ACT Government

Noise in entertainment precincts

Discussion Paper

December 2023

Chief Minister, Treasury and Economic Development Directorate

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Executive Summary

The ACT Government is implementing vibrant entertainment precincts in the City Centre and Gungahlin through improved planning and building standards, adjustments to Noise Zone Standards and noise complaints management.

An entertainment precinct is an area where existing and future nightlife character and activities, including live music, are prioritised and supported. These precincts give greater certainty to patrons, businesses, residents, the night-time economy industry and building owners.

We would like to hear from individuals and organisations who have an interest in the precincts. This could include current and future residents, building owners, property developers, business owners, musicians, artists and other members of our community.

Objectives

The outcomes from this discussion paper will help the ACT Government meet the following objectives for the City Centre Entertainment Precinct (Figure 1) and Gungahlin Entertainment Precinct (Figure 2):

- establish a lively precinct which is characterised by its night-time and entertainment economy, the leading uses of which are entertainment and leisure; and
- prevent the risk of harm to human health from noise.

Noise standards for entertainment precincts

Successful entertainment precincts are characterised by more permissible noise standards that support a vibrant mix of entertainment and activities including live music, clubs, bars, restaurants, cultural shows, exhibitions and events.

The ACT is divided into Noise Zones, each with its own noise standard for specified days in the week and hours in the day. Noise Zones and Noise Zone Standards are specified in the *Environment Protection Regulation 2005.*

Current Noise Zone Standards in the ACT need to be updated for the City Centre and Gungahlin entertainment precincts. This will enable entertainment precincts to achieve their objectives of supporting a creative, lively and diverse night-time economy in Canberra. We would like to hear your views on what the Noise Zone Standards should be.

Noise complaints in entertainment precincts

The Environment Protection Authority in Access Canberra manages compliance and enforcement policy and process for investigating noise complaints. Environmental noise, including noise from amplified music, is regulated under the *Environment Protection Regulation 2005*, made under the *Environment Protection Act 1997*.

We would like to hear your views on whether noise complaints in entertainment precincts should be managed differently, and if so, how.

Scope

The scope of this paper is limited to the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct. However, this work will inform any future investigations into entertainment precincts located in other areas of Canberra.

How you can get involved

For the **City Centre Entertainment Precinct**, we would like your views on:

- ☑ the introduction of a Core and Frame area to the City Centre Entertainment Precinct;
- ☑ Noise Zone Standards that are fit-for-purpose for the City Centre Entertainment Precinct; and
- ☑ appropriate time periods which apply for different Noise Zone Standards.

For the **Gungahlin Entertainment Precinct**, we would like your views on:

- ☑ Noise Zone Standards that are fit-for-purpose for the Gungahlin Entertainment Precinct; and
- ☑ appropriate time periods which apply for different Noise Zone Standards.

For the **City Centre Entertainment Precinct** and the **Gungahlin Entertainment Precinct,** we would like your views on:

- ☑ how complaints are managed for entertainment noise in the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct.

Anyone who has an interest in the development of the ACT's entertainment precincts is invited to comment. This could include current and potential residents, building owners, property developers, business owners, musicians and artists and all members of our community.

A note on noise

The regulation of noise and the impact of changes to Noise Zone Standards is complex. Information has been provided in Appendix 2 of this paper to assist you in understanding how noise is regulated in the ACT and to explain some of the issues when considering noise, its measurement and its impact.

Next steps

We welcome your feedback on the questions asked in this document. We also welcome other comments you may have on the establishment of a Core and Frame in the City Centre Entertainment Precinct and changes to Noise Zone Standards in the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct

We have included questions to help you respond to this paper. Questions are provided at each section. A summary of questions is provided in Part Five: Consultation questions.

To have your say, provide feedback via an online survey on the YourSay page. Alternatively, you can email a submission to BetterRegulationTaskforce@act.gov.au. Consultation is open from 15 December 2023 to 11 February 2024.

Part One: Setting the scene

Entertainment precincts in the ACT

City Centre Entertainment Precinct

The ACT Government has introduced a City Centre Entertainment Precinct in the new Territory Plan (Inner North and City District Policy), which came in to effect on 27 November 2023. This will make setting up an entertainment business, or diversifying entertainment business activity, more appealing in the City Centre Entertainment Precinct.

The City Centre Entertainment Precinct is noted in strategic planning documents including the Inner North and City District Strategy 2023 and the City Plan 2023. The City Centre Entertainment Precinct is described as the pre-eminent location for entertainment and night-time activities in the ACT. Its aim is for a lively and highly accessible precinct which is characterised by its night-time and entertainment economy, the leading uses of which are entertainment and leisure. It will support live entertainment and nightlife, creating a 24-hour City Centre. It will also support the expansion of existing retail and entertainment options in the city including art and culture, food and beverage, and retail shops.

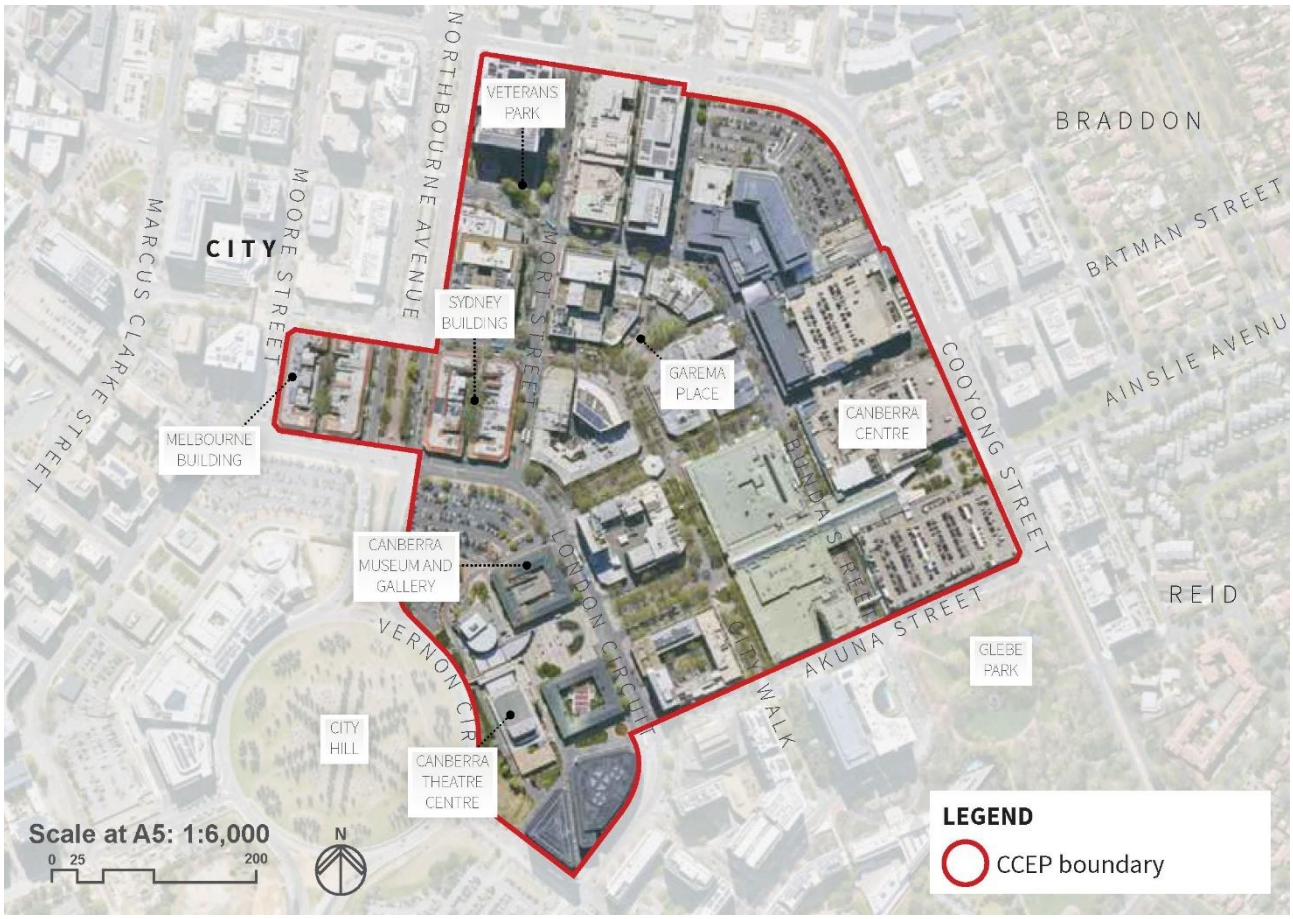
The City Centre Entertainment Precinct is at Figure 1.

