

ATTACHMENT F- OPTION B

The Department of Planning, Lands and Heritage (DPLH) has put forward for consideration Option B for the Northbridge Special Entertainment Precinct. Option B has been informed by the Northbridge Special Entertainment Precinct Working Group’s deliberations, including:

- Feedback from submissions received by the DPLH on the Western Australian Planning Commission’s (WAPC) draft Position Statement on *Special Entertainment Precincts*; and
- The findings of the Department of Water and Environmental Regulation’s (DWER) low frequency music noise prediction report.

NOTE – Option B does not replace or formally constitute part of Amendment No. 41. It merely provides supplementary information for public consideration, based on the latest information available. The City will make a recommendation whether to support Amendment No. 41, as initiated, or with modifications (which may or may not include elements of Option B), following its consideration of all submissions received in relation to Amendment No. 41.

1. CHANGES TO THE DRAFT PROVISIONS FOR AMENDMENT NO. 41

Table 1 below outlines the key changes to the draft special control area (SCA) provisions for Amendment No.41 which will be required, should Option B be supported by Council following the advertising period.

Table 1 –Modifications to draft Special Control Area Provisions - Amendment No. 41

Modification/s outlined in red text	Planning Rationale for Option B
<p>28.1 Special Control Area</p> <p>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 Core Entertainment Areas, Transition Areas and a Frame Entertainment Area.</p> <p><u>Note</u> - The provisions of this Scheme/Special Control Area do not apply to the parts of the Special Control Area which are legislated under the <i>Metropolitan Redevelopment Act 2011</i></p>	<p>The Core Entertainment Area has been expanded to include venues north of Aberdeen Street and east of William Street, including existing venues within south west corner of the Perth Cultural Centre. Two well established, stand-alone venues are also included in the Core Entertainment Area.</p> <p>A Transition Area is identified in recognition of the higher external noise levels to be experienced by noise sensitive premises situated adjacent to the Core Entertainment Area.</p> <p>Note Figure 28 would also need amended accordingly.</p>
<p>Objectives</p>	
<p>(e) To provide a Transition Area between the Core Entertainment Area and the Frame Entertainment Area whereby new noise sensitive development situated adjacent to the Core Entertainment Area will require the same noise attenuation standards as the Core Entertainment Area in recognition of</p>	<p>A new objective is required to outline the purpose of the Transition Area.</p>

Modification/s outlined in red text	Planning Rationale for Option B
<p>the higher external amplified music noise levels to be experienced.</p>	
<p>(f) To provide a Frame Entertainment Area, together with a Transition Area which provides a stepped down approach 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).</p>	<p>The objective is renumbered and slightly reworded to acknowledge the new Transition Area.</p>
<p>28.4 General Provisions</p>	
<p>28.4.1 Noise Attenuation Requirements</p> <p>(a) Core Entertainment Area</p> <p>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}, 90 dB in the 63 Hz octave band and L_{Leq}, 81 dB in the 125 Hz octave band;</p>	<p>The external amplified music noise level is reduced by 5dB. The new noise levels include consideration of the impacts on existing and future noise sensitive premises situated within the Special Control Area (SCA) including the Perth City Link (PCL) and adjacent areas including the residential growth areas identified City’s draft City Planning Strategy and also areas within the City of Vincent – informed by DWER’s noise modelling scenarios.</p>
<p>(b) Transition Area</p> <p>Within the Transition Area:</p> <p>(i) the extent of noise attenuation required for entertainment venues shall 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;</p> <p>(ii) the extent of noise attenuation required for noise sensitive premises shall be based on a nominal external amplified music noise level of L_{Leq}, 90 dB in the 63 Hz octave band and L_{Leq}, 81 dB in the 125 Hz octave band;</p>	<p>Refer to objective (e) above.</p> <p>Additionally, within the Transition Area, any existing venues that choose to opt in and acquire a Venue Approval as well as any proposed venue will be required to accord with the nominal external amplified music noise levels of the Frame Entertainment Area. This will assist to provide a stepped down approach between the external noise levels experienced within the Core Entertainment Area and the area outside of the SCA.</p>
<p>(c) Frame Entertainment Area</p> <p>Within the Frame Entertainment Area:</p> <p>(i) the extent of noise attenuation required for entertainment venues and noise sensitive premises 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;</p> <p>(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</p>	<p>Due the proposed introduction of a Transition Area, the transmission loss requirements for noise sensitive development situated in the Frame Entertainment Area is clear and no longer needs to reference a theoretical internal noise level.</p> <p>The clause to enable existing venues situated within the Frame Entertainment Area to operate at 90dB has been removed.</p> <p>Existing, significant entertainment venues are identified on a plan, rather than within a register for</p>

