul style="list-style-type: none"> ● Supported the proposed special entertainment precinct approach. ● Requested expanded Core and/or Frame boundaries (specifically to include Perth Cultural Centre, Yagan Square and/or Perth City Link). ● Requested clarification on the policy and scheme development process. ● Advocated for vibrancy via other uses, not just bars/clubs. ● Agreed that construction standards are needed. ● Emphasised the need to accommodate industry expansion. ● Noted the need to consider stand-alone venues outside a precinct.
Venues	<ul style="list-style-type: none"> ● Provided overwhelming support for the proposed special entertainment precinct approach. ● Venues located within the Core area generally support the proposed noise level of 95 dB at 63 Hz. ● Venues in the Frame area do not support the distinction between Core and Frame areas: <ul style="list-style-type: none"> ○ a revised proposal from the City to allow existing venues in the Frame to emit up to 90 dB at 63 Hz has not materially changed the level of support among these venues. ● Other comments included: <ul style="list-style-type: none"> ○ the reforms have the potential to create a negative impact on vibrancy and add an additional commercial burden, including attenuation costs, on entertainment venues; ○ require 110 dB(C) at the mixing desk;

	<ul style="list-style-type: none">○ reduce restrictions on outdoor operations in line with customer expectations;○ expect the State Government and the City to elevate their needs over the needs of residents; and○ onus for attenuation should be on new development, whether that be new residential or new entertainment venues.● Some submissions opposed the definition of a special entertainment precinct; to the extent it excludes consideration of significant, stand-alone venues outside a precinct boundary.
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Note, the City also received a few submissions at this time. The respondents were advised that their submission would be considered when Amendment No.41 was formally advertised.