As noted in the Inner North and City District Strategy 2023, the City Centre Entertainment Precinct location was selected due to its capacity to meet the following aims and objectives:

1. An iconic Canberra nightlife destination in a convenient and accessible location.
2. Provides a vibrant mix of uses, with an emphasis on entertainment and nightlife.
3. Provides a distinct, safe, and walkable precinct.
4. Accommodates organic growth of nightlife options.
5. Entertainment, music and nightlife options can be provided for everyone in diverse venues.

Information on Planning Requirements for the City Centre Entertainment Precinct can be found in the Inner North and City District Policy and Appendix 1.

Figure 1. Map and Boundary of City Centre Entertainment Precinct



Gungahlin Entertainment Precinct

Gungahlin Town Centre is Canberra's northernmost town centre and is the major hub servicing the Gungahlin district. The district's population has been established over the last 30 years and is set to further increase as additional land is released, including sites within the Gungahlin Entertainment Precinct.

The Gungahlin Entertainment Precinct was established in December 2012, within the Territory Plan 2008 Gungahlin Precinct Map and Code, to cover the night-time economy hub within the Town Centre. This contains a variety of business, community and residential uses, and is characterised by its diverse hospitality offerings. Since then, it has become popular for mixed-use development with access to employment, services and transport. The entertainment precinct was extended eastwards in June 2022 to the current boundary shown in Figure 2.

Future development within this area is expected to continue in a similar pattern, requiring management of potential conflicts of use between noise-generating commercial uses and dwellings, particularly at night, which is why it is being protected as an entertainment precinct.

Information on Planning Requirements for the Gungahlin Entertainment Precinct can be found in the Gungahlin District Policy and Appendix 1.

Figure 2. Gungahlin Entertainment Precinct



Why is the ACT Government changing Noise Zone Standards for entertainment precincts

Successful entertainment precincts around Australia are characterised by more permissible noise standards that support a vibrant mix of entertainment and activities including live music, clubs, bars, restaurants, cultural shows, exhibitions and events.

As the entertainment precincts grow and more residences are introduced, under current regulatory settings, people who move to the entertainment precincts may find they are affected by noise. This situation may arise because a new residential building would only be required to attenuate[1] against noise levels affecting their building which are equivalent to the Noise Zone Standard. This means designers may assume all noise emitters are complying with their obligation of meeting the Noise Zone Standard, even if actual noise levels experienced in the vicinity of the building are higher than the Noise Zone Standard.

This situation creates the risk that buildings will not be designed to attenuate noise in a way that would protect new residents. In such a situation, to protect the wellbeing and health of residents, entertainment venues would need to adjust their operations to make less noise. While some venues may be able to

[1] *Attenuate* means to reduce the effect of a thing. In this Discussion Paper, it refers to the way a building may be situated, designed, and built (including the materials used), to reduce the effect of noise.

readily adjust, others would need to significantly adjust their operation to meet Noise Zone Standards and, in some instances, may close. The same risks apply in the case of building design for commercial accommodation and some commercial uses such as office use.

A growing night-time economy positively impacts the ACT economy, including through increased business and employment opportunities for Canberrans. In 2021-22, 2,100 NTE establishments, including 502 entertainment-specific establishments, employed more than 30,000 Canberrans and generated $3.8 billion in sales turnover.[2]

Changing Noise Zone Standards would provide greater assurance to existing businesses to make decisions around noisier entertainment uses, such as live and amplified music. Changing these standards would also attract new entertainment businesses and encourage greater diversity in the entertainment options available in entertainment precincts, such as a greater variety of live and amplified music offerings. This would improve opportunities in the local entertainment industry, including for local artists, generating employment prospects, encouraging tourism, and generating business for associated wholesalers.

Increasing the diversity of options for nightlife and entertainment supports the ACT Government's vision for a vibrant city centre and night-time economy. It is likely to increase tourism and migration to the city and encourage people to continue to call Canberra home.

Other impacts of changing Noise Zone Standards in entertainment precincts

While allowing entertainment precincts to have more permissible Noise Zone Standards would be beneficial for Canberra's night-time economy sector, changing Noise Zone Standards in the entertainment precincts could have potential impacts on residents, workers and other non-entertainment businesses.

Existing residential buildings, commercial buildings and hotels within or bordering the entertainment precincts may need to be attenuated to account for the changes to Noise Zone Standards, resulting in increased costs for owners. In the case of residential buildings and hotels, this may be offset by increased desirability of living or staying in the entertainment precincts.

Similarly, future buildings to be constructed within or close to the entertainment precincts may be required to build to higher standards to account for the changed Noise Zone Standards. These requirements could potentially increase development costs.

The types of attenuation required to account for the more permissible Noise Zone Standards may include:

- increased and/or specialised window glazing;
- the overall reduction of glazed areas;
- the inclusion of winter gardens;[3]
- internal arrangement of residences to locate most noise-sensitive rooms away from most noise-exposed facades; and
- judicious site planning for larger or mixed-use developments to account for external noise sources and maximise noise screening.

[2] *Measuring the Australian Night Time Economy 2021-22*, Council of Capital City Lord Mayors
[3] A winter garden is an enclosed balcony with windows that can be opened for ventilation.

Already, in the City Centre, we are seeing these types of inclusions in newly constructed buildings. These attenuation works may create ancillary benefits for owners and residents, including increased thermal insulation and reduced running costs. These may also assist residents and building owners to respond to a changing climate.

Residents, workers, and visitors occupying buildings in, or bordering, the entertainment precincts that have not been attenuated could be impacted by higher Noise Zone Standards. This could impact their health through sleep disruption and productivity loss. It could also impact their ability to enjoy the full amenity of their residences including use of private outdoor areas and balconies.

Businesses operating in outdoor areas or in unattenuated buildings may also have their ordinary operations impacted by the more permissible Noise Zone Standards.

Part Two: Focus areas

The ACT Government is considering three areas of change to support the implementation of lively precincts in the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct. These are *Geography* (the area in which the highest noise settings would apply); the *Noise Zone Standards* themselves, and the *Time Periods* during which higher Noise Zone Standards are permitted.

Geography

This focus area applies to the City Centre Entertainment Precinct only.

At present the City Centre Entertainment Precinct has one single boundary (Figure 1) which delineates planning requirements for the entertainment precinct.[4]

In the City Centre Entertainment Precinct, we are taking this one step further by consulting on the introduction of a **Core and Frame** area.

Introducing a Core and Frame to the City Centre Entertainment Precinct would provide a graduation in the intensity of entertainment uses to support the character of an entertainment precinct that integrates with other commercial and residential uses in the City Centre, and adjacent land uses.

A Core allows for the higher Noise Zone Standards to be set in a defined area, supporting a clustering of entertainment venues away from any current constructed residential and commercial accommodation.

The Frame would make up the remainder of the City Centre Entertainment Precinct. It allows an opportunity for higher Noise Zone Standards to be set compared with other parts of the City Centre but not

[4] Improved planning and building requirements include the need to ensure noise associated with amplified music, particularly low frequency noise, is considered when planning, designing and constructing a building in the City Centre Entertainment Precinct (Appendix 1).

as high as the Core. It would contain a variety of venues which contribute to the entertainment scene, with some smaller groupings of venues, such as in the Melbourne Building. There are existing residential and commercial accommodation developments within and adjacent to the City Centre Entertainment Precinct Frame.

A Frame would support entertainment uses while acting as a transition zone between the Core and the areas adjacent to the City Centre Entertainment Precinct.

Without a Core and Frame, the same Noise Zone Standards would apply across the entire City Centre Entertainment Precinct.

