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valleymusic

HARMONY PLAN



VALLEY LOVERS*

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Dedicated to a better Brisbane

foreword

Conflicts between residents and the entertainment industry have arisen in music and arts precincts all over the world, from New Orleans' French Quarter to London's West End.

Here in Brisbane, Fortitude Valley (the Valley) has become our most popular and dynamic entertainment hub. The Valley is legendary for its loud and unique atmosphere, and its residents and businesses are rightly proud of the thriving music and arts scene.

The Valley has nurtured some of Australia's most talented artists and performers. We've all heard of Brisbane bands like Regurgitator, Custard, George and Powderfinger, but countless lesser known artists have also polished their acts in the Valley. Without our continued support of the Valley as a valuable incubator for the development of live music, our future musical icons may not have the same opportunity to cultivate their talents.

Brisbane City Council realises that live music in all its styles is valuable to our economy. We need Brisbane to attract major festivals and events, and we need to foster local arts and culture.

We also see the Valley as providing a positive and creative atmosphere for Brisbane's young people. Youth culture needs a positive outlet. This is fundamental to our future as a creative and inclusive city. The entertainment and fashion industry cluster in the Valley generates and showcases youth arts and cultural projects, and this must continue.

In recent years, with the growth in inner city living, many people have found that the Valley is a great place to live and work. Brisbane's need for this entertainment precinct must therefore be balanced with the needs of its various residents and businesses.

This is why Brisbane City Council has developed the Valley Music Harmony Plan. We are committed to working with the Queensland Government, the music industry, the development industry, businesses and residents to achieve the right balance for all stakeholders.

Council is confident that with everyone working together the Valley's future as a world-class entertainment precinct is assured.

David Hinchliffe
Councillor for Central Ward

DEPUTY MAYOR
CHAIR OF VALLEY MALLS ADVISORY COMMITTEE

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executive summary

Brisbane City Council commenced the development of a *Valley Music Harmony Plan* in July 2002. The plan was developed in response to ongoing conflict that had arisen between live music, nightclub and residential uses in Fortitude Valley. Resolution of this issue is complex and there is no single simple solution.

The *Valley Music Harmony Plan* contains five management actions that aim to better manage the potential impacts of music noise while maintaining and enhancing the viability of the music industry and the vibrancy of the Valley.

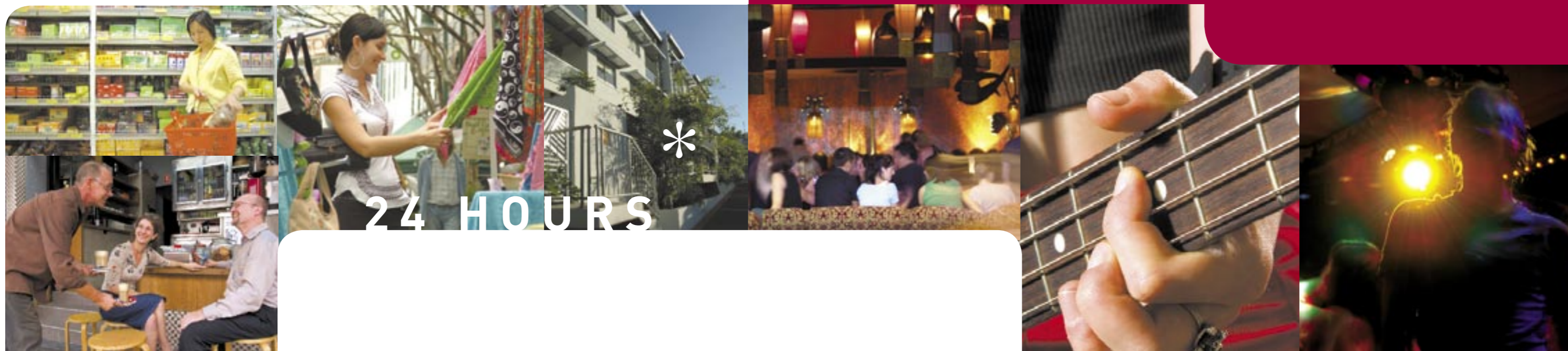
The five *Valley Music Harmony Plan* management actions are listed opposite.