Modification/s outlined in red text	Planning Rationale for Option B
<p>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;</p> <p>(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.</p>	<p>greater transparency. This provides a more nuanced approach to considering which venues are included in the expanded Core Entertainment Area.</p>
<p>28.4.2 Register of Existing Entertainment Venues – Frame Entertainment Area</p> <p>Delete all text</p>	<p>As per 28.4.1 (c)</p>
<p>28.5 Noise Sensitive Premises</p>	
<p>(a) Core Entertainment Area</p> <p>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} 43 dB in the 63 Hz octave band and L_{Leq} 40 dB in the 125 Hz octave band.</p>	<p>The transmission loss requirements for noise sensitive premises situated within the Core Entertainment Area are reduced by 5dB due to the lower external noise level identified for the Core Entertainment Area.</p>
<p>(b) Transition Area</p> <p>Noise sensitive premises within the Transition Area shall be located, designed and constructed so that the Transmission Loss is a minimum of L_{Leq} 43 dB in the 63 Hz octave band and L_{Leq} 40 dB in the 125 Hz octave band.</p>	<p>A new clause is required to outline the transmission loss requirements for noise sensitive premises as discussed under section 28.4.1(b).</p>
<p>(c) Frame Entertainment Area</p> <p>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.</p>	<p>An internal theoretical level is no longer required as discussed under section 28.4.1 (c). This will simplify the transmission loss requirements and provide consistency for future noise sensitive development.</p>
<p>(e) Transmission Loss Design Report</p> <p>(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</p>	<p>A reference to the Transmission Loss Design Report requirements for the Transition Area has been incorporated into the clause.</p>

Modification/s outlined in red text	Planning Rationale for Option B
applicable Core Entertainment Area, Transition Area or the Frame Entertainment Area Transmission Loss levels as prescribed by sub clauses 28.5(a), (b) and (c) .	
28.6 Entertainment Venues	
<p>(c) Transition Area</p> <p>Entertainment venues located in the Transition 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) are not exceeded at 1 metre from the entertainment venue boundary.</p>	A new clause is required to clarify that venues situated within the Transition Area are to be designed and constructed as per the attenuation requirements outlined for the Frame Entertainment Area.
Note –clauses will need to be renumbered to accommodate the proposed changes.	
DEFINITIONS	
Core Entertainment Area – means the areas designated as such in Figure 28.	Figure 28 will need to be amended to indicate the expanded Core Entertainment Areas.
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, as part of its day to day operation . This includes both indoor and/or outdoor areas where applicable.	The definition has been modified to provide a more nuanced approach to consider which venues are significant and should be included in the expanded Core Entertainment Area. Accordingly, certain venues such as the RAC Arena which only hold events periodically have been excluded. These venues can apply for a regulation 19B or 18 under the <i>Environmental Protection (Noise) Regulations 1997</i> .
Transition Area - means the area designated as such in Figure 28.	Figure 28 will need to be amended to indicate the proposed Transition Area.

2. DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION’S - NOISE MODELLING SCENARIOS

- The noise modelling provided in DWER’s low frequency music noise prediction report has been used to better understand the levels of entertainment noise that will potentially be received by noise sensitive receivers in the Core and Frame Entertainment Areas of the proposed Special Control Area (SCA) and adjacent areas. The report can be downloaded via this link:

<https://drive.google.com/drive/folders/1fTxdruxSaGj9hmMVqZ0oxqKzGJ3xqo23?usp=sharing>

- Multiple noise models have been developed and mapped by DWER and DPLH. The impacts of Amendment No .41 and Option B on the SCA and surrounding areas are provided in an overlay map (Attachment H). For ease of interpretation of the contours outlined in this attachment, the following applies:
 - 80 dB contour**– noise attenuation above the 80 dB contour is impractical and cost prohibitive (i.e to achieve an internal level of 47 dB in the 63Hz octave band for new noise sensitive premises);

- **67 dB – 80 dB contour** - the area between the 67 dB and 80 dB contour, requires additional noise attenuation which can add up to an estimated additional cost of 8% to construction costs;
- **under the 67 dB contour** – standard noise attenuation would apply for new noise sensitive developments; and
- **existing noise sensitive premises** – may be impacted as they were constructed to a lower noise attenuation standard.

The outcomes of DWER’s noise modelling for Amendment No. 41 and Option B is discussed below:

- **Amendment No. 41** - depicted by the blue line, limits noise emission to 95 dB in the Core Entertainment Area and 79 dB in the Frame Entertainment Area but will enable existing venues to emit up to 90 dB in the Frame Entertainment Area. The modelling shows:
 - the 80 dB contour covers the Core Entertainment Area and a significant portion of the Perth City Link (PCL) around the RAC Arena and the frontages of properties situated opposite the RAC Arena on both Wellington and Roe Streets. The properties on the northern side of Aberdeen Street are also contained in this area.
 - the 67 dB contour extends to a section of Brisbane Street to the north (within the City of Vincent), Havelock Street to the west, south of Hay Street and to a section of Piers Street in the east.
- **Option B** - depicted by the yellow line, limits noise emissions to 90 dB in the Core Entertainment Areas and 80 dB in the Frame Entertainment Area. Note, Metro City, The Court and the Cultural Centre venues (including the Blue Room, State Theatre Centre and PICA) are included in the expanded Core Entertainment Area.
 - by comparison with Amendment No. 41, in this scenario the 80 dB contour is limited to the Core Entertainment Areas and does not encroach into the Perth City Link (PCL).
 - the 67 dB contour is also more contained compared to the same contour for Amendment No. 41 and does not extend as far into the City of Vincent, the central city area nor West Perth.

3. KEY CONSIDERATIONS OF OPTION B

- A number of key considerations in assessing Option B are provided below:
 - whether Option B will ensure that Northbridge will remain the State’s premier entertainment area;
 - whether Option B better meets the needs of the community (entertainment venues and noise sensitive receivers);
 - the impact of Option B on the long-term residential growth of the city; and
 - the impact of the Option B on adjacent areas including the City of Vincent and the Perth City Link (under the planning authority of Development WA).

i) Proposed Reduced External Noise Levels within the Core Entertainment Area

- One of the key drivers of establishing a Northbridge Special Entertainment Precinct is to support the existing entertainment venues. There is also a need to consider what would be an acceptable level of acoustic amenity for noise sensitive premises (such as residential and short stay accommodation), particularly those which are existing.