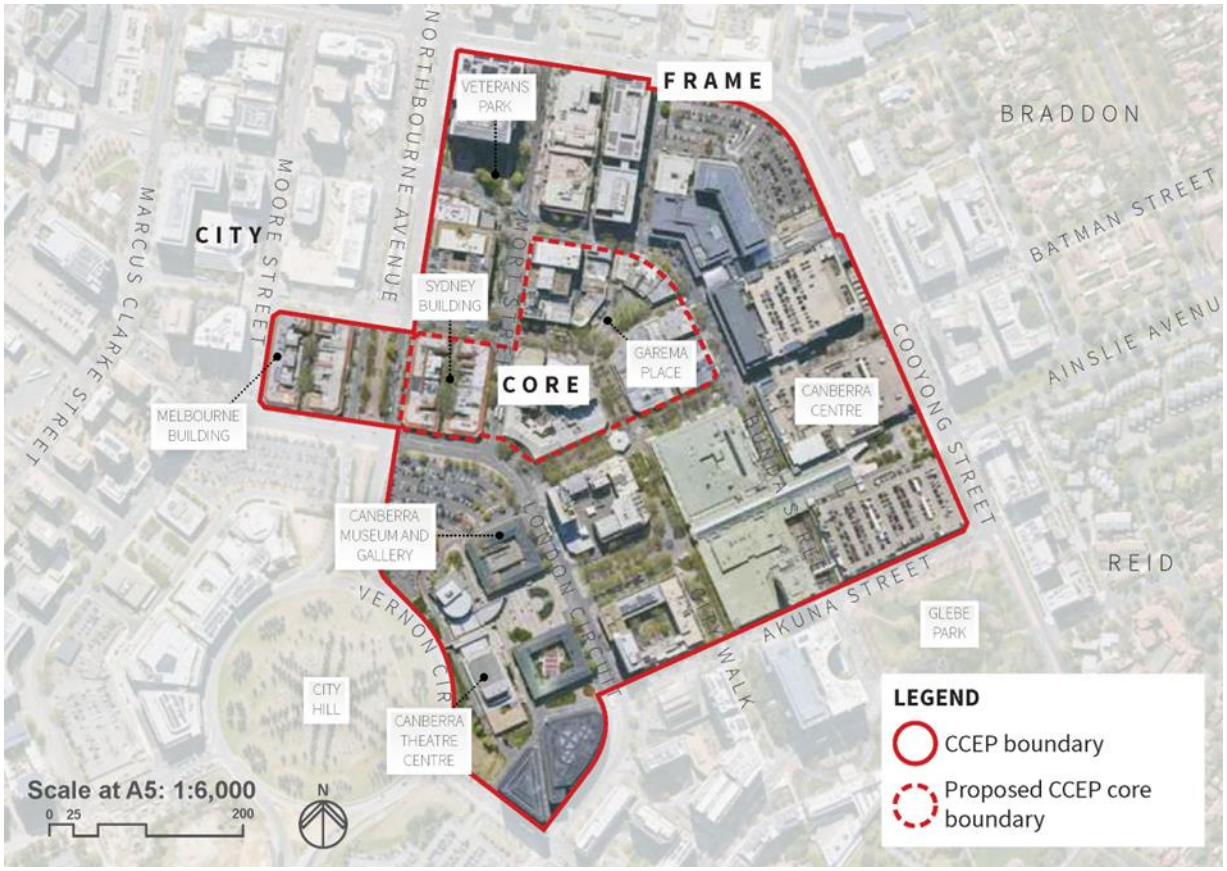
Size of the City Centre Entertainment Precinct Core

The following options are being considered for a City Centre Entertainment Precinct Core and Frame:

Table 1. Options for the City Centre Entertainment Precinct Core and Frame

Options	**Description**
No Core and Frame	Under this option, there would be no Core and Frame. Any Noise Zone Standard change would apply to the entire City Centre Entertainment Precinct area as per Figure 1.
Defined Core – larger Frame	The City Centre Entertainment Precinct Core would be introduced as per Figure 3. The Core area for this option already includes a concentration of entertainment uses and there is currently no residential use.
Dispersed Core – smaller Frame	The City Centre Entertainment Precinct Core would be introduced with additional areas to what is identified in Figure 3.

Figure 3: Proposed City Centre Entertainment Precinct Core Boundary – defined Core, larger Frame



Relationship between geography and Noise Zone Standards

There is a relationship between the size of an entertainment precinct, its core, and the level of Noise Zone Standards set for an entertainment precinct. The larger the size of an entertainment precinct, the greater the impact it may have on surrounding areas. In recognition of this, a larger entertainment precinct may be more suited to a lower Noise Zone Standard. On the other hand, a high Noise Zone Standard may be suited to a more concentrated geographic area. A Core within the City Centre Entertainment Precinct would allow for higher Noise Zone Standards.

Questions:

1. **Are there any specific parts of the City Centre Entertainment Precinct that you think should be included in or excluded from the proposed Core?**

Noise Zone Standards

This focus area applies to both the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct.

Successful entertainment precincts are characterised by more permissible noise standards that support a vibrant mix of entertainment and activities including live music, clubs, bars, restaurants, cultural shows, exhibitions and events.

Currently, the Noise Zone Standard that applies in the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct is the same Noise Zone Standard as for the whole Civic centre and other Canberra Town centres.

Current Noise Zone Standards are not fit-for-purpose to enable the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct to achieve their objectives of supporting a creative, lively and diverse night-time economy in Canberra.

Table 2. Current Noise Zone Standards in the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct

	Monday to Thursday:	Friday and Saturday:	Sunday and public holidays:
Daytime	• 7 am to 10 pm: 60 dB(A)	• 7 am to midnight: 60 dB(A)	• 8 am to 10 pm: 60 dB(A)
Night-time	• 10 pm to 7 am: 50 dB(A)	• Midnight to 7 am: 50 dB(A)	• 10 pm to 8 am: 50 dB(A)

Notes for Table 2:
Further information on Noise Zone Standards in the ACT is Appendix 1 (Noise Zone Standards and Development in the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct) and Appendix 2 (Regulation of Noise in the ACT).

Current measured noise levels in the City Centre Entertainment Precinct

The recorded existing noise levels on a Saturday evening outside popular entertainment venues in the City Centre Entertainment Precinct range between 63 dB(A) and 88 dB(A), with most venues falling between 70 dB(A) and 80 dB(A). The median of all measurements is about 76 dB(A) with a standard deviation of 6 dB(A). Records were taken outside a variety of popular venues in March and June 2023 and most had outdoor speakers and windows or a door open.

Questions:

2. **If you live or do business in or near to the City Centre Entertainment Precinct or Gungahlin Entertainment Precinct, are you impacted by the current noise levels?**
3. **If you are a noise emitting business (e.g. bar), do you find it difficult to adhere to the current Noise Zone Standards?**

Possible Noise Zone Standards in the City Centre Entertainment Precinct

The following options are being considered for changes to Noise Zone Standards for the City Centre Entertainment Precinct. Table 3 presents a range of options for consideration and comment.

Table 3. Options for Noise Zone Standards in City Centre Entertainment Precinct

Noise measurement detail		No Change		Low		Medium		High	
		Day Time	Night-time	Day Time	Night-time	Day Time	Night-time	Day Time	Night-time
CCEP Core	A – weighting	60 dB(A)	50 dB(A)	**65 dB(A)**	55 dB(A)	**70 dB(A)**	60 dB(A)	**75 dB(A)**	65 dB(A)
	C – weighting	No dB(C) criterion	No dB(C) criterion	80 dB(C)	70 dB(C)	85 dB(C)	75 dB(C)	90 dB(C)	80 dB(C)
CCEP Frame	A – weighting	60 dB(A)	50 dB(A)	**60 dB(A)**	50 dB(A)	**65 dB(A)**	55 dB(A)	**70 dB(A)**	60 dB(A)
	C – weighting	No dB(C) criterion	No dB(C) criterion	75 dB(C)	65 dB(C)	80 dB(C)	70 dB(C)	85 dB(C)	75 dB(C)