The *Valley Music Harmony Plan* recognises that residents and businesses in and around the Valley special entertainment area will experience a higher ambient noise environment than expected in suburban residential or semi-rural living. It does not however give music venues a 'blank cheque' to make noise.

The *Valley Music Harmony Plan* has been developed in consultation with key stakeholders including the Liquor Licensing Division, Q Music, Valley Malls Advisory Committee, Urban Renewal Brisbane, Workplace Health and Safety Queensland, Environmental Protection Agency, venue owners and operators, the development industry, business owners, residents and community representatives.

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- ACTION 1** **Designate a special entertainment area within the Valley**
Council will amend the Fortitude Valley Local Plan to include a 'special entertainment area' within the Valley. Minor amendments will also be required to the adjoining Bowen Hills Local Plan and Newstead Local Plan.
- ACTION 2** **Require new development to attenuate noise**
Council will amend the Fortitude Valley Local Plan to strengthen the requirement for new development to incorporate a high level of noise insulation when constructed within and adjoining the special entertainment area. Minor amendments will also be required to the adjoining Bowen Hills Local Plan and Newstead Local Plan.
- ACTION 3** **Adopt uniform noise emission levels for music venues**
Council will work with the Queensland Government to amend Liquor Licensing laws to allow new uniform noise emission levels for venues in the Valley special entertainment area.
- ACTION 4** **Provide noise management assistance and advice**
Council will assist Valley music venues, businesses and residents by providing advice and information for improving noise management.
- ACTION 5** **Implement a communication strategy**
Council will implement a communication strategy to improve communication between government, industry and the community, and to make potential residents aware of the Valley's entertainment values, before they move to the Valley.



aims

The aims of the *Valley Music Harmony Plan* are to:

- manage the impacts of music noise upon residents and businesses in an integrated way, without compromising the viability of the music-based entertainment industry in the Valley or the vibrancy of the Valley
- promote and enhance the Valley as a valuable incubator for the development of original live music of all types and styles.

The principles underlying the above aims include:

- the music-based entertainment industry and the night-time economy in the Valley are important for a creative and prosperous Brisbane and form part of Council's vision for our city's future – *Living in Brisbane 2010*
- residents in the Valley will experience a higher outdoor ambient noise environment than expected in suburban residential or semi-rural locations, therefore residents cannot expect quiet internal noise levels with their windows open
- residents expect to be able to sleep and enjoy their living areas and businesses such as cafes and restaurants expect to be able to operate, without excessive intrusion from music noise.

scope

The focus of the *Valley Music Harmony Plan* relates specifically to the music based entertainment industry (including live music, electronic music and DJ music of all types and styles) within Fortitude Valley. The plan also considers live music venues that adjoin the boundary of the Valley, due to their association with the Valley's live music scene.

purpose

The *Valley Music Harmony Plan* is not a statutory document and is not law. The plan outlines Council's intentions regarding future legislative amendments and activities to be implemented to achieve the plan's aims. All proposed amendments to laws (including Acts, Regulations and Local Plans) recommended by the *Valley Music Harmony Plan* will go through a formal consultation process.

background

Between the 1960s and 1990s the pubs and nightclubs of Fortitude Valley (the Valley) have been a major part of Brisbane's night-time economy and a hub of creative industries such as original live music.

The Valley is also home to a wide range of other uses including restaurants, cafes, retail and commercial businesses and more recently, new residential development. All these uses contribute to the Valley's diverse mixed-use community.