- The external amplified music level for the entertainment venues in the Core Entertainment Area proposed for Amendment No. 41 is 95 dB in the 63 Hz octave band. This was based on the findings of the ambient external noise measurements undertaken in the proposed Core Entertainment Area in August 2019 by consultants Lloyd George Acoustics and commissioned by DWER. There are approximately 40 existing entertainment venues situated within the Core Entertainment Area. The survey found that 62% or 17 out of the 27 entertainment venues surveyed currently operate at this level or below. By comparison only 40% or 11 out of the 27 entertainment venues surveyed could currently comply with an external amplified music level of 90 dB in the 63 Hz octave band.
- As such, it was considered at the time that if the primary purpose of establishing a Special Control Area is to ensure that Northbridge remains the State's premier entertainment area then a level of 95 dB dB in the 63Hz octave band would be appropriate.
- It was acknowledged that setting such a high level within the Core Entertainment Area would 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.
- Amendment No. 41 restricts the area defined as the Core Entertainment Area so as not to exacerbate the impact of the proposed high external amplified noise levels on existing noise sensitive premises, nor compromise the ability to develop any new noise sensitive premises within sections of Frame Entertainment Area, as well as immediately outside of the SCA. However, DWER's noise modelling scenarios outlined in Attachment H shows the flow on impact of the proposed external amplified music noise levels within the Core Entertainment Area for Amendment No. 41 is greater than first anticipated.
- The DWER's noise modelling findings indicate potential unintended consequences of the external amplified music noise level proposed in Amendment No. 41 as the City's aspirations to accommodate population growth within sections of Northbridge and in adjacent neighbourhoods as outlined in the City's draft City Planning Strategy and its Strategic Community Plan will be impacted. Areas within PCL and the City of Vincent will also be affected.
- By comparison, DWER's noise modelling shows that the potential flow on impacts on the city of a 90 dB scenario is reduced whereby the 80 dB contour is limited to the Core Entertainment Areas and does not encroach into PCL. Additionally, the 67 dB contour is also more contained than Amendment No. 41 and does not extend as far into the City of Vincent, the central city area nor West Perth.
- Accordingly, Option B reduces the external amplified noise level within the Core Entertainment Area by 5 dB to 90 dB in the 63Hz octave band.

ii) Impact on Entertainment Venues in the Core Entertainment Area

- It is acknowledged that 60 % of the 27 (out of a total of 40) existing entertainment venues surveyed in 2019 would need to either reduce their operating levels or invest in further noise attenuation measures to accord with the reduced external amplified music noise level

identified in Option B (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.

- A maximum external amplified music noise level of 90 dB in the 63 Hz octave band aligns with the maximum external noise levels stipulated for entertainment venues situated in the City of Brisbane's Special Entertainment Precinct established in Fortitude Valley. A recent discussion with the City of Brisbane indicated that the precinct is performing well (pre-Covid) with the number of entertainment venues doubling to approximately 50-60 in the area since the precinct was first created in 2006.
- However, unlike the provisions outlined for the entertainment venues situated in Fortitude Valley, within the Northbridge Special Entertainment Precinct an application for a Venue Approval will be on an opt in basis. Should an existing entertainment venue situated within the Northbridge Special Entertainment Precinct operate at higher noise levels than what is permitted (under either the current Noise Regulations or the nominal external amplified music noise levels specified by Option B or Amendment No. 41) but are not receiving any complaints from noise sensitive receivers (due to adequate separation), the venue owner may choose to continue their existing operations.

iii) Entertainment Venues situated within the Frame and Transition Areas

- The Frame Entertainment Area is intended to act as a transitional area between the Core Entertainment Area and the area outside of the SCA and provide for a greater mix of land uses, including noise sensitive premises. 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.
- In 2019, DWER engaged consultants Gabriel's Hearne Farrell to examine residential building attenuation in Northbridge. The study identified that low frequency noise intrusion into residential buildings in the SCA can be controlled to meet a maximum internal low frequency noise level for noise sensitive premises of 47 dB in the 63 Hz octave band where external noise levels are up to 79 dB in the 63Hz 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.
- Accordingly, the noise attenuation standards for new noise sensitive premises and new entertainment venues within the Frame Entertainment Area for Amendment No. 41 have been based on a nominal external amplified music noise level of 79 dB in the 63 Hz octave band. This approach does not change under Option B.
- However, in recognition that there are existing entertainment venues operating with external amplified music noise levels above 79 dB with the Frame Entertainment Area, Amendment No. 41 proposes that those entertainment venues that existed at the time of gazettal of this SCA be based on an external amplified music noise level of up to 90 dB in the 63 Hz octave band. These properties are then required to be recorded on a register.