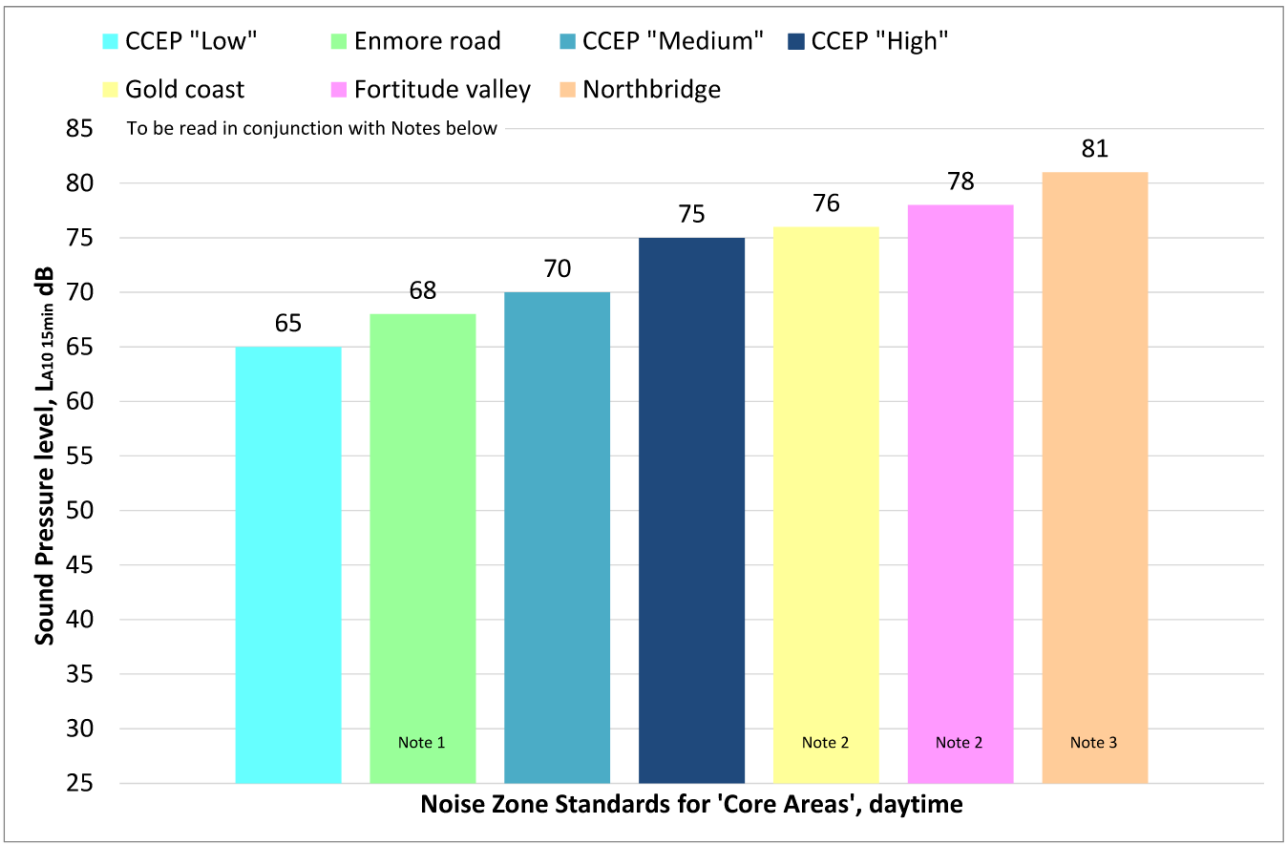
Notes for Table 3:

- *Assumes there will be a Core and Frame in the City Centre Entertainment Precinct.*
- *dB(C) criterion is measured in octave bands centred at 63Hz and 125Hz*
- *The Night-time standard is intended to apply when people are generally sleeping in a given land use area.*
- *The most permissible Noise Zone Standard in any Noise Zone is the standard against which all noise receiving development must demonstrate how low frequency noise associated with live entertainment and amplified music noise has been considered and applied in building design, siting, and materials.*
- *The ACT Government is introducing a dB(C) criterion for the City Centre Entertainment Precinct as this specifically addresses low frequency noise associated with amplified music.*

Comparison of decibel limits in Australian entertainment precincts

Figure 4 gives a comparison of decibel limits across Australian entertainment precincts. It includes the low medium and high options for the City Centre Entertainment Precinct as described in Table 3. Figure 4 is to be read in conjunction with the Note below. It is a graphical representation of interstate noise policies, subject to assumptions and limitations.

Figure 4: Comparison of dB(A) criteria in entertainment precincts, including options for the City Centre Entertainment Precinct.



General Notes for Figure 4:

- *The comparison given in the above graph is approximate in nature only and based on a set of assumptions and limitations to allow one way to compare interstate criteria. Noise is measured differently in Australian entertainment precincts and noise standards cannot be directly compared. Moreover, different jurisdictions have differing auxiliary policy factors that contribute to noise standards, for example, measurement points for compliance purposes.*
- *Interstate noise policies for entertainment precincts reviewed mostly use $L_{Aeq\ 15min}$ sound pressure levels rather than $L_{A10\ 15min}$, which is used in the ACT. These are presented as $L_{A10\ 15min}$ in the comparison above by applying a +3dB factor based on measurements.*
- *If in doubt, please consult further with Better Regulation Taskforce.*
- *The hours for 'daytime' are generally from early morning to midnight.*

Note 1 for Figure 4:

- *Enmore Road Special Entertainment Precinct's noise policy also includes external octave band criteria (at 31.5Hz, 63Hz, 125Hz) in addition to the dB(A) criterion to support management of low frequency sounds.*

Note 2 for Figure 4:

- *Fortitude Valley and Gold Coast entertainment precincts' noise policies nominate external dB(C) criterion. These are presented as dB(A) criterion by assuming that dB(C) minus dB(A) is 15 (which is a suitable method to assess low frequency noise prominence).*

Note 3 for Figure 4:

- *Northbridge entertainment precinct's noise policy nominates external octave band noise criteria (at 63Hz, 125Hz). A correlating dB(A) criterion is presented by adopting a music noise spectrum of dB(C) minus dB(A) equals 15 and shifting it so that the sound pressure levels at 63Hz, 125Hz largely match the nominated criteria.*

Possible Noise Zone Standards in the Gungahlin Entertainment Precinct

The following options are being considered for changes to Noise Zone Standards for the Gungahlin Entertainment Precinct. These options align with options given for the City Centre Entertainment Precinct Frame area due to the similar characteristics of the places.

Table 4. Options for Noise Zone Standards in Gungahlin Entertainment Precinct

Noise measurement detail		No Change		Low		Medium		High	
		Day Time	Night-time	Day Time	Night-time	Day Time	Night-time	Day Time	Night-time
GEP	A – weighting	60 dB(A)	50 dB(A)	**60 dB(A)**	50 dB(A)	**65 dB(A)**	55 dB(A)	**70 dB(A)**	60 dB(A)
	C – weighting	No dB(C) criterion	No dB(C) criterion	75 dB(C)	65 dB(C)	80 dB(C)	70 dB(C)	85 dB(C)	75 dB(C)

Notes for Table 4:

- *dB(C) criterion is measured in octave bands centred at 63Hz and 125Hz*
- *The night-time standard is intended to apply when people are generally sleeping in a given land use area.*
- *The most permissible Noise Zone Standard is the standard against which new buildings must be planned to achieve 43dB[5] in habitable rooms.*
- *The ACT Government is introducing a dB(C) weighting for the City Centre Entertainment Precinct as this specifically addresses low frequency noise associated with amplified music.*

Questions:

4. **Would you be supportive of increasing Noise Zone Standards for the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct?**
    a. **If so, do you have a view on what the level of increase should be for the City Centre Entertainment Precinct (Table 3)?**
    b. **If so, do you have a view on what the level of increase should be for the Gungahlin Entertainment Precinct (Table 4)?**
5. **How would a lively and vibrant entertainment precinct influence your decision to invest in these locations?**
6. **If you live or own a property, in or near the City Centre Entertainment Precinct or Gungahlin Entertainment Precinct, how would increasing Noise Zone Standards impact you?**
7. **Would you be more or less likely to live within the City Centre Entertainment Precinct or Gungahlin Entertainment Precinct if Noise Zone Standards were increased?**
8. **If you are a noise emitting business (e.g. bar), would changing the Noise Zone Standards enable your business to offer different entertainment services?**
9. **If you are a noise receiving business (e.g. retailer), how would increasing Noise Zone Standards impact your business?**

[5] Note: The figure "43 dBC" is referred to throughout this Discussion Paper to be consistent with the relevant District Policies. However for the purposes of this Discussion Paper, wherever 43dBC is referenced it should be taken to mean, *"43dBLeq,T demonstrated in the octave bands centred at 63Hz and 125Hz. T shall be a minimum of 5 minutes and a maximum of 15 minutes to obtain an accurate representation of the noise source"*.