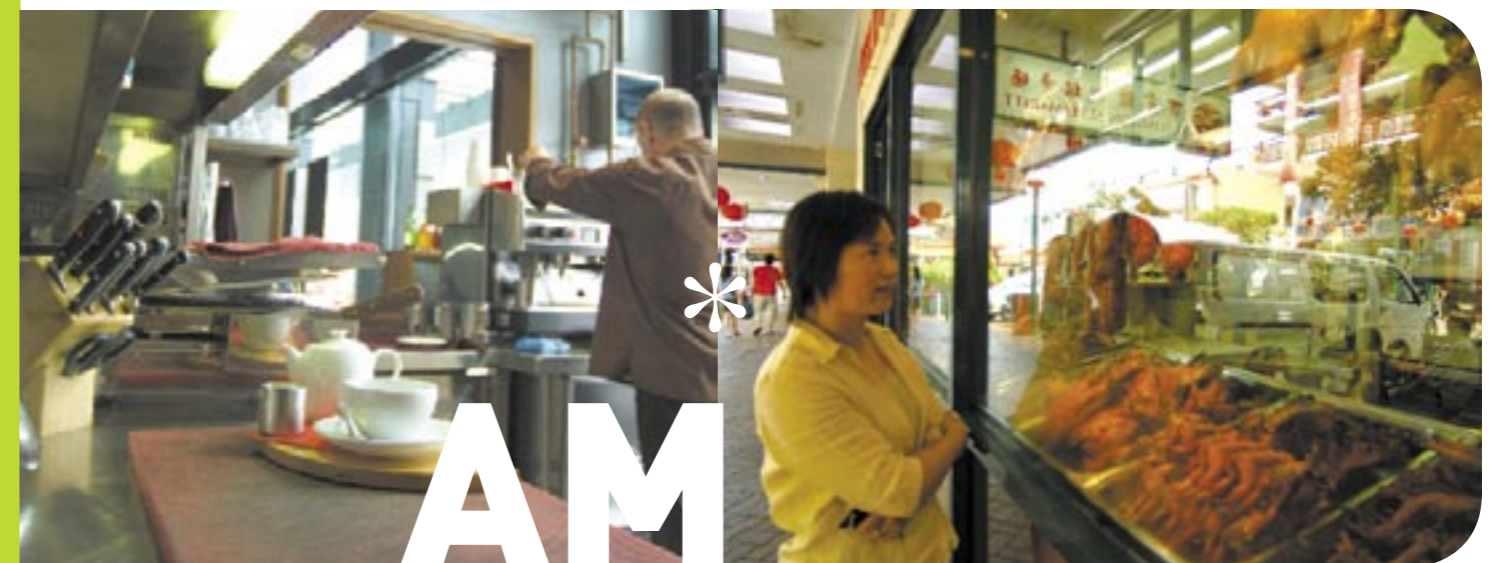
Each of the above uses brings different benefits to the Valley, however managing the sometimes conflicting interests of each of these groups poses a number of challenges. No one group can expect to have it all their own way and a degree of compromise and tolerance is required for this diverse group to coexist.

At night the Valley is considered to be the foremost live music and nightclub precinct in Brisbane, providing a significant contribution to Brisbane's cultural life and economy.

Since the mid-1990s, inner city urban renewal has attracted many new residents to the Valley. The introduction of residential apartments has raised concerns regarding the potential impact of residential development on the future of live music and nightclubs in the Valley.

There has always been some degree of noise control for music venues in the Valley. The Queensland Liquor Licensing Division requires venues to comply with maximum noise levels prescribed in the venues' liquor licence.

In addition, Queensland's workplace health and safety laws include noise limits that apply to all music entertainment venues.



ANOTHER DAY BEGINS*

Although the Queensland Liquor Licensing Division is the regulatory authority for music venues, Brisbane City Council is responsible for planning, development and events like the Valley Fiesta. Therefore in 2002, Brisbane City Council sought to address the concerns and conflict created by the convergence of mixed land uses in the Valley by initiating, the development of the *Valley Music Harmony Plan*.

