



URBAN SOUNDS OUTCOMES

VOLUME 1: COMMUNITY ENGAGEMENT REPORT

2019



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1. INTRODUCTION

This volume of Urban Sounds Outcomes outlines the community engagement activities and key messages received through public consultation on the Urban Sounds Discussion Paper.

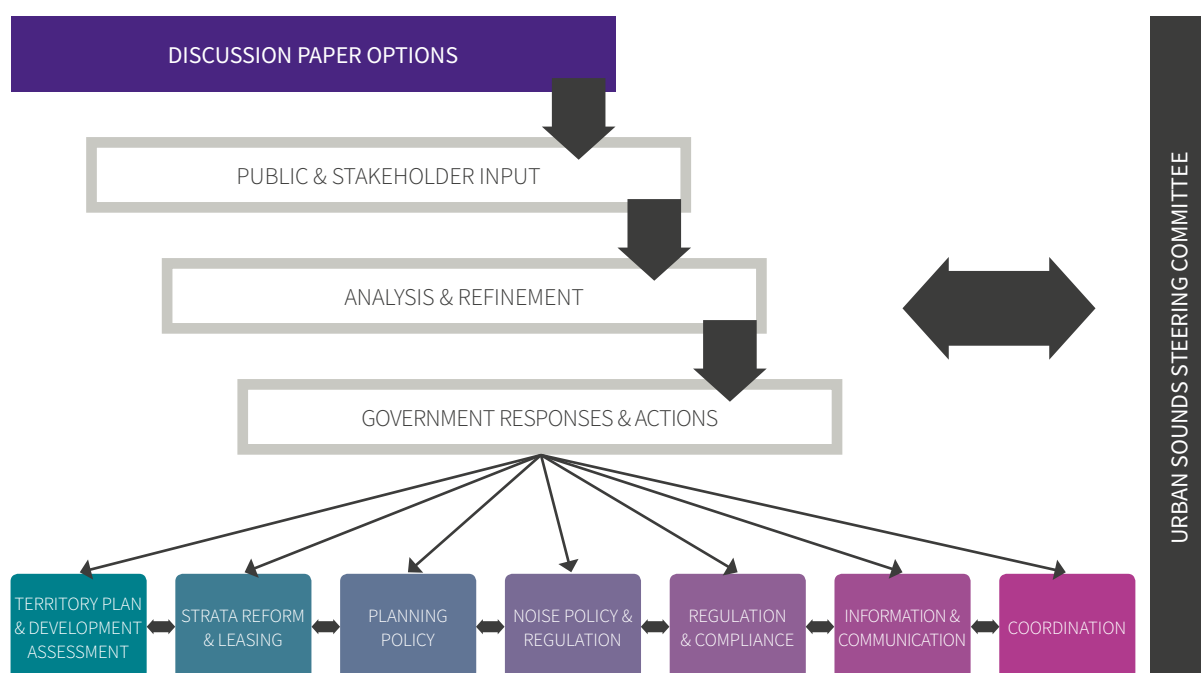
Community engagement gathered valuable public input and feedback that is informing government responses to noise in mixed use areas.

The Urban Sounds Discussion Paper was developed to consider how government could respond to everyday noise from restaurants, licensed premises, music venues, special events and other commercial activities that take place in mixed use areas. The paper put forward 11 options for possible changes to the existing planning, leasing, building and liquor licensing regulations, as well as potential for information sharing with residents, industry and ACT and Australian Government entities.

Mixed use areas are where residences are located together with businesses, entertainment venues (e.g. food and beverage outlets, indoor theatres) and other services. There has been an increase in the number of Canberrans living in mixed use areas in recent years, with more opportunities for these areas to be developed in the future as part of the ACT Planning Strategy 2018.

Urban renewal is a core priority of the ACT Government, vital to supporting Canberra's growth and development as a dynamic city. Creating and renewing mixed use areas will provide more entertainment and residential opportunities for the community, bringing vibrancy to spaces where people can live, work and play. As we continue to invest in high quality urban renewal we need to balance the provision of a range of mixed use experiences – making both quiet enjoyment and the activation of spaces possible. Successful urban renewal and an enhanced planning framework for managing urban noise will provide for mixed use areas to cater for residents, businesses and visitors, i.e., a mix of uses.