- The above provisions are deleted under Option B. Existing, significant entertainment venues are identified on a plan, rather than within a register for greater transparency. A more nuance approached is applied whereby the Core Entertainment Area has been expanded to include significant entertainment venues north of Aberdeen Street and east of William Street, including existing entertainment venues within south west corner of the Perth Cultural Centre. Two well established, stand-alone venues (Metro City and the Court Hotel) are also included in the expanded Core Entertainment Area.
- Feedback from a number of submissions received by DPLH indicated that entertainment venues situated within the Frame Entertainment Area were requesting the same level of vibrancy as that provided within the Core Entertainment Area. Although the Core Entertainment Area has expanded under Option B, the overall external amplified music level has been informed by the noise modelling scenarios commissioned by DWER and is reduced by 5 dB as discussed above.
- As such, there is no real change for the existing entertainment venues included in the expanded Core Entertainment Area under Option B compared to Amendment No. 41. However, for Option B there are a number of existing entertainment venues situated within the Frame Entertainment Area that will need to accord with the lower external amplified music noise level of 79 dB in the 63 Hz octave band – should they choose to opt in and apply for a Venue Approval. These entertainment venues would need to either reduce their operating levels or invest in further noise attenuation measures to accord with the external amplified music noise level.
- Option B also identifies a new Transition Area to assist to provide a stepped down approach between the external amplified music noise levels experienced within the Core Entertainment Area and the area outside of the SCA. Within this area any existing entertainment venues that choose to opt in and acquire a Venue Approval, as well as any proposed entertainment venue will be required to accord with the external amplified music noise level of the Frame Entertainment Area.
- Perth City Link (PCL) – is situated within the proposed Frame Entertainment Area in both Amendment No. 41 and Option B. However, the provisions outlined will only apply to properties within the Northbridge Special Entertainment Precinct where the City's CPS2 applies. Entertainment venues situated within PCL are under the planning authority of Development WA - until the area is eventually handed back to the City. Accordingly, Development WA will need to amend its *Central Perth Redevelopment Scheme 2012* (MRA Scheme) to establish a Special Entertainment Precinct with similar provisions to that being proposed for Amendment No. 41 (with or without modifications) to enable an entertainment venue the option to apply for a Venue Approval to operate at a higher external amplified music noise level - otherwise the current Noise Regulations will continue to apply.

iv) Existing Noise sensitive premises

- The current Noise Regulations provide for the regulation of noise to protect the health and amenity of noise sensitive receivers (e.g. residential and short stay accommodation). 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 as outlined in the following link:

<https://www.euro.who.int/en/publications/abstracts/night-noise-guidelines-for-europe>