The *Valley Music Harmony Plan* was developed 'from the ground up' by involving stakeholders in the problem-solving process from the beginning.

Face to face interviews, consultation forums and workshops were held with representatives from music venues, the music industry, government departments, development industry, commercial organisations,

community groups, patrons and the wider community, in order to help scope issues and solve problems.

A number of research projects were also undertaken by Brisbane City Council to identify the ambient noise environment in the Valley, noise levels and noise frequency spectrum of different types of music and noise insulation performance of venues and apartments.

A *Discussion Paper for External Consultation – Valley Music Harmony Plan, May 2003* was developed and made available to stakeholder groups, to encourage debate on the issues associated with the music-based entertainment industry in the Valley. This was followed by the release of a *Draft Valley Music Harmony Plan* in April 2004.

The key findings of the *Valley Music Harmony Plan* research and consultation process were as follows.

- Complaints are made by cafes, restaurants and other businesses affected by excessive music levels and not just residents
- Residents are by and large very tolerant of music noise levels in the Valley, with limited concern expressed about live music. The majority of resident complaints are about the low frequency bass sounds of night club/recovery club music in the early hours of the morning (eg. 1am – 7am)
- Most of the resident complaints are made by residents who have lived in the Valley for some time, about new venues that have opened or have significantly changed their use after the residents moved in
- The primary constraint for live music venues in the Valley is not the complaints from residents, but is the Queensland liquor licensing laws that restrict the noise levels a venue can make. Strict licensing conditions are prohibiting the ability of some venues to put on live and electronic music. Bands and electronic music event promoters indicated a difficulty in finding venues to perform in due to noise restrictions. Under the current liquor licensing laws the noise limits for music venues are based on the distance to the closest residence

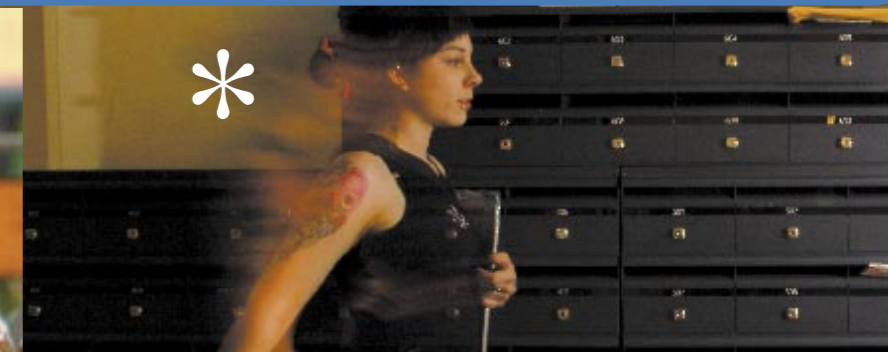
This means a venue could be complying with the law today but not complying tomorrow if an adjoining commercial building is converted to apartments (ie. the laws don't recognise the order of occupancy). This moving goal post for noise limits provides no certainty for music venues

- The current liquor licensing laws allow higher noise levels before 10pm and lower levels after 10pm. This may be appropriate for suburban areas but does not reflect the Valley's established night-time economy
- Brisbane City Council research found that it is not economically viable or technically feasible to soundproof all existing Valley venues to a great extent. Limitations to soundproofing venues includes heritage listing of buildings, fire safety, air conditioning, structural adequacy and the fact that many buildings are leased and not owned by venues
- Noise measuring research found that double-glazed windows can only physically attenuate the low frequency (bass) components of amplified music noise to a limited degree. The low frequency bass sounds of amplified music will pass straight through standard double-glazed windows and most building structures.



MIDDAY

GETTING DOWN TO*
BUSINESS AND PLEASURE



management actions

The following management actions will be implemented in order to achieve the aims of the *Valley Music Harmony Plan*.