This document is the first of two volumes and focuses on the comments on the discussion paper. Volume two shows how the government has analysed feedback and is now pursuing a range of options for policy and regulatory responses as well as considering additional future actions.

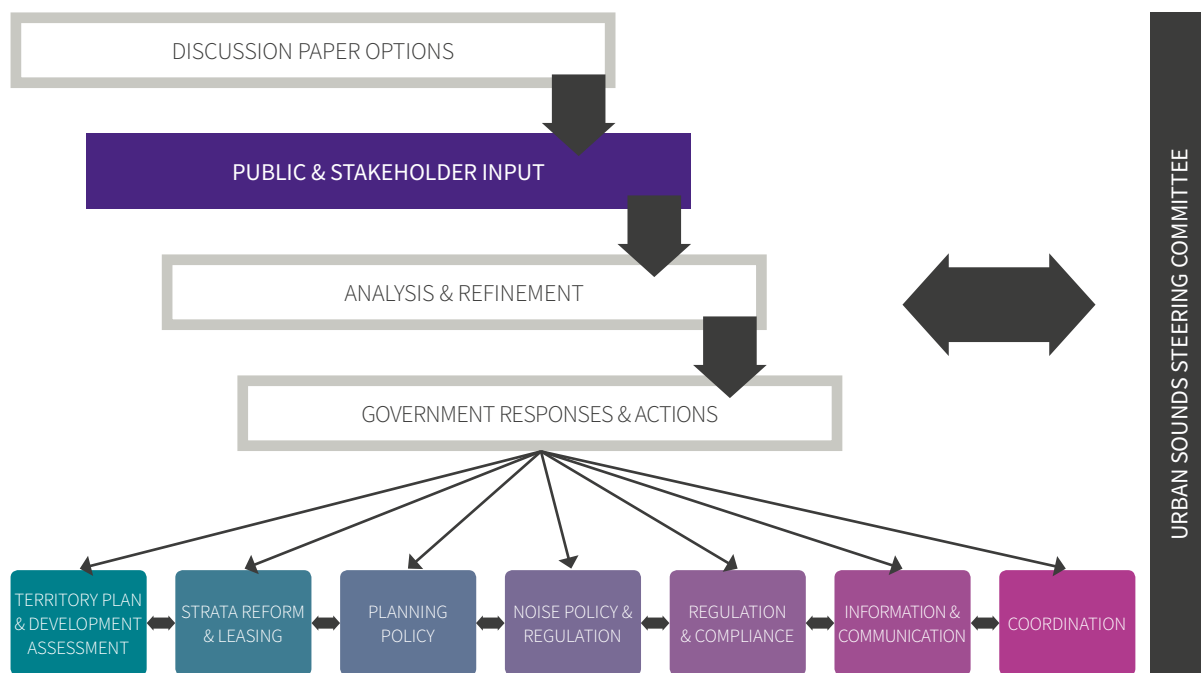


2. PUBLIC CONSULTATION ON THE DISCUSSION PAPER

The Urban Sounds Discussion Paper was released for public comment between 5 August 2016 and 23 September 2016.

Community engagement included:

- » seeking feedback on the Your Say website through comments, quick polls, forums and identification of possible special entertainment precincts
- » handing out postcards at the University of Canberra and CIT open days
- » Six industry consultation sessions, including an open conversation session with the Minister for Planning and Land Management
- » Twitter polls





Have your say
postcards

Quick stats

- » 1041 views of the Your Say / Urban Sounds webpage
- » 33 interactions on the Your Say website
- » 108 quick poll responses
- » 33 online forum comments

- » More than 60 people attended consultation sessions
- » 17 written submissions from individuals and organisations
- » 16 pins dropped on the Your Say map identifying areas that could be established as special entertainment precincts

We received feedback from organisations with an interest in the planning process, business owners, industry groups and residents of mixed use areas. Some of the organisations who provided submissions or attended a consultation session include:

- » Acoustics Australia
- » Ainslie and Gorman
- » Australian Hotels Association
- » Consult Australia
- » Dionysus Events
- » The Dock
- » The Duxton
- » Griffith/Narrabundah Community Association
- » Housing Industry Association – ACT/Southern NSW
- » In the City Canberra
- » Independent Strata Management
- » Master Builders Association
- » Molonglo Group (on behalf of Acton Developments and Acton Investments)
- » Music ACT
- » Owner's Corporation Network
- » Planning Institute Australia and PIA Young Planners
- » Property Council Australia
- » Queanbeyan – Palerang Regional Council
- » Rudds Consulting Engineers
- » SQC Architects
- » WSP Group
- » Youth Advisory Council



3. SUMMARY OF FEEDBACK RECEIVED

Overall, there was a generally positive response to the paper's aim of making changes to the planning framework and other mechanisms to achieve a balanced response to noise in mixed use areas.