- There are approximately 149 existing residential properties in the Core Entertainment Area and approximately 609 existing residential properties in the Frame Entertainment Area that will be impacted by entertainment venue noise to varying degrees. For these existing noise sensitive receivers in the SCA, the potential noise impacts indoors will be determined by the external amplified music noise levels, the degree of cumulative noise contributions and the degree of noise attenuation the existing building achieves, all of which will be variable.
- It was acknowledged at the time, that setting such a high external amplified music level (i.e. 95 dB in the 63 Hz octave band) for the Core Entertainment Area as proposed in Amendment No. 41, may in some areas exacerbate the current external amplified music noise levels experienced by existing noise sensitive receivers should a greater number of existing entertainment venues not currently operating at this level choose to opt in and obtain 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 was also considered that separate to Amendment No. 41, conditions may be placed on a Venue Approval whereby the overall external amplified music noise level steps down after a certain period of time and possibly also on particular days of the week, to provide an acceptable level of acoustic amenity for existing noise sensitive premises - should the proposed changes to the Noise Regulations allow for this. This approach is similar to that adopted in the entertainment area within Fortitude Valley in Brisbane (albeit that their maximum external amplified music noise level is 90 dB(C)).
- Additionally, the City has received very few complaints about external amplified music noise levels from established entertainment venues (excluding temporary outdoor Fringe Festival type events) over the last financial year.
- However, a number of submissions received by DPLH raised concerns about the human and mental health impacts of sleep disturbance associated with proposed external amplified music noise levels outlined in Amendment No. 41. It was also considered that the proposed approach provides an unfair balance in favour of entertainment venues, at the expense of existing residents.
- It should be noted that the majority of the residents who supported Amendment No. 41 in feedback to DPLH did so on based on the following conditions:
 - reducing the proposed external amplified music noise levels to 90 dB in the 63 Hz octave band in the Core Entertainment Area and 79 dB in the 63 Hz octave band in the Frame Entertainment Area (note: there was no support for the proposed grandfathering clause to allow 90 dB in the 63 Hz octave band for existing venues);
 - 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.
- Option B refines the boundaries of the proposed SCA and excludes a significant portion of noise sensitive premises situated between Newcastle and James Streets to the west of Russell Square. This will ensure that any new entertainment venues in that area would need to accord with the current Noise Regulations and would not be permitted to operate up to 79 dB in the 63Hz octave band. However, the retraction of the SCA boundary alone would not address other concerns raised by some residents in their submissions, who also expressed frustration at the existing high noise levels emitted from the Core Entertainment Area, in addition to compliance matters and associated anti-social behaviour (the latter being out of scope of this project).
- The reduction in external amplified music noise level down to 90 dB in the 63 Hz octave band within the Core Entertainment Area as outlined under Option B will assist to reduce the impact on existing noise sensitive receivers.
- The City is also mindful that there are areas situated to the west of Russell Square which have yet to be redeveloped. By excluding these areas from the SCA (which has more statutory weight than a local planning policy) it would be more difficult to achieve the higher noise attenuation standards for new noise sensitive premises and to require notification on these properties to ensure that future owners are aware that they are residing close to a Special Entertainment Precinct.

v) Impact on the long term residential growth of the Northbridge, West Perth and Central Perth Neighbourhoods

- DWER’s noise modelling scenarios outlined in Attachment H provides a clearer understanding of the proposed noise levels on existing noise sensitive premises and highlight areas in which further noise sensitive premises will be precluded.
- The flow on impact of the proposed external amplified music noise levels within the Core Entertainment Area for Amendment No. 41 is greater than first anticipated as outlined in Section 2. DWER’s findings indicate unintended consequences of Amendment No. 41 as the City’s aspirations to accommodate population growth within sections of Northbridge and in adjacent neighbourhoods as outlined in the City’s draft City Planning Strategy and its Strategic Community Plan will be impacted. Refer to Table 2 below.

Table 2 - draft neighbourhood population targets to 2050.

	Central Perth	Northbridge	East Perth	Claisebrook	West Perth	Crawley-Nedlands	Total
Existing populations (2016 census)	5,672	2,053	7,288	3,938	2,858	5,141	26,950
2050 population target	18,000 - 22,500	4,500 - 9,000	22,500 - 27,000	9,000 - 13,500	13,500 - 18,000	9,000 - 13,500	90,000 (mid-point)

2050 population proportions	25-20%	5-10%	25-30%	10-15%	15-20%	10-15%	100%
-----------------------------------	--------	-------	--------	--------	--------	--------	------