10. **Would increasing the Noise Zone Standards for the City Centre Entertainment Precinct or Gungahlin Entertainment Precinct impact your decision to travel to these entertainment precincts?**

Time periods

This focus area applies to both the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct.

This focus area also looks at whether changing the timeframes regulating Noise Zone Standards would have a positive impact on the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct.

Noise Zone Standards and time

As with the correlation between Noise Zone Standards and geography, there is a relationship between the Noise Zone Standards and the times at which these Noise Zone Standards would apply. Night-time standards are traditionally applied globally over periods where people are generally sleeping in a given land use area.

Table 5 sets out a range of possible interventions that could occur from not changing the time-period for a Noise Zone Standard through to extensively changing the time-period for a Noise Zone Standard. Even if decibel standards are not changed, a change to the time period would create benefits and impacts.

Changing time periods for Noise Zone Standards

Table 5. Adjusting time periods for Noise Zone Standards

Options	**Description**
No change	No change to the existing Noise Zone Standard time period of 7am to midnight on Fridays and Saturdays. Under the current settings, night-time hours are set to 7 hours on Fridays and Saturdays.
Later, specific days	Daytime hours on Friday and Saturdays would be changed from 7am to midnight to 7am and 2am the following day. This would reduce night-time hours to 5 hours on Fridays and Saturdays.
Later, every day	Daytime hours would be changed from 7am to midnight to 7am and 2am the following day for all days of the week. This would reduce night-time hours to 5 hours.
Removal of 'night-time' hours	Daytime noise standards would operate 24 hours a day.

Questions:

11. **How would changing time periods for Noise Zone Standards impact you?**
12. **Do you think there are certain times of the day/week that are best suited to increased Noise Zone Standards for the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct?**

Part Three: Scenarios and options

Part Three explores the relationships between the focus areas by outlining the spectrum of scenarios and options available when each focus area is explored from its most minimal to fullest extent.

Scenarios for City Centre Entertainment Precinct

Table 6 below outlines several scenarios for adjustments in the City Centre Entertainment Precinct. These scenarios are for illustrative purposes only and give examples of the wide range of regulatory settings available. Scenarios range from no change to current standards, through to an extensive change which would see higher Noise Zone Standards adopted across the current precinct on each day with no specified night-time hours.

The definition of each element of the table is given in Part 2 Focus areas, Tables 1, 3 and 5.

Table 6. Noise Zone Standard Scenarios for the City Centre Entertainment Precinct

Scenario	**Options**		
	Size of Core	**Noise Zone Standards Changes**	**Time Period Changes**
No Change	No core	No Change	No Change
Minimum	Defined Core	Low	No Change
Dispersed	Dispersed Core	Low	No Change
Moderate	Defined Core	Medium	Later, specific
Focused	Defined Core	High	Later, specific
Extensive	No Core	High	Removal of 'night-time' hours

Notes on Table 6:

- *No change includes the introduction of dB(C) measurements to better reflect entertainment noise.*
- *Noise Zone Standards Changes are detailed in Table 3*

Questions:

13. **Do you have a preferred scenario for the City Centre Entertainment Precinct as described in Table 6?**
14. **Is there an alternative scenario for City Centre Entertainment Precinct that you would like to see explored?**

Scenarios for Gungahlin Entertainment Precinct

Table 7 below outlines several scenarios for adjustments in the Gungahlin Entertainment Precinct.

These scenarios are for illustrative purposes only and give examples of the wide range of regulatory settings available. Scenarios range from no change to current standards, through to an extensive change which would see higher Noise Zone Standards adopted across the current precinct on each day with no specified night-time hours.

The definition of each element of the table is given in Part 2 Focus areas, Tables 4 and 5.

Table 7. Matrix of intervention type in the Gungahlin Entertainment Precinct

Scenario	Scenario	
	Noise Zone Standards Changes	Time Period Changes
No Change	No Change	No Change
Minimum	Low	No Change
Moderate	Medium	Later, everyday
High	High	Later, specific days
Extensive	High	Removal of 'night-time' hours

Notes on Table 7:

- *No change includes the introduction of dB(C) measurements to better reflect entertainment noise.*
- *Noise Zone Standards Changes are detailed in Table 4*

Questions:

15. **Do you have a preferred scenario for the Gungahlin Entertainment Precinct as described in Table 7?**
16. **Is there an alternative scenario for Gungahlin Entertainment Precinct that you would like to see explored?**

Part Four: Noise complaints management in entertainment precincts

In this part, we want to understand issues regarding noise complaints arising from night-time economy businesses. Please note that we are not asking questions in relation to noise complaints between individuals/members of the community.

Noise complaints in the ACT

Access Canberra's Environment Protection Authority manages the compliance and enforcement policy and process for investigating noise complaints. Environmental noise, including noise from amplified music, is regulated under the *Environment Protection Act 1997*.

Noise complaints process

A person can make a complaint about noise to the Environment Protection Authority (Appendix 4). Before making a complaint, potential complainants are encouraged to try to resolve any issues through discussion with the person responsible for excessive noise. The Access Canberra Noise Portal includes a link to a free Conflict Resolution Service that can mediate difficult conversations.

Where an issue cannot be resolved between the parties, a person may lodge a formal noise complaint with the Environment Protection Authority.

The complainant must also provide their contact details and the location of the noise. Anonymous complaints will not be investigated.

Investigation steps

Once a formal complaint has been lodged, the Environment Protection Authority will take the following steps to investigate and resolve the complaint:

1. Following the first complaint the Environment Protection Authority will send out a letter advising the alleged emitter of their legal responsibilities and inviting them to contact the Environment Protection Authority to discuss (in most cases the matter can be resolved at this stage).
2. To validate a complaint the Environment Protection Authority will undertake a two-stage process:
    a. Stage One includes a visit to the complainant to establish if there is an *affected person* at an *affected place*. The Environment Protection Authority will ask where the complainant is affected and will take a measurement to establish the noise level.
        i. The *affected place* must be a place an *affected person* is legally occupying, for example an apartment, adjoining building, or adjoining businesses provided it is separately unit titled.
        ii. The measurement would usually be taken on the boundary of the property of the *affected place*. For units this is often the balcony of a property. If a balcony is not available, the measurement will be taken inside the property in the place where the person is affected. When this measurement is taken inside the windows are open.

iii. If the measurement taken is above the Noise Zone Standard, then the person is taken to be an *affected person* in an *affected place*.

3. Stage Two includes a visit to the noise emitter to establish if the noise emitted is above the Noise Zone Standard. A measurement is taken at the compliance point, which is as near as practicable to the noise emitter's property boundary.
4. If the complaint is validated by the Environment Protection Authority through a noise measurement, a warning letter or infringement notice may be issued or, depending on the circumstances, an Environment Protection Order may be issued.

Number of amplified noise complaints made in 2022-2023

Table 8 below demonstrates the number of complaints about amplified noise made in the ACT from June 2022 to June 2023, and highlights the volume of complaints made in the City and Gungahlin compared to the ACT in total.

Table 8. Amplified noise complaints made in the City and Gungahlin from June 2022 - June 2023.

Location	Number of complaints	Percentage of total noise complaints
City	46	2.8%
Gungahlin	31	1.9%

Notes about Table 8:

- Complaints relate to the City and Gungahlin in their entire areas, not specifically to the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct.
- Amplified noise complaints come from sounds that have been electronically amplified, for example, amplified music or speech from private or public events, portable loudspeakers, radios, TVs, home theatre systems, etc.
- Amplified noise complaints do not just come from businesses and may originate from private homes or public or private events.

Questions

17. **The Access Canberra website promotes a mediation service to assist with resolving noise issues between emitters and complainants. In your experience, is this service used appropriately to help de-escalate noise issues?**
18. **If you have used mediation services to resolve noise complaints arising from night-time economy businesses, was it effective in resolving the issue and preventing ongoing disputes?**
19. **If you made a formal complaint to the Environment Protection Authority, how did you find the process in resolving the issue? Are there any improvements you would suggest?**

Definition of affected person in an affected place

The object of the *Environment Protection Act 1997* in relation to noise pollution is to prevent the risk of harm to human health. The main risk to human health arising from noise in an entertainment precinct is the potential impact on sleep.

