

SPECIAL ENTERTAINMENT PRECINCTS REFORM

The State Government is committed to protecting the character of Western Australia's vibrant entertainment precincts and ensuring the ongoing viability of established entertainment venues.

We are enabling a new practical approach to the management of entertainment noise via planning and environmental reforms. The reforms will provide the framework for local governments wanting to establish **special entertainment precincts** in their area.

A special entertainment precinct is an area with a diverse mix of land uses, both residential and commercial, including entertainment venues that contribute to an active night-time economy.

Special entertainment precincts will provide certainty to entertainment venues and clear and consistent guidelines for new developments to protect new residents from the impacts of entertainment noise.

Community consultation has recently been undertaken on the following State Government initiatives which underpin the reforms:

- Draft Western Australian Planning Commission position statement.
- Proposed amendments to the Department of Water and Environmental Regulation's *Environmental Protection (Noise) Regulations 1997*.

While the State Government is proposing an overall planning policy and environmental regulatory framework, local governments would need to establish special entertainment precinct boundaries and specific noise levels in consultation with their local communities.

The City of Perth is first to do this by looking to establish Northbridge as Western Australia's first special entertainment precinct through a local planning scheme amendment. The local community will have an opportunity to provide input on the City's proposed precinct.

HOW IS NOISE CURRENTLY MANAGED IN NORTHBRIDGE?

Vibrant entertainment areas like Northbridge already experience relatively high levels of external amplified music and patron noise during busy periods. This noise is managed according to Western Australia's Noise Regulations, and enforced by individual local governments.

As Perth moves to accommodate a growing population and progress more infill development, established venues may find it difficult to comply with current regulations.

The Noise Regulations currently set legally enforceable noise levels, which are measured at the receiver and therefore based on who hears the noise and when.

Under the proposed reforms, when a venue approval has been issued, noise levels will be measured by the local government at appropriate locations one metre from the venue boundary.

These reforms will offer certainty to entertainment venues and ensure amplified music levels and regulations are easier to implement and understand.

WHAT WILL CHANGE IN NORTHBRIDGE?

Designating an area as a special entertainment precinct would provide an approval process for venues to exceed the assigned noise levels, while ensuring new developments are appropriately attenuated and future buyers, residents and developers in the area are well-informed.

The City of Perth is looking to establish the Northbridge special entertainment precinct by assigning 'core' and 'frame' areas to define the external amplified music noise level likely to be experienced within certain locations. These levels would set clear expectations and inform future development standards and venue approvals.

The City of Perth is proposing the following levels for Northbridge:

- Core: 95 decibels in the 63 Hz octave band, which is generally reflective of the current ambient sound level on the street.
- Frame: 79 decibels in the 63 Hz octave band for new venues and up to 90 decibels in the 63 Hz octave band for existing venues.

As part of its consultation package on the proposed changes, the City of Perth will provide supplementary information, including an alternative

plan, Option B. The supplementary information has been directly informed by submission feedback on the draft Position Statement and further technical investigations.

Key features of Option B include:

- An expanded Core Entertainment Area with a level of 90 decibels in the 63Hz octave band.
- A reduced Frame Entertainment Area to exclude the predominately residential area west of Russell Square.
- A new Transition Area immediately adjacent to the Core to require new noise sensitive development to attenuate to Core noise levels.

MORE CERTAINTY FOR ALL

A key element of the State Government's reform is the designation of a strategic noise level for a precinct to set expectations and provide certainty to current and future residents and entertainment venues.

All new developments, including entertainment venues and residential buildings, will be required to incorporate design and construction standards to minimise the impact of entertainment noise.

Venues will have the option to apply for an approval to exceed the assigned levels and thus provide more certainty for their operations. Existing venues may be required to demonstrate noise attenuation to meet the new noise levels either through operational or venue changes. Other elements of the reforms are:

- A notice on title to inform potential buyers of the possibility for higher noise levels in the precinct.
- Transmission loss design reports to demonstrate how new residential development will incorporate appropriate noise attenuation.

- Acoustic reports to show how new entertainment venues (or venues applying for a venue approval) will achieve the nominated external amplified noise level.
- Clear compliance and enforcement mechanisms if an entertainment venue does not comply with the conditions of their venue approval.

NEXT STEPS

These reforms will support our nightlife precincts, offering certainty to entertainment venues and ensuring that amplified music levels and regulations are easier to implement and understand.

The State Government is currently considering feedback from a range of stakeholders on the proposed reforms. Subject to stakeholder support, the following actions are required to finalise the reform package:

1. The Western Australian Planning Commission will consider and finalise the draft position statement, taking into consideration the intent of the reform and the submissions received.
2. The Department of Water and Environmental Regulation will consider submissions and a cost-benefit analysis, ahead of publishing a Decision Regulatory Impact Statement outlining the preferred regulatory option.
3. The City of Perth has initiated a planning scheme amendment in relation to the proposed changes for Northbridge. Community consultation on the scheme amendment and the supplementary information commenced on 23 October 2020 and has been extended until 26 February 2021. Following their review of submissions received, the City will make a decision whether or not to support the amendment with or without modifications.

MORE INFORMATION

Department of Planning, Lands and Heritage

Website:

www.dplh.wa.gov.au/special-entertainment-precincts

Enquiries:

infrastructure@dplh.wa.gov.au

Department of Water and Environmental Regulation

Website:

www.der.wa.gov.au/our-work/legislative-review-regulatory-reforms/83-environmental-protection-noise-regulations-1997

Enquiries:

entertainment-noise@dwer.wa.gov.au

City of Perth

Website:

<https://engage.perth.wa.gov.au/proposed-northbridge-special-entertainment-precinct1>

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