- Whilst this has been factored in for the target for Northbridge, however, limiting impact on West Perth will be critical and similar for the central core of the city.
- This is due to the difficulties in achieving the required transmission loss for new noise sensitive premises to achieve a maximum internal low frequency noise level of 47 dB in the 63Hz octave band. DWER has specified that this internal level is required for the protection of human health and amenity.
- Based on findings of the Gabriels Hearne Farrell Report 2019 discussed previously, the transmission loss requirements are likely to be impractical and cost prohibitive for new noise sensitive premises where the external noise level exceeds 79dB in the 63 Hz octave band.
- The implications are that new noise sensitive premises within the Core Entertainment Area given the current levels will be unviable for both Amendment No. 41 and Option B. However, such development may be achievable within certain areas of the proposed Frame Entertainment Area – more so with Option B as outlined below.
- DWER’s noise modelling shows that the potential flow on impacts on the city of Option B is reduced whereby the 80 dB contour is limited to the Core Entertainment Areas and does not encroach into PCL. Additionally, the 67 dB contour is also more contained than Amendment No. 41, and does not extend as far into the City of Vincent, the central city area nor West Perth.
- Option B identifies a new Transition Area (informed by DWER’s noise modelling 80 dB contour) in recognition of the higher external amplified music noise levels to be experienced by noise sensitive premises situated adjacent to the Core Entertainment Area. Accordingly, the extent of noise attenuation required for new noise sensitive premises within this area is to be commensurate with the standard required for such premises situated within the Core Entertainment Area. This will make the transmission loss requirements clear and remove the need to reference a theoretical internal noise level. However, new noise sensitive premises will be precluded from both the Core Entertainment Area and the Transition Area.
- Note, the City will be preparing a local planning policy (Noise Attenuation) as a supporting document to address higher noise attenuation requirements for new noise sensitive premises in affected areas outside of the SCA.

vi) Perth Cultural Centre

- Amendment No. 41 proposes to exclude the Perth Cultural Centre (PCC) from the Core Entertainment Area, as it has a distinct character and function which distinguishes it from the proposed Core Entertainment Area.
- PCC is currently under Development WA 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, a 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 will be impractical, as well as cost prohibitive for new noise sensitive premises.
- It was also considered at the time that the proposal to accommodate the PCC within the Frame Entertainment Area would 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.
- Option B includes the entertainment venues situated within the south west corner of the PCC including the Blue Room, PICA and the State Theatre. These venues are known to host theatrical performances which at times may be sensitive to noise intrusion from outside the venue.
- DWER’s noise modelling for Option B indicates the Blue Room, PICA, State Theatre and the State Library are impacted by levels above 85 dB. DWER has advised that the Blue Room and PICA are housed in heritage buildings that are unlikely to significantly attenuate low frequency noise. As such the inclusion of these premises within the Core Entertainment Area may have the unintended consequence of limiting the suitability of these venues for noise sensitive cultural performances.
- By comparison DWER’s noise modelling for Amendment No. 41 indicates the 80 dB contour covers a portion where the existing entertainment venues are situated, which will provide flexibility to accommodate a variety of land uses including noise sensitive premises (allowing 1% variation) and will also have less noise impact on the Blue Room and PICA.
- Note, entertainment venues within the PCC will not be able to apply for a Venue Approval until the planning control for the applicable areas are transferred to the City.

vii) Implications for the Perth City Link

- Perth City Link (PCL) is a mixed-use precinct, with a large proportion of residential development approved and proposed under the MRA Scheme and design guidelines.
- DWER’s noise modelling indicates Option B compared to Amendment No 41 would enable higher attenuation requirements for new noise sensitive premises to be achieved within PCL. Applications for new noise-sensitive premises on these lots could incorporate a design response on the exposed building façade to address noise received from the Core Entertainment Area to the greatest degree reasonably and practicably possible. This could include limiting noise-sensitive uses, orientation of internal noise-sensitive rooms, limiting openings or including setbacks on the exposed facade.

viii) Implications for the City of Vincent

- DWER has advised that the housing stock within the City of Vincent may not attenuate low frequency entertainment noise to the same extent as typical modern central city apartments upon which the 67 dB contour is based. Early to mid-twentieth century houses which are common in the City of Vincent, may receive unacceptable entertainment noise indoors, out beyond the 62 dB contour (not shown in the modelling).
- DWER's noise modelling indicated that Option B limits the external amplified music noise impact on the City of Vincent to a greater extent than Amendment No. 41 (where the 67 dB contour extends out to Brisbane Street).
- Further consideration will need to be given to cross boundary noise management issues. For instance, whilst the City will be preparing a local planning policy to address higher noise attenuation requirements for new noise sensitive premises in affected areas outside of the SCA, this will have no application within the City of Vincent.