The *Environment Protection Regulation 2005* [6]defines an *affected person* as an occupier of an affected place and includes a person who is lawfully in an *affected place*. It defines an *affected place* as a place (other than a road or road related area), whether inside or outside the ACT, where a person is affected by the noise. In

[6] Relevant to this discussion are sections 21 and 22 of the *Environment Protection Regulation 2005*.

defining *affected place*, the Regulation specifies at section 22 that a person is only affected by noise if they make a complaint, and if the noise level at the *affected place* exceeds the Noise Zone Standard.

Relevant measurements must be taken at both the *affected place* and at the compliance point as near as practicable to the boundary of a noise emitter. The measurements taken must be above the Noise Zone Standard in both places.

In the ACT, an *affected place* can include the outdoor areas on a person's property such as a garden or balcony.

Given the aim of an entertainment precinct is to achieve a lively precinct characterised by its night-time and entertainment economy, it may be reasonable to assume that, in an entertainment precinct, an *affected person* is a person who has taken reasonable steps to protect themselves from entertainment noise.

Examples of reasonable steps could include readily available actions such as moving inside, or closing of windows and doors where mechanical ventilation is available.

Option to adjust the definition of affected person in an affected place

We all take reasonable steps to protect our health and safety around the home. Examples include maintaining fire alarms, installing pool gates and fences, turning on ventilator fans when using gas cooking appliances, using sun protection when outside, wearing gloves and protective shoes and clothing when working in the garden or around the house.

The *Environment Protection Regulation 2005* could be adjusted to provide that a person is not affected by noise unless they have taken reasonable steps to protect themselves against the noise, and examples could be given in notes to the relevant provision.

An alternative approach would be to specify that an *affected place* is a habitable room **indoors** where a person has taken reasonable steps to protect themselves against noise. This would reflect a rebalancing of rights within an entertainment precinct towards a focus on protecting a person's health rather than protecting amenity.

These are options that could be piloted in entertainment precincts and would be applicable in cases that relate to entertainment noise arising from entertainment venues only.

Questions

20. **Do residents of entertainment precincts have any obligation to protect themselves from noise in the entertainment precinct?**
21. **If so, in your view, what would reasonable steps involve?**

Noise complaints management in Australian jurisdictions

There are a range of approaches to noise complaints management in Australian jurisdictions, and complaints management sometimes differs in entertainment precincts compared with elsewhere in a jurisdiction. In some jurisdictions, complaints that relate to entertainment noise can be managed through liquor licensing regulation, rather than environmental protection regulation.

All jurisdictions place some emphasis on the need for parties to a complaint to seek to resolve the complaint directly prior to a complaint being lodged. Some jurisdictions, such as Enmore Road Special Entertainment Precinct and Fortitude Valley, include an emphasis on seeking a cooperative resolution throughout the complaints process.

Some jurisdictions, most notably Adelaide City Council, emphasise educating potential new residents to a mixed-use area of the sound environment that can be anticipated in the area. Some jurisdictions apply an 'Agent of Change' principle to noise complaints, in which the order of occupancy of complainant and emitter is considered when managing a noise complaint. Under the ACT's Noize Zone Standards, a noise emitter must be compliant with Noise Zone Standards wherever they apply, regardless of the order of occupancy. Agent of change is therefore not relevant to the ACT context and does not align with the ACT's approach to noise regulation, which includes Noise Zone Standards.

Complaints from one or more person

South Australia, Western Australia and New South Wales require more than one person to make a complaint, in the case where the complaint involves disturbance created by a licensed venue.

In Western Australia, a complaint under the Liquor Act in relation to amenity, quiet or good order of the neighbourhood or behaviour of persons on the licensed premises, must be signed by **three unrelated adults** who reside at different residential premises, including the complainant.

In South Australia, noise complaints about nuisance from licensed venues can be reported to Consumer and Business Services. A complaint must be made by **at least 10 people** who live, work or worship within the area of the licensed premises. The commissioner may accept complaints made by fewer people depending on the nature of the complaint.

In New South Wales, a complaint about disturbance from a licensed venue must be authorised by **four or more persons who work or live in the neighbourhood.** A complainant may be a single person if the Secretary of the relevant Department is satisfied the nature or gravity of the complaint so warrants.

In the ACT a complaint under the Liquor Act or the Environment Protection Regulation can be made by a single person.

There are advantages and disadvantages of placing a requirement on the number of people who must validate a complaint in an entertainment precinct.

Benefits and challenges

Potential benefits of placing a requirement on the number of people who must validate a complaint in an entertainment precinct include:

- it is an indication that a complaint has broad support within the area beyond the interest of one individual; and
- it is an indication that the breadth of impact of nuisance arising from a venue and its impact on the broader community.

Potential disadvantages of placing a requirement on the number of people who must validate a complaint in an entertainment precinct include:

- it precludes the right of an individual to complain and engage in an issue that impacts them; and
- it could have a disproportionate impact on a vulnerable person who is more significantly impacted by noise than others in the vicinity due to their individual circumstances.

Questions:

22. **Have you had experience with repeated complaints from a single source? If so, do you think a proactive form of mediation initiated by the Environment Protection Authority would help to resolve this issue?**
23. **How would placing a requirement on the number of people who must validate a complaint in an entertainment precinct impact different groups such as residents or business owners in an entertainment precinct?**
24. **How can the rights of residents to complain be balanced with supporting a vibrant entertainment economy in entertainment precincts?**

Part Five: Consultation questions

Core and Frame

1. **Are there any specific parts of the City Centre Entertainment Precinct that you think should be included in or excluded from the proposed Core?**

Current noise levels and Noise Zone Standards

2. **If you live or conduct business in or near to the City Centre Entertainment Precinct or Gungahlin Entertainment Precinct, are you impacted by the current noise levels?**
3. **If you are a noise emitting business (e.g. bar), do you find it difficult to adhere to the current Noise Zone Standards?**

Changes to Noise Zone Standards

4. **Would you be supportive of increasing Noise Zone Standards for the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct?**
    a. **If so, do you have a view on what the level of increase should be for the City Centre Entertainment Precinct (see Table 3)?**
    b. **If so, do you have a view on what the level of increase should be for the Gungahlin Entertainment Precinct (see Table 4)?**
5. **How would a lively and vibrant entertainment precinct influence your decision to invest in these locations?**
6. **If you live or own a property, in or near the City Centre Entertainment Precinct or Gungahlin Entertainment Precinct, how would increasing Noise Zone Standards impact you?**
7. **Would you be more or less likely to reside within the City Centre Entertainment Precinct or Gungahlin Entertainment Precinct if Noise Zone Standards were increased?**
8. **If you are a noise emitting business (e.g. bar), would changing the Noise Zone Standards enable your business to offer different entertainment services?**
9. **If you are a noise receiving business (e.g. retail shop), how would increasing Noise Zone Standards beyond the current Noise Zone Standards impact your business?**
10. **Would increasing the Noise Zone Standards for the City Centre Entertainment Precinct or Gungahlin Entertainment Precinct impact your decision to travel to these entertainment precincts?**

Time periods

11. **How would changing time periods for Noise Zone Standards impact you?**
12. **Do you think there are certain times of the day/week that are best suited to increased Noise Zone Standards for the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct?**

Scenarios for the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct

13. **Do you have a preferred scenario for the City Centre Entertainment Precinct as described in Table 6?**

14. **Is there an alternative scenario for City Centre Entertainment Precinct that you would like to see explored?**
15. **Do you have a preferred scenario for the Gungahlin Entertainment Precinct as described in Table 7?**
16. **Is there an alternative scenario for the Gungahlin Entertainment Precinct that you would like to see explored?**

Management of noise complaints

17. **The Access Canberra website promotes a mediation service to assist with resolving noise issues between emitters and complainants. In your experience, is this service used appropriately to help de-escalate noise issues?**
18. **If you have used mediation services to resolve noise complaints arising from night-time economy businesses, was it effective in resolving the issue and preventing ongoing disputes?**
19. **If you made a formal complaint to the Environment Protection Authority, how did you find the process in resolving the issue? Are there any improvements you would suggest?**
20. **Do residents of entertainment precincts have any obligation to protect themselves from noise in the entertainment precinct?**
21. **If so, in your view, what would reasonable steps involve?**
22. **Have you had experience with repeated complaints from a single source? If so, do you think that a proactive form of mediation initiated by the Environment Protection Authority would help to resolve this issue?**
23. **How would placing a requirement on the number of people who must validate a complaint in an entertainment precinct impact different groups such as residents or business owners in an entertainment precinct?**
24. **How can the rights of residents to complain be balanced with supporting a vibrant entertainment economy in entertainment precincts?**

Appendices

Appendix 1. Entertainment precincts

What is an entertainment precinct?