Themes included:

- » A mix of options should be progressed to ensure there is effective noise governance for mixed use areas. Adopting only one approach will not result in the best possible solution.
- » The establishment of special entertainment precincts in new areas is generally supported. Amended noise standards for these precincts could encourage greater economic activity, but should be considered in conjunction with increasing noise attenuation requirements for buildings and reviewing noise measurement locations.
- » A strong compliance and enforcement framework is needed, supported by greater information being made available to the community. Clear and easily available information will help developers, residents and venue operators.
- » Consideration needs to be given to noise management during planning, construction and operation of venues and residences.
- » Introducing formal order of occupancy rights could address potential conflicts of use before they occur.

A summary of public feedback for each option in the discussion paper is provided below. General comments are summarised at the end.

Options

Option 1 - Special entertainment precincts

Establish special precincts in central locations that cater for activities and events with higher noise levels.

The majority of comments supported the establishment of special entertainment precincts when this option is progressed in conjunction with other options. In particular, submissions highlighted the need for changes to building quality, noise standards and noise measurement locations in order for option 1 to be implemented effectively. If implemented, this may require different approaches for urban renewal and greenfield sites, depending on whether there are existing residences nearby.

Some of the comments made in relation to this option were:

- » Special entertainment precincts should be pursued in greenfield areas where expectations can be set before residents move in. This also allows noise controls to be incorporated into building design.
- » Special entertainment precincts should be established in city and town centres where there are already transport linkages and other shops and venues.
- » This option should only be pursued in conjunction with changes to noise zone standards and revised noise management procedures, so that there is a higher level of noise permitted with buildings constructed to attenuate the noise effectively.
- » The number and location of special entertainment precincts needs to be considered carefully to ensure Canberra's population can support them. Too many precincts will make businesses unviable. There should be greater effort put into enhancing and consolidating existing centres, in particular, Civic.
- » Existing users of an area need to be taken into account when considering special entertainment precincts and the allowable noise levels. Their homes may not be able to block out higher noise levels without significant renovations.
- » The government needs to consider the broad range of noises associated with a special entertainment precinct, including waste collection and patron noise. The timing and coordination of some activities could be subject to greater controls when there are residents nearby.

Option 2 - Exclusive entertainment precincts

Establish entertainment only precincts/hubs that promote and facilitate events and entertainment.

Mixed opinions were expressed about the establishment of exclusive entertainment precincts. Concerns were raised about whether this option was consistent with the objectives of the discussion paper. When exclusive entertainment precincts were supported, it was generally on the condition that existing commercial and industrial centres were not depleted and could continue to meet their zone objectives.

Some of the comments made in relation to this option were:

- » Exclusive entertainment precincts would not experience the same level of vibrancy and may not be as successful as special entertainment precincts. To be successful, precincts need to be close to where people live and work, or close to transport links.
- » The discussion paper aims to provide mixed use areas where people can live, work and play. Creating exclusive entertainment precincts appears contrary to this aim.
- » Determining whether an area is established as a special or exclusive entertainment precinct could depend on how noisy the proposed entertainment types are. Noisier entertainment, such as outdoor stadiums, should be confined to non-residential areas.
- » Exclusive entertainment precincts could be established in existing centres where there are currently no residential uses.
- » There isn't sufficient justification for promoting entertainment uses in industrial locations, given these areas have their own role in the land use system and often don't have sufficient public transport. We need to retain land appropriate for industrial uses to cater to this sector of the ACT economy.
- » Exclusive entertainment precincts should not be close to current or proposed residential development – this includes cross-border areas.
- » Locations need to be selected carefully and detailed consideration needs to be given to Crown lease rights.
- » The benefits of mixed use precincts are only achieved if residential uses are included in the precinct. There is no point creating vibrant entertainment areas if people cannot live in these precincts.