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WINDING DOWN*

ACTION 1

Designate a special entertainment area within the Valley

The consultation process indicated strong support for officially designating part of the Valley as an entertainment precinct.

Council will amend the Fortitude Valley Local Plan to include a special entertainment area as illustrated in Appendix 1. Because music noise does not stop at the boundary of the special entertainment area, the Fortitude Valley Local Plan will also designate a special entertainment area buffer.

Including the Valley special entertainment area in the Local Plan will enable it to be formally recognised in law (ie. *the Brisbane City Plan 2000*).

The special entertainment area will perform the following key functions:

- the special entertainment area will not prohibit residential or other types of development, but it will allow Council to strengthen the requirement for new development to incorporate a high level of noise insulation when constructed within the special entertainment area and the special entertainment area buffer (see Action 2)
- it will allow Valley-specific noise levels to be set by the Queensland Liquor Licensing Division for music venues located within the special entertainment area (see Action 3).

The enhancement and expansion of the music-based entertainment industry will be encouraged within the special entertainment area and not within the special entertainment area buffer or the remainder of the Valley.

The special entertainment area buffer only indicates that residential type development will need to incorporate noise insulation due to its vicinity to the special entertainment area.

The Tivoli, Waterloo Hotel and Jubilee Hotel are venues that have been historically important to the original live music scene in the Valley. Although these venues sit outside the central part of the Valley special entertainment area, they will still be designated as part of the special entertainment area as illustrated in Appendix 1. However, because these venues are located on the fringe or adjoining the Valley, they will have different performance criteria for music noise than for venues in the centre of the Valley (see Action 3).

Including the above venues in the Valley special entertainment area means Council will be making minor amendment to the Bowen Hills Local Plan (to recognise the Jubilee Hotel) and the Newstead Local Plan (to recognise the Waterloo Hotel). The Tivoli will be recognised in the amendments to the Fortitude Valley Local Plan.

The specific amendments to the Fortitude Valley, Bowen Hills and Newstead Local Plans will go through formal advertising and consultation as required by the *Integrated Planning Act 1997*, to allow community and stakeholder comment and submission.

ACTION 2

Require new development to attenuate noise

The majority of stakeholders consulted felt that Council's role in planning and approving developments in the Valley was an essential factor in preventing future problems from arising.

To limit future noise complaints from new residents, Council will amend the Fortitude Valley Local Plan to require new residential type development to incorporate a high level of noise insulation when constructed within the Valley special entertainment area and buffer. Minor amendments will also be required to the Bowen Hills Local Plan and the Newstead Local Plan to address residential type development in the vicinity of the Tivoli, Jubilee Hotel and Waterloo Hotel.

Research conducted by Council found that ambient noise levels are already high in the Valley special entertainment area due to traffic, patrons, music, rubbish collection, refrigeration and air conditioning equipment and construction.

Uniform noise emission levels for music venues within the Valley special entertainment area (see Action 3) will mean residents can expect the ambient noise environment to contain music noise.

Music from entertainment venues (particularly nightclubs) contains a lot of propulsive low frequency (bass) noise.

This is often described as the low thump of a kick drum or the 'doof, doof' sound from electronic dance music. This impulsive low frequency noise is the source of greatest impact upon Valley residents and can prevent people from sleeping at night.

It is also very difficult to attenuate and can penetrate most walls and windows. Therefore new residential buildings in the Valley will require higher construction standards to cater for impulsive low frequency noise. Venues will also have tighter restrictions for low frequency noise late at night as discussed in Action 3.

To reduce the impacts of low frequency noise upon future residents, the "Fortitude Valley Local Plan" will be amended to require new residential apartments and accommodation to be designed and constructed to achieve a minimum noise reduction of 25 decibels in the 63 hertz frequency band, within the Valley special entertainment area and buffer.