An entertainment precinct is an area identified through planning and other regulatory controls where existing and future nightlife character and activities, including live music, are prioritised and supported. These precincts give greater certainty to the community, businesses, residents, the night-time economy industry and building owners.

While residential and other noise-sensitive uses are not prohibited in an entertainment precinct in the ACT, future residential development proposals in an entertainment precinct need to consider a higher noise environment, particularly regarding low frequency noise from entertainment venues. This approach is consistent with other entertainment precincts in Australia.

The ACT Government has introduced a City Centre Entertainment Precinct and updated the Gungahlin Entertainment Precinct in the new Territory Plan, which came in to effect on 27 November 2023. This will make setting up an entertainment business, or diversifying entertainment business activity, more appealing in these precincts.

Overview of Australian entertainment precincts

Similar entertainment precincts have been established, or are being established, across Australia. Key examples include:

- Enmore Road, Sydney, NSW
- Fortitude Valley, Brisbane, QLD
- Southport Special Entertainment Precinct, Gold Coast, QLD
- Northbridge, Perth, WA (proposed)

Brisbane City Council has created a Special Entertainment Precincts Framework, starting with Fortitude Valley, to provide a clear planning pathway to support amplified music in core areas. This was the first entertainment precinct to be established in Australia, and possibly the world. It aims to ensure the long-term future of the music-based entertainment industry in the Valley without exposing residents or businesses to unreasonable levels of amplified music noise. The special entertainment precinct designates areas within the Valley where music-noise and development laws apply.

The Southport Special Entertainment Precinct, Gold Coast, QLD regulates amplified music venues to protect indoor residential amenity while supporting a live music hub. A licence is required for businesses within the core area of the Southport Special Entertainment Precinct where amplified music is a key element of their business and emissions of amplified music exceed L_{Ceq} 65dB.

Enmore Road in Sydney, NSW has been designated a special entertainment precinct on a permanent basis, after two trial periods. A special entertainment precinct is a defined area where sound from liquor licensed venues with amplified music is managed by a council through its Noise Management Plan. Any requirements on amplified music that would normally be in place under the *Liquor Act 2007* (NSW) do not apply, including any conditions.

The Northbridge Special Entertainment Precinct similarly enables reforms to be progressed that provide certainty for entertainment venues and enhanced protections for new residential development in entertainment precincts. These reforms are aimed at balancing the competing needs of entertainment venues, other businesses and residents.

In all these other entertainment precincts, the planning requirements for habitable rooms in noise receiving developments are broadly similar.

Distinct from the ACT, regulatory changes in other jurisdictions have shifted the regulatory responsibility for noise from licensed premises from state to local governments to streamline and simplify noise management. However, this is not relevant to the ACT as we do not have multiple tiers of government. Additionally, unlike the ACT, none of these areas had existing Noise Zone Standards that applied to generators of noise. Instead, the standards were developed based on the noise from current, often well-established, entertainment venues.

Planning requirements for entertainment precincts in the ACT

In the ACT, entertainment precincts are identified in the Territory Plan: the statutory planning framework. Requirements relating to the City Centre Entertainment Precinct are described in the City and Inner North District Strategy, while requirements relating to the Gungahlin Entertainment Precinct are described in the Gungahlin District Policy.

These are supported by planning policy documents including:

- City Plan;
- City Centre Urban Design Framework;
- City and Inner North District Strategy; and
- Gungahlin District Strategy.

Planning requirements

At present, the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct differ from other areas because they are subject to specialised planning requirements. Assessment requirements set the mandatory development controls within specific zones or for specific development types. The assessment requirements for the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct aim to ensure development is built to a standard that provides assurance for residents, commercial occupants and entertainment providers.

The level of amenity, use and enjoyment of premises should align with expectations of an entertainment precinct as a lively and noisy area. In the ACT, some responsibility for noise mitigation already lies with the receiver. Within an entertainment precinct, more responsibility is shared by receivers of noise through the design and construction of buildings in recognition of the entertainment (and commercial) priority of the precinct.

The requirements apply to all future developments in the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct. Developments proposed and constructed before 27 November 2023 are not subject to the new Territory Plan requirements.

Statutory Planning requirements for new buildings

The Inner North and City District and Gungahlin District Policies require all noise emitting and noise receiving development in the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct to demonstrate how low frequency noise associated with live entertainment and amplified music has been considered and applied in building design, siting and materials.

Noise receiving development

Noise receiving development includes, but is not limited to, residential uses, restaurants, retail uses, hotels, and community facilities.

Previously, buildings in the City Centre Entertainment Precinct and Gungahlin Entertainment Precinct were required to meet the *Australian Standard 2107-2000 Acoustics - Recommended design sound levels and reverberation times for building interiors* only. This standard provides recommendations for internal noise levels. The new Territory Plan takes this requirement a step further to require buildings to achieve 43dBC in habitable rooms. The equivalent standard in dB(A) is roughly 30 dB(A).

All noise receiving development must achieve indoor noise levels compliant with AS2107:2000 'satisfactory levels', and an equivalent internal noise level, for low frequency noise which in habitable rooms including bedrooms (night-time) is 43dBC demonstrated in any one-third octave band between and including 63Hz and 125Hz.

This means new noise receiving development must be designed so that habitable rooms will be quiet enough for residents to sleep. This is to support the health and wellbeing of residents and is based on the AS2017:2000 'satisfactory levels' and consistent with World Health Organisation guidelines.

Noise emitting development

Noise emitting developments include, but are not limited to clubs, drink establishments, emergency services facilities, hotels, indoor recreation facilities, indoor entertainment facilities, industry (except light industry), outdoor recreation facilities, and restaurants.

Exemption from gross floor area definition for basement indoor entertainment facility uses

Basement indoor entertainment facility uses are excluded from the definition of gross floor area where limited by a lease or other Territory Plan requirements. To qualify, a development must do all the following:

1. meet any applicable conditions of Development Approval, including Lease Variation if required;
2. be constructed in accordance with an Environment Protection Authority endorsed Noise Management Plan;
3. provide an indoor entertainment use located below Natural Ground Level;
4. remain part of a registered Building Management Statement; and
5. make building end-of-trip facilities available to indoor entertainment employees.

Urban design in the City Centre Entertainment Precinct

In addition to planning requirements, the ACT City Centre Urban Design Guide provides design guidance for the City Centre Entertainment Precinct:

1. Support the facilitation of entertainment events and uses in the City Centre through night-time destinations, bars, performance and concert venues integrated with surrounding public spaces.
2. Support entertainment uses that are appropriate to the precinct's location and scale to contribute to a thriving, lively and inclusive precinct and night-time economy.
3. Design and develop buildings that enable live performances and entertainment options for a diverse range of interests, while supporting the health, wellbeing and amenity of building occupants.
4. Ensure all noise emitting and receiving development demonstrate how low frequency noise has been considered and applied in building design, siting and materials.
5. Carefully consider and demonstrate how adverse impacts are minimised on surrounding uses and amenity of other users.
6. Consider noise elements, including identifying areas where higher noise is acceptable, how noise can be measured and where it is being attenuated by the built form.
7. Mitigate noise impacts in new residential development with architectural elements such as winter gardens and locate main habitable rooms away from noise emitting venues or open spaces.

Appendix 2. Noise and its regulation

In the ACT, noise is regulated under the *Environment Protection Regulation 2005*. Noise refers to sound that creates a hazard to health. We use the word noise throughout this paper because 'noise' is an environmental hazard in the ACT, whereas generalised sound is not regulated.