Option 3 – Noise attenuation requirements

Strengthen existing development controls to increase noise attenuation requirements for residential and commercial buildings.

Strengthening noise attenuation requirements was favoured by most written submissions. Overall, there was agreement that stronger noise attenuation measures could form part of the solution in conjunction with other options.

Some of the comments made in relation to this option were:

- » High quality noise attenuation treatments should be mandatory in all mixed use areas.
- » Architectural treatments should be required for venues but not residences.
- » A rating system for noise attenuation measures for new developments could be put in place.
- » This option should be implemented in conjunction with changes to noise zone standards and noise measurement locations.
- » Special entertainment precincts should require additional building controls, such as mandatory double glazing of windows.
- » A mechanism is needed to ensure that noise attenuation measures required by a lease or development approval are maintained, even if the property is subleased and changes are made to the premise during fit out. We need a mechanism to ensure buildings have been constructed and fit out to the required noise standard.
- » Noise attenuation requirements have limited effectiveness because the benefits are often lost when a window or door is opened. Consideration could be given to whether natural or mechanical ventilation should be used for developments in mixed use areas.
- » Increasing noise attenuation requirements could be more expensive to developers, who might pass this cost on to buyers.
- » Increasing noise attenuation will improve the quality of buildings and the comfort of residents. Blocking out noise will also insulate houses against hot and cold temperatures.
- » The Building Code of Australia already contains controls which aim to attenuate noise between different classes of buildings. These measures can be effective controls when doors and windows are closed. However as soon as windows or doors are opened these measures are not effective.
- » Noise attenuation requirements don't support the activation of public spaces.
- » Noise attenuation measures have the potential to decrease conflict related to co-location of different uses within the same building, but won't control other noises.
- » When a lease is transferred or a lease purpose clause is varied, there should be scope in the process for noise controls to be assessed and strengthened as required.

Option 4 – Order of occupancy

Include order of occupancy principles in ACT legislation

Strong support was provided in relation to order of occupancy principles. The timing and approach for applying order of occupancy would need to be considered carefully.

Some of the comments made in relation to this option were:

- » Order of occupancy should be applied in conjunction with ongoing co-regulatory discussion between relevant industries, lessees and ACT Government agencies.
- » Regulating order of occupancy principles must be accompanied by changes to noise zone standards and noise measurement procedures.
- » Order of occupancy principles should be applied at the development stage rather than during complaint handling after developments have been built.
- » Order of occupancy should make it clear that whichever use is established second, it must conform to existing standards.
- » A robust conflict resolution framework is needed to effectively implement order of occupancy principles.
- » A grant system could be put in place to fund noise mitigation following order of occupancy related noise complaints.
- » Order of occupancy disadvantages new leaseholders and it shouldn't be the only factor considered in relation to noise complaints. Noise standards should be considered irrelevant of which use was there first.
- » Instead of 'order of occupancy', 'order of planned occupancy' could be a better principle. For example, a restaurant may be planned in a mixed use precinct, but not be occupied until after the residential apartments are completed and occupied.
- » Agree that established licensed premises should get more legislated support. It is unfair on the venues and others who live in the area that enjoy the amenity for a new occupant or development to then move into an apartment and complain that the venue across the road is producing too much noise.

Option 5 – Compliance and enforcement framework

Develop a targeted compliance and enforcement framework to ensure compliance with conditions of approval relating to noise management.

Support was given for the development of a compliance and enforcement framework that is applied throughout construction and operation of a facility. Comments emphasised that different stakeholder needs should be considered in developing a framework to ensure all interests are taken into account.