This noise insulation requirement for new residential type buildings may not provide silence, and is a minimum standard only. Designers, developers or persons wishing silence or quieter internal living spaces can implement higher construction standards if they choose.

The proposed noise insulation requirements are also based on the windows of the residential building being closed. Council cannot protect internal noise levels within residential buildings when windows are open, due to the high external ambient noise environment that exists in the Valley.

Development involving common walls, ceilings or floors between venues and residential type buildings is not encouraged and will require a much higher level of sound insulation, in particular with respect to preventing the transmission of low frequency noise. Development involving common walls, floors or ceilings between venues and residential uses will be required to achieve a minimum reduction of 90 decibels.



ACTION #1

Council will amend the Fortitude Valley Local Plan, Bowen Hills Local Plan and Newstead Local Plan to make a special entertainment area and buffer within the Valley and adjoining areas as indicated in Appendix 1.

During the consultation process, stakeholders indicated strong support for placing the onus on new development to incorporate noise insulation (ie. the onus should be on the agent of change). However requiring new live music venues to incorporate high standards of noise insulation in the Valley special entertainment area is likely to be cost prohibitive, as retro-fitting existing Valley buildings has many limiting factors. Limitations to soundproofing venues includes heritage listing of buildings, fire safety, air conditioning, structural adequacy and the fact that many buildings are leased and not owned by venues.

Constraining the growth of live music in the Valley special entertainment area by requiring new venues to be completely soundproofed is not consistent with the aim of the *Valley Music Harmony Plan*.

Therefore the minimum requirement for new music venues will be to incorporate noise insulation to achieve the noise emission levels recommended in Action 3. Although this will be a minimum, new venues will be encouraged to incorporate as much noise control as is practicable and achievable when retro-fitting existing buildings.

The specific amendments to the Fortitude Valley, Bowen Hills and Newstead Local Plans will go through formal advertising and consultation as required by the *Integrated Planning Act 1997*, to allow community and stakeholder comment and submission.

* ACTION #2

Council will amend the Fortitude Valley Local Plan, Bowen Hills Local Plan and Newstead Local Plan to:

- require new residential type development to be designed and constructed to achieve a minimum noise reduction of 25 decibels in the 63 hertz frequency band when constructed within the Valley special entertainment area or buffer
- require development involving common walls between venues and residential uses to achieve a minimum noise reduction of 90 decibels when located within the Valley special entertainment area or buffer
- require new music venues to be designed and constructed to achieve the minimum noise emission levels contained in Table 1 of Action 3.

RELAXING*

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ACTION 3

Adopt uniform noise emission levels for music venues

The primary constraint for music venues in the Valley is the liquor licensing laws that restrict the levels music can be played at in a venue. Under these laws the actual noise level a venue can make will vary from venue to venue depending on how close the venue is to a residence, the noise insulation standard of the venue, the time of day or night the venue operates, and the background noise level.

The liquor licensing laws apply equally across the whole of Queensland and while they may be appropriate in most parts of the state, they are not suitable for the Valley's specific context.

The outcome of the current system of noise regulation is that as new residential buildings are constructed in the Valley, the noise limits for existing venues become stricter, (because the noise limits for a venue depend upon how close they are to residences). This means there is no certainty for venue operators, as noise limits for music venues are moving 'goal posts'.

To provide a degree of certainty for music venues and residents, Council will work with the Queensland Liquor Licensing Division to amend liquor licensing laws to allow uniform music noise emission levels for venues in the Valley special entertainment area.

This will mean that the music noise level a venue can emit will no longer vary depending on how close the venue is to a residence. Instead it will remain the same, regardless of new development in the vicinity of a venue.

However the maximum noise level inside a venue will still vary from venue to venue depending on the noise insulation standard of the venue. This means while some buildings may be suitable for live music until midnight/1am, they may not be suitable for loud nightclub music past midnight, without increasing their noise insulation.