The ACT is unique in that it is divided into Noise Zones, based on Territory Plan zoning. Noise Zones set a noise level, known as a Noise Zone Standard, to apply across each zone. Noise Zones and Noise Zone Standards are specified in the *Environment Protection Regulation 2005.* These allow higher noise in industrial and commercial areas, with more stringent noise standards in residential zones to reflect the types of activities that are acceptable in each area. The Noise Zone Standards clearly set noise expectations upfront for the benefit of residents, venues and developers.

In most cases, Noise Zone Standards allow venues to emit a certain level of noise at their boundary regardless of how close the nearest residence is. This approach means the Noise Zone Standards for a venue do not change based on the distance of the venue to the nearest residence. This provides a high degree of certainty for venue operators and protects existing venues in the precinct from encroaching development.

For any other business, resident or visitor, the Noise Zone Standard is the level of noise they can expect in the Noise Zone, including in their property with the windows open.

The daytime and night-time Noise Zone Standards consider typical uses in each zone and allow for a quieter overnight period for sleep and rest and consider other uses within the same area. A building of a noise emitting development should be designed to attenuate noise to the Noise Zone Standard at its block boundary.

For a building designer of a noise receiving development, the Noise Zone Standard is the level of external noise that must be considered when a building is designed.

In the City Centre Entertainment Precinct and the Gungahlin Entertainment Precinct, a building must be designed to achieve indoor noise levels compliant with AS/NZS 2107:2000 'satisfactory levels' and a level of 43 dBC in a habitable room (with doors and windows closed) for the given Noise Zone Standard (for further information see Appendix 1). The given Noise Zone Standard against which a building will be attenuated will be the noisiest standard for the given Noise Zone.

A map of Noise Zone Standards can be found via the Access Canberra Noise Portal.

Are venues breaking the law?

Just because a noise emitter makes a noise above the Noise Zone Standard, this does not mean an offence has occurred. This is because the *Environment Protection Regulation 2005* requires there to be an *affected person* at an *affected place* for an offence to occur. At present, this is unlikely to occur because of the very limited existing residential development in the City Centre Entertainment Precinct.

Other current Noise Zone Standards in ACT

For reference, the most permissible Noise Zone Standards in the ACT are for the industrial areas of Fyshwick and Mitchell. They are 65dB(A) from 7 am to 10pm on Monday to Saturday and 8 am to 10 pm on

Sunday and public holidays, and 55dB(A) from 10 pm to 7 am on Monday to Saturday and 10 pm to 8 am on Sunday and public holidays.

Noise Zone Standards for most residential zones (RZ1 to RZ5) of Canberra is 45dB(A) from 7 am to 10 pm on Monday to Saturday and 8 am to 10 pm on Sunday and public holidays, and 35dB(A) from 10 pm to 7 am on Monday to Saturday and 10 pm to 8 am on Sunday and public holidays.

Noise Zone Standards for any given area in the ACT can be found via the Access Canberra Noise Portal.

Managing noise on the boundary of an entertainment precinct

The noise standard on the boundary between two or more Noise Zones is the average of the noise standards for the Noise Zones for the time when the noise is emitted, rounded up to the nearest dB(A). This would apply in situations such as the boundary between City Centre Entertainment Precinct Core and Frame areas, or on the boundary between any entertainment precinct and adjacent areas.

In this situation, the compliance point for enforcement purposes is any point as near as practicable to the boundary with the Noise Zone with the lowest noise standard for the time when the noise is emitted.

Sound, noise and perception

Sound is most often measured and described in decibels (dB). Decibels are a measurement of sound energy based on a logarithmic scale. An increase of 3 decibels is a doubling of sound energy. For example, if one vacuum cleaner measures 80 decibels, two vacuum cleaners operating simultaneously would measure 83 decibels.

In general terms, the subjective response of a person to a change in noise level can be classified as:

1. Less than 3dB change – no perceptible change in noise level;
2. Change of 3dB – just perceptible change in noise level;
3. Change of 5dB – clearly perceptible change in noise level; and
4. Change of 10dB – perceived as a doubling or halving of loudness.

Low frequency noise

Changes to the *Environment Protection Regulation 2005* are proposed to be introduced for entertainment precincts. The ACT Government will introduce dB(C) criterion to form part of the Noise Zone Standards for the City Centre and Gungahlin entertainment precincts. This is because the dB(C) represents an appropriate metric to be used to assess noise associated with entertainment and amplified and live music in the City Centre Entertainment Precinct, when compared with dB(A).

In an entertainment precinct, low frequency noise due to amplified music is prevalent. Complexities arise in providing internal acoustic amenity and managing annoyance levels, as low frequency noise is significantly harder to manage due to its physical properties. Low frequency noise is harder to attenuate with building materials. The resulting noise might be perceived as low thuds and hums and generally felt as vibrations. Since these frequencies generally form the only remaining audible noise, they may dominate the listener's subjective experience.

It is worthwhile noting that amplified music is one of noise sources regulated by *Environment Protection Regulation 2005*. Noise generated by a person using only their body (i.e. including patron, crowd noise) is not regulated, so would not be included in the assessment of noise in an entertainment precinct. However, it is possible for patron and crowd noise associated with a licensed venue to be assessed under the *Liquor Act 2010* in a case where the licensee has allowed the licensed premises to be used in a way that causes undue disturbance or inconvenience to people occupying premises in the neighbourhood.

Appendix 3: What we heard

Night-time Economy Review and Consultation

Underpinning this paper is the ACT Government's commitment to building on Canberra's unique strengths and developing our city as a leading worldwide destination. To achieve this, the Better Regulation Taskforce, under the Better Regulation Agenda, has been working across government to review the night-time and entertainment economy. This includes reviewing existing policies, legislation, regulation and processes to ensure they are working to support our night-time economy and implementing regulatory settings that enable this important sector of our economy to thrive. Information on the Taskforce's work, including the Government's Vision for the Night-time Economy and supporting principles, is available here.

The Taskforce undertook further consultation on the night-time economy through a Night-time Economy Business and Stakeholder Panel (Panel), comprising 28 people from Canberra's entertainment and tourism industry. The Panel met in three workshops during August and September 2023. As part of the workshops, discussions were held on noise in the city centre, entertainment precincts, and opportunities to support small businesses across the ACT to diversify offerings at night.

Following these Panel workshops, two community representative workshops were also held, one in-person and one online. During these, the Taskforce met with a total of 14 stakeholders from community representative groups to specifically consider the Panel's findings. This included gathering feedback relating to noise standards and proposed Core and Frame concepts for the City Centre Entertainment Precinct. These findings have helped inform the issues for discussion in this paper.

YourSay Panel Survey - Canberra Night-life

The Canberra Night-life Survey ran from 19 April to 1 May 2023, with 1,864 responses received. It collected responses on the community's needs and wants for Canberra's night-time scene – not just in the city centre, but across the whole of the ACT. The data was weighted by age, gender and region based on ABS Census figures.

Key findings included:

- 76 per cent of respondents think of the CBD as the 'home' of Canberra's nightlife, although there was also interest for other local areas to have a greater night-time scene. However, many thought their local areas do not offer sufficient entertainment options at night besides eating and drinking, nor are venues in these areas typically open late.
- Around half of all respondents (52 per cent) agreed that they usually prefer to stay at home rather than have a night out.
- Parking, anti-social behaviour, and wanting to save money were cited as specific barriers to going out to the City Centre at Night. 40 per cent of survey respondents agreed that they felt safe in the City Centre at night, while 32 per cent disagreed. By comparison, respondents generally felt much safer in their local area at night.
- Some of the key issues related to perceptions of safety include, but are not limited to, a lack of public transport, lighting and passive surveillance. A reduction in foot traffic due to the COVID-19 pandemic has also been identified as a factor in driving perceptions of safety, i.e., people feel more confident about engaging in the night-time economy when people are present.

A link to the Survey report is available here.

City Plan Consultation

During the City Plan Consultation, we heard support for the Draft City Plan's vision and strategic goals for the city centre, although there was some concern raised about ensuring that quality of living (e.g., noise levels) is maintained for residents. Respondents also noted the importance of supporting our current cultural facilities and provided a range of considerations for entertainment precincts, including safety, diversity of activities, and transport. We also heard the need for the ACT Government to be ambitious in developing entertainment precincts and the night-time economy more broadly.

Appendix 4: Noise complaints process in the ACT