Some of the comments made in relation to this option were:

- » A targeted compliance and enforcement framework should accompany changes to noise measurement procedures that require measurements to be taken inside an affected premises.
- » The Government should review the effectiveness of existing compliance processes undertaken through building certifier checks.
- » Existing compliance laws need to be applied. Current enforcement is not effective.
- » Any framework needs to ensure compliance with noise management plans, during development and operation of any facility. It needs to include more than just compliance with a development approval as this does not resolve issues once the venue is operational.
- » The framework should include a mediation process for resolving conflicts between existing venues and residential developments.
- » A fund could be established to help pay for remediation works to address noise, similar to Victoria's Good Music Neighbours grant program which supports venues to make small design changes that will have significant impacts on noise. In addition, a system could be established to reward venues with effective noise management measures.
- » The potential burden placed on small businesses needs to be considered, to ensure requirements are not too onerous and do not deter businesses from setting up in the ACT.
- » The framework needs a process for dealing with vexatious complainants.
- » Human noise is not regulated by the Environment Protection Regulation. An effective compliance and enforcement mechanism is needed for human noise.
- » Noise management plans need to continue to have effect, even after a development approval expires. Linking noise management plans to leases, building certification or body corporate could provide a mechanism for noise to be considered during operation.
- » Any framework needs to enable immediate investigation of noise complaints and needs to take into account multiple noise sources.

Option 6 – Amend noise standards

Amend noise standards within some commercial zones to enable more activities and events.

There were mixed opinions about whether noise standards should be amended. A number of submissions suggested that noise measurement locations need to be revised. The current practice of monitoring noise at the block boundary (often a residential balcony in mixed use areas) was raised as an issue that needs to be addressed.

Some of the comments made in relation to this option were:

- » There would be limited need to modify existing properties if noise were to be measured inside habitable rooms rather than at block boundaries or on balconies.
- » We need new ways to measure and quantify the impact of noise on residents.
- » Community education is needed to help the community accept higher noise levels in city centres.
- » Some comments raised concerns about amending noise standards for Manuka Oval.
- » One submission strongly opposed changes to noise standards to allow louder uses in mixed use areas.
- » Amending noise standards would be appropriate in special and exclusive entertainment precincts.
- » Noise measurements should be taken inside a premise, not at an external boundary, particularly where the external boundary is at the edge of a balcony. There is a precedent for internal measurements in Sydney and Victoria.
- » Residents should be educated about applying noise controls to their own properties. For example, keeping windows shut to reduce noise.
- » Residents should not be limited in the use of their outdoor areas if noise is measured inside.
- » Temporary noise emissions enabled under an environmental authorisation need further consideration as they limit the types of events that can be held in Canberra.
- » We need provisions for low impact music and performance activities that aren't considered development.
- » Premises near existing residential leases should have stricter noise controls.
- » This option would need to be implemented in conjunction with the provision of greater information. Information needs to be provided to the community, in particular potential buyers and renters, about the noise standards for mixed use areas.
- » Consider extending the times higher noise levels are allowed in commercial zones.
- » Any changes to noise standards need to be complemented by stronger monitoring mechanisms.

Options 7 and 8 – Information

Publish information sheets and checklists making potential buyers and commercial operators aware of the increased noise permitted in mixed use areas.

Consider reform to require information to be provided to buyers about noise before purchase of a property.

There was strong support for making more information available on noise in mixed use areas and for making the provision of information a legal requirement.

Making information on noise readily accessible was supported in most cases:

- » Providing more information would help set community expectations about what sort of noise they might expect in an area before they purchase or rent a property.
- » There is already a hierarchy of noise standards based on land use zones. A register/map could clearly communicate which noise standards apply where.
- » Any future entertainment precinct locations, and the planning and noise rules that apply in these precincts, should be publicly searchable.
- » Greater transparency is beneficial, but care needs to be given to what type and level of information is provided. This will ensure the community isn't discouraged from purchasing dwellings due to a lack of consumer understanding on the information provided.
- » A number of suggestions were made on how information on noise should be supplied to new buyers or renters:
- » Sellers should provide information about noise standards for mixed use areas where they are selling properties. This set realistic expectations for buyers.
- » Disclosure about noise to property buyers could be included in the sale documents for a property (similar to a pest report).
- » A mechanism is needed for secondary owners/occupiers to be informed about noise. This information could be incorporated in the lease, in sales contracts and/or in rental agreements.
- » There were also ideas on which other users should be made aware of noise:
- » As well as educating buyers, there needs to be general education of the community to change perceptions about noise.
- » Information needs to be provided to existing residents, not just new buyers/renters.
- » Leases may allow for a range of commercial uses – e.g. something that is currently a hairdresser's may change to a bar. Residents are not always aware a change of use could happen when they move in.

