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CITY OF VINCENT

Our Reference: SC55-011 (D20/210421, D20/226754)

16 December 2020

Western Australian Planning Commission
140 William Street
PERTH WA 6000

Dear Sir/Madam,

NORTHBRIDGE ENTERTAINMENT PRECINCT – AMENDMENT NO. 41 TO CITY OF PERTH CITY PLANNING SCHEME NO. 2

Thank you for providing the City with the opportunity to comment on the proposed Amendment No. 41 to the City of Perth City Planning Scheme No. 2. This matter was considered at the City's Ordinary Meeting of Council on 15 December 2020.

The City of Vincent's supports the amendment with the modifications that are detailed in Option B. This includes adjustments to the Core and Frame boundaries, inclusion of a Transition area and reduction in the maximum noise level in the Core Entertainment Area.

Amendment No. 41 without modifications is not supported by the City of Vincent, as up to 3,500 Vincent residents and property owners could be affected; compared to a significantly less number of residents based on noise modelling for Option B. Amendment No. 41 would encompass existing heritage listed properties in Vincent that would not be able to attenuate any increase in noise levels.

The City also supports a higher standard of building sound attenuation being required for new noise sensitive receivers, and new and existing entertainment venues. This is because it is a more effective outcome to mitigate noise through design and construction rather than ongoing operational management.

The formal submission to Amendment No. 41 is attached and contains some detailed comments on the amendment.

It is important to recognise the proximity of Vincent residents to the proposed Special Entertainment Precinct. Continued engagement with the City of Perth would be necessary to ensure the public health of residents in both local government areas is protected, while also achieving positive economic outcomes for Northbridge businesses.

If you have any questions please contact Tim Elliott, Senior Strategic Planning Officer on 9273 6528 or tim.elliott@vincent.wa.gov.au.

Yours sincerely,

Mark Fallows
A/EXECUTIVE DIRECTOR STRATEGY AND DEVELOPMENT

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**SUBMISSION ON
LOCAL PLANNING SCHEME AMENDMENT
TO CITY PLANNING SCHEME NO. 2**

AMENDMENT NO. 41: NORTHBRIDGE SPECIAL ENTERTAINMENT PRECINCT

Name: Mark Fallows
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State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property.

For and on behalf of the City of Vincent

ADDRESS OF PROPERTY AFFECTED (if applicable). (Include lot number and nearest street intersection

Properties within the City of Vincent

SUBMISSION (Provide your comments in full and any information to support them (attach additional pages if necessary).

Special Control Area

1. The City of Vincent (CoV) requests that a 'Transition Area' be included into the Special Control Area referenced in 28.1 of the scheme, according to the detail of 'Option B' as advertised.

Objectives

The CoV requests:

1. the CoP include an additional objective in the scheme amendment to ensure Heritage Listed properties and precincts are conserved.
2. that a 'Transition Area' is incorporated into the scheme according to the detail of 'Option B' as advertised.

Noise Attenuation Requirements

1. The CoV does not support the 'nominal amplified noise levels' referenced in 28.4.1 (a) and (b), according to 'Amendment 41'.
2. That should a scheme amendment progress, the CoV requests the Core Entertainment Area noise levels as advertised in 'Option B' are incorporated in replace of those existing in 'Amendment 41' being:

*That 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 LLEQ **90**dB at the 63 Hz octave band and LLEQ **81**dB in the 125 Hz octave band.*

3. That the CoV requests the Transition Area be included according to the detail of 'Option B' as advertised.

Within the Transition Area:

- (i) the extent of noise attenuation required for entertainment venues shall be based on a nominal external amplified music noise level of LLeq, 79 dB in the 63 Hz octave band and LLeq, 70 dB in the 125 Hz octave band;
 - (ii) the extent of noise attenuation required for noise sensitive premises shall be based on a nominal external amplified music noise level of LLeq, **90** dB in the 63 Hz octave band and LLeq, **81** dB in the 125 Hz octave band.
4. That the CoV request that the Frame Entertainment Area be defined as advertised in 'Option B', removing 28.4.1 (b) (ii) and (iii).

Requirement for Development Approval for Works

The CoV supports the need for planning approval for all premises.

Noise Sensitive Premises

1. The CoV has many heritage listed properties. Particularly of note is the Brookman Moir precinct. The City is concerned that if Amendment 41 proceeds as is, these properties would not be able to mitigate the impact of noise.
2. The CoV supports for all new noise sensitive premises within the Core, Transition Area and Frame to be designed and constructed to ensure the transmission loss is suitably attenuated to those 'nominal external amplified music noise levels' corrected as per 'Option B'.
3. The City supports 28.5 (c), (e) – (i), with amendments to the levels referenced in 28.5(a) and (b) in line with those of the advertised 'Option B'.

Entertainment Venues

1. The CoV supports 28.6 (a) 'mitigation through construction rather than on-going operational management'.
2. The City supports the need for entertainment venues within the Core, Transition Area and Frame to be designed and constructed to ensure the 'nominal external amplified music noise levels' are consistent with those as advertised in 'Option B'.
3. The City supports 28.6 (b) – (g), with amendments to the levels referenced in 28.6 (b) and (c) in line with those 'nominal external amplified music noise levels' corrected as per 'Option B'.

Outside the specifics of the scheme, the City requests that prior to progressing with any reforms, further consideration is given to existing noise sensitive receivers impacted by the proposed special control area and scheme amendment, particularly relating to heritage listed properties. This includes properties within the City of Vincent.

Retro-fitting noise attenuation measures to existing noise-sensitive premises may assist in protecting the health and amenity of the resident but will impose a cost on the building owner. The City considers that imposing a cost on the receiver to attenuate to a 'new level of acceptable noise' (as will likely be the case should a Scheme Amendment progress) would be contradictory to a principle of the *Environmental Protection Act 1986* where the 'polluter pays'. As such, should recompense or compensation be considered in this respect, the City requests this be afforded to properties of the City of Vincent, impacted any amendment to the City of Perth City Planning Scheme No. 2.

The City looks forward to the response to the above comments.

If you have any questions please contact Tim Elliott, Senior Strategic Planning Officer on 9273 6528 or tim.elliott@vincent.wa.gov.au.

Yours sincerely,

Mark Fallows
A/EXECUTIVE DIRECTOR STRATEGY AND DEVELOPMENT