The licences for venues will still prescribe noise levels measured inside the venue to allow ease of monitoring. The internal levels will be based on achieving the proposed music noise emission levels of Table 1 at the boundary of the licensed area of the venue.

The proposed music noise emission levels were developed based on the Valley's specific circumstances. Therefore these noise levels must not be used in other localities without the appropriate research.

The proposed music noise emission levels will allow a reasonable increase in the internal noise level of music venues before midnight/1am to ensure live music can function, but will not increase current lawful levels for music venues after midnight/1am. The proposed emission levels are close to the noise levels currently emitted by venues in most instances and as they are time limited they will not make a significant difference for existing residents in, or surrounding the Valley.

Council will assist in assessing the noise levels produced by venues to determine the impact of these changes on specific venues (see Action 4).

To assist with a smooth transition, Council will implement a dispute resolution scheme to manage the resolution of issues that may arise during and after the transition period.

The specific amendments to liquor licensing noise laws will go through formal advertising and consultation to allow community and stakeholder comment and submission.

TABLE 1: PROPOSED MUSIC NOISE EMISSION LEVELS FOR MUSIC VENUES SITUATED IN THE VALLEY SPECIAL ENTERTAINMENT AREA

Average Music Noise Emission Level	Music Noise Emission Level Time Limit	Venue Location
80 dB (C) Leq	10am – 1am Thurs, Fri & Sat 10am – midnight Other days	Valley Special Entertainment Area A (see appendix 1)
70 dB (C) Leq	At all other times	Valley Special Entertainment Area A (see appendix 1)
80 dB (C) Leq	10am – midnight Fri & Sat 10am – 11pm Sun to Thurs	Valley Special Entertainment Area B (see appendix 1)
55 dB (C) Leq	At all other times	Valley Special Entertainment Area B (see appendix 1)



ACTION #3

Council will:

- work with the Liquor Licensing Division to amend liquor licensing laws to allow uniform music noise emission levels (consistent with Table 1) for venues in the Valley special entertainment area
- implement a dispute resolution scheme to manage the resolution of issues that may arise during and after the transition period.



GETTING INTO THE VIBE*

ACTION 4
Provide noise management assistance and advice

Implementing the *Valley Music Harmony Plan* will involve changes to the noise conditions of venue licences and the way in which music noise is managed in the Valley.

To assist the implementation of the *Valley Music Harmony Plan*, Council will assist Valley music venues, businesses and residents by providing advice and information for improving noise management. This may include advice on improving noise insulation of venues or apartments, measuring noise emission levels of venues and noise management techniques and equipment at venues.

*** ACTION #4**
 Council will assist Valley music venues, businesses and residents by providing advice and information for improving noise management.

ACTION 5
Implement a communication strategy

The successful implementation of the *Valley Music Harmony Plan* will be strongly influenced by effective communication between all stakeholders.

Council will develop and implement a communication strategy that will focus on:

- preventing future complaints from new residents, by promoting and raising awareness and understanding of the entertainment values of the Valley, particularly to residential developers and prospective residential purchasers or tenants
- ensuring better awareness and understanding by the music industry, venues and residents of the issues, responsibilities and limitations associated with music noise levels in the Valley
- improving communication between Brisbane City Council, the Liquor Licensing Division, music industry, development industry and the community, with respect to music noise issues.

*** ACTION #5**
 Council will develop and implement a communication strategy aimed at improving understanding between stakeholders and preventing future complaints.