Option 9 – National Capital Authority (NCA)

Work with the NCA to develop standard procedures for noise management plans across all mixed use areas, including designated areas.

There was strong support for the ACT Government working with the NCA to develop standard noise procedures.

Some of the comments made in relation to this option were:

- » The ACT Government should work with the NCA to address discrepancies between ACT noise zones and NCA planning policies.
- » Collaboration could help to ensure heritage buildings and other areas are not subjected to detrimental noise or activities.
- » This option would ensure both the ACT Government and the NCA follow best practices.
- » To successfully implement the Urban Sounds policy, the ACT Government will need to coordinate with a number of agencies, including the NCA and ACT Police.

Option 10 – Liquor licences

Strengthen liquor licences for potentially noisy premises.

Mixed comments were received on strengthening liquor licences. The potential impacts on small businesses need to be considered if there is increased regulation. In addition, this option needs to be implemented in conjunction with other options to ensure effective noise management. It was also noted that not all sources of commercial noise are licensed premises, for example, gyms or movie theatres.

Some of the comments made in relation to this option were:

- » A risk-based approach should be applied to liquor licensing. The framework should recognise the smaller risks presented by small venues so that they are not limited by a regulatory regime set up for large venues.
- » The community should be consulted on liquor licences, similar to the process undertaken in NSW which requires a community impact statement.
- » Patron noise is an issue when people leave venues. Management of this issue needs to occur in conjunction with any changes to liquor licensing.
- » There is existing legislation to manage liquor licensing. This needs more effective enforcement.
- » Co-regulatory approaches should be applied to this issue. This could involve giving more power to venues to control outdoor areas.
- » An ongoing dialogue is needed between industry, Government and stakeholders.
- » There are strong enough liquor licensing requirements, the onus needs to be put on consumers instead. The issue really relates to patron behaviour, particularly when outside the venue.
- » Liquor licences should include conditions to control noise in bars and restaurants.
- » Additional regulation, such as requirements for noise management plans for all liquor licences, may make it harder for businesses to establish in the ACT.

Option 11 – Active frontages

Review the Territory Plan to achieve a more strategic approach to locating active frontages.

Active frontages are façades of buildings which face onto core pedestrian areas, encouraging the interaction between the public realm and the ground floor of the building. Examples include clear glass frontages which can accommodate interesting window displays, or the ability for patrons inside to watch the life on the street outside.

General support was expressed for a more strategic approach to locating active frontages. This may be through changes to the Territory Plan in reviewing the locations where active frontages are required; other responses preferred minimising legislated requirements.

Some of the comments made in relation to this option were:

- » There should be greater discretion on the application of active frontages.
- » Developers need flexibility as they often don't know what types of businesses will move into a building.
- » Care is needed to avoid excluding some types of hospitality venues because of active frontage requirements.
- » The ACT Government should work with the NCA to amend requirements for active frontages.
- » Restricting active frontage requirements will ensure specific targeted areas are focal points for activity which will increase the vibrancy of those areas.
- » Having the same requirements of active frontages along a strip/precinct does not improve visual amenity. It is great to see creativity within the venue follow through to the façade of the building, creating interest and differentiation.
- » In any review, consideration should be given to allowing flexibility on whether developers provide active frontages, or not. Often the benefits of mixed use precincts can be created by giving developers and designers more flexibility, rather than regulating for active frontage.

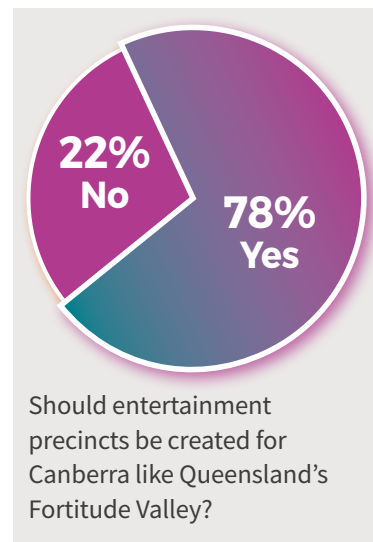
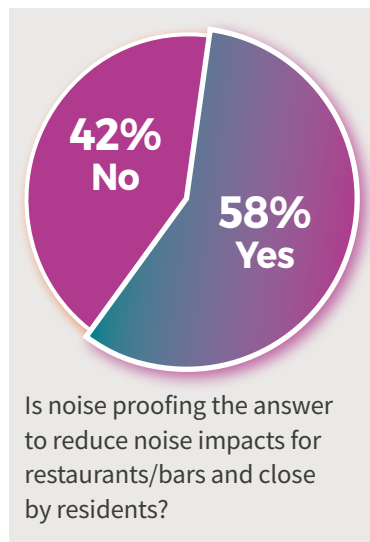
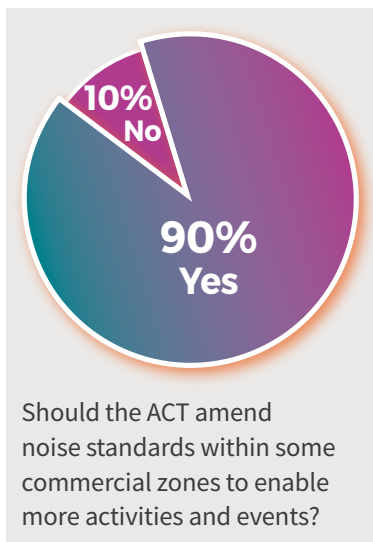


General Comments

- » Consideration needs to be given to changing the Crown lease process. Currently, land is released with lease purpose clauses enabling a wide range of uses. This is an issue as Crown leases can't be varied for five years from issue, so developments are assessed as if they contain noise generating uses, even if there aren't any noisy uses proposed for the site. This forces builders to incorporate noise attenuation measures when they may not be required.
- » The ACT Government should establish a duty planner role to provide support to the entertainment industry to navigate building codes, planning controls and to help with community engagement for the reuse of buildings for live music.
- » The framework needs to provide opportunities for issues to be rectified after construction.
- » The Urban Sounds Discussion Paper needs to be linked with work being undertaken on events and strata titling. An overarching strategy is needed and the different pieces of reform need to be complementary.
- » When considering changes to the planning framework thought needs to be given to the broad types of noise that need to be managed. This includes live music, street cleaning, reversing vehicles, waste collection etc. These activities all get noise complaints, some of which could be avoided through better design and separation of noisy areas from residences.
- » A round table group should be established to enable ongoing discussions about noise issues.
- » Noise considerations need to be incorporated into the entire planning process – from master planning, through issue of the lease, to operation.
- » Consideration needs to be given to all age groups when planning for noise management.
- » The ACT community needs to determine what sort of outcome we want and work towards that. An advisory panel could be used to involve a broad range of stakeholders in this discussion.
- » Noise measurement locations should be changed to be taken inside an affected place, rather than being taken on a balcony or other outdoor area.
- » There are many benefits of mixed use precincts for local users, businesses, tourism, and developers. The overriding policy objectives should be to protect and enhance these benefits. Because the benefits of mixed use precincts add value to the entire city, the negative impacts of mixed use precincts should be managed in such a way that these overriding benefits are not eroded.
- » Health impacts on residents of constant exposure to higher levels of noise should be considered at assessment stage for developments.

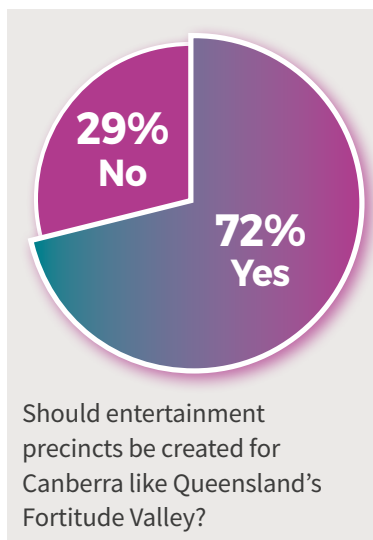
Twitter Polls

Three twitter polls were run during the consultation period. The results of the polls are given below.



Quick Polls

One quick poll was run on the Your Say website during the consultation period. The results of the poll are given below.



Special entertainment precinct pins

16 pins were placed on the interactive map suggesting where special entertainment precincts could be established.

Suggestions included:

- » Woden
- » Civic
- » Kingston
- » New Acton
- » Phillip

Mixed comments were provided on New Acton, with some comments suggesting this area should not have amplified live music because of the residential accommodation in the area.