THE SUN GOES DOWN, THE VALLEY LIGHTS UP*

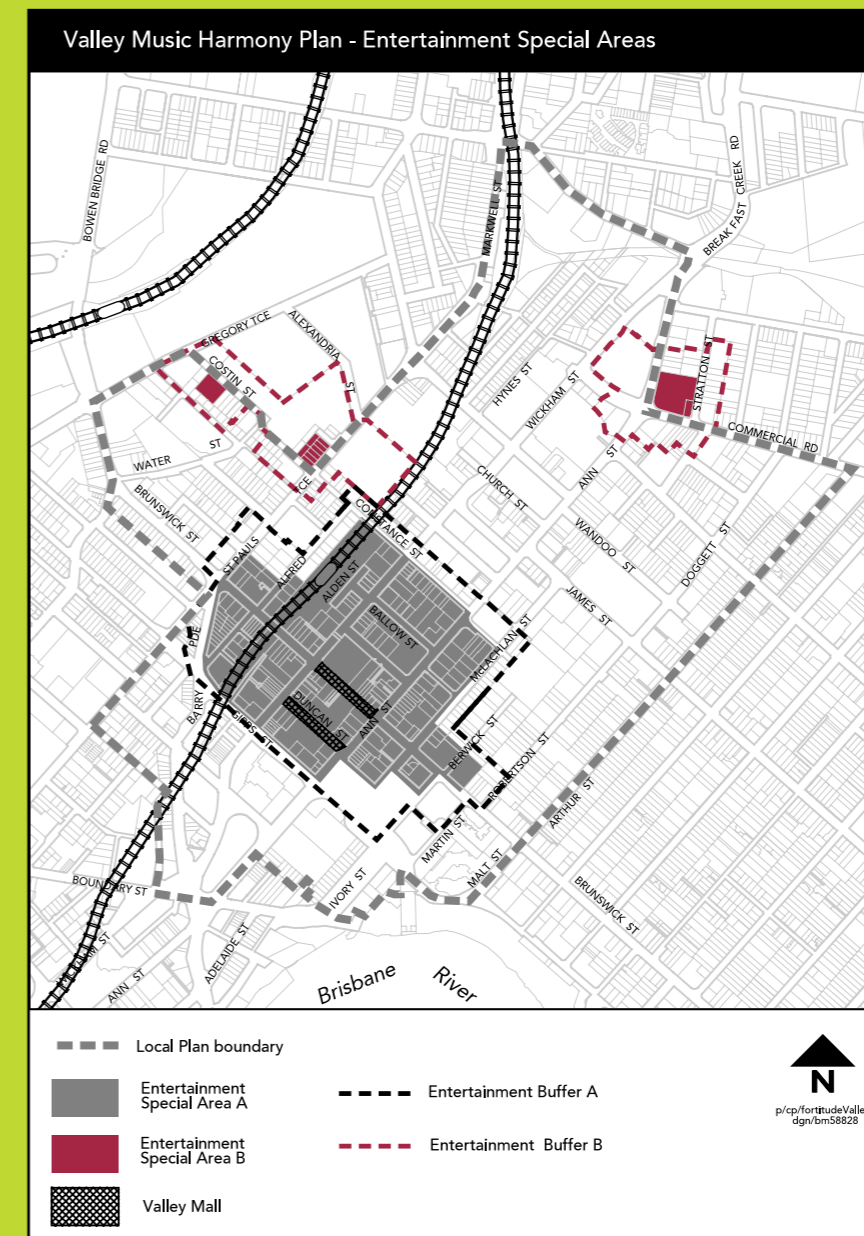
measuring progress and performance

Progress with respect to implementing the management actions of the *Valley Music Harmony Plan* will be reported quarterly by the *Valley Music Harmony Plan* project team to the following key stakeholders:

- Chair, Community Services Committee, Brisbane City Council
- Executive Director, Queensland Liquor Licensing Division
- Valley Malls Advisory Committee
- Urban Renewal Brisbane
- Q Music.

appendix one

VALLEY MUSIC HARMONY PLAN – ENTERTAINMENT SPECIAL AREAS



appendix two

REFERENCES

- Brisbane City Council (2004) *Draft Valley Music Harmony Plan*, Brisbane City Council.
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acknowledgements

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MIDNIGHT

PARTYING AT THE BEAT AND THE REV*

