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Urban Sounds

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## **SUBMISSION ON URBAN SOUNDS DISCUSSION PAPER**

The Griffith/Narrabundah Community Association (GNCA) is grateful for the opportunity to comment on the paper “Urban Sounds a Discussion Paper about managing Mixed Use Precincts in a dynamic city”.

The map on page 8 of the Discussion Paper appears to be in error, in that Griffith Local Centre (Griffith shops) has been promoted to a Group Centre, with the Noise Standards of 55dB (A) by day (7am to 10pm) and 45dB (A) by night (10pm to 7am) applicable to Group Centres, instead of the 50dB (A) by day and 35dB (A) by night applicable to Local Centres. We understand through back channels that this error is because of the omission of the Manuka Group Centre from the map and the consequent application of Manuka’s Noise Standards to Griffith Local Centre. The GNCA would be most grateful if:

1. the map could be corrected by the re-insertion of Manuka and the application of the correct Noise Standards to both Manuka and Griffith shops; and
2. all efforts are made to ensure that any policy decisions which flow from consideration of the issues raised in the Discussion Paper take into account the corrected map.

The GNCA notes that the purpose of the Discussion Paper is to seek community views to feed into the development of an improved planning framework to enable more efficient and effective regulation of urban noise. Such a new framework is a worthwhile objective, but it will be ineffective unless, in addition to passing new regulations about noise, appropriate measures are put in place to effectively monitor noise levels and to actually police and enforce noise standards. The introduction of new regulation is of little use if there is no clear mechanism for monitoring and enforcement. Consequently the GNCA believes that the setting of Noise Standards needs to be complemented by a clearly specified mechanism as to how to monitor actual noise levels produced by a specific source, together with a workable and reliable mechanism to ensure that complaints are dealt with immediately they are received, rather than during office hours, after the noise has stopped.

It is not clear from the Discussion Paper whether noise levels limits apply to the total noise at a particular location, or to the noise received from each individual source. It appears from the treatment in the Discussion Paper that the current approach is to impose noise limits on individual noise sources. There remains a possibility that several noise sources located

relatively close together (such as in an entertainment precinct) might produce a combined noise level well in excess of the Noise Standards proposed. However it is possible that we have misunderstood this point, and whatever the case we would welcome clarification.

In relation to the Options provided in relation to Noise Management, the GNCA's preference would be to see Order of Occupancy Principles incorporated into ACT legislation as proposed under Option 4. Such legislation should make it clear that later comers must conform with (or endure) existing standards. Thus newly licensed premises in a local centre would be required to conform to the Noise Standards that applied prior to its application for a licence. But similarly a resident that moved into a dwelling adjacent to a licensed venue for example could not then seek to have any noise from the venue reduced, provided that it did not exceed the Noise Standard in place before the new resident moved in. We believe that it is far better that such things be made explicit rather than being understood as applying due to the consequences of other provisions, which may be amended or reinterpreted without considering the consequences for noise management.

This approach has consequences. For instance, if the Government persists in its proposal to rezone as RZ5 blocks on Jerrabomberra Av currently zoned CZ6, some provision must be made to ensure that residents of the new dwellings are protected from noise from existing entertainment venues such as the Harmonie German Club. This may necessitate some strengthening of existing development controls to ensure that such noise is properly attenuated, as is touched on under Option 3.

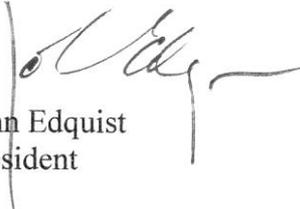
The GNCA would regard any requirement for a building certifier to check compliance with Noise Standard DA conditions during construction as an exercise in futility, given the frequency with which building certifiers appear to be unable to enforce other planning requirements. It is clear that this "mark your own homework" approach to enforcement of regulations is relatively ineffective (unsurprisingly) and the Government should explore other options. That said, the GNCA would not be opposed to proposals to develop a targeted compliance and enforcement framework to ensure compliance with conditions of approval relating to noise management, as is raised in Option 5.

The GNCA would not be opposed to proposals to make more information about noise levels available to potential purchasers, nor to proposals that statutory requirements to provide information about noise levels to potential purchasers be introduced, as discussed in Options 7 and 8.

The GNCA believes that extreme caution is needed in relation to proposals to establish special precincts in central locations that cater for activities and events with higher noise levels, as proposed in Option 1. Although there are no mixed use developments currently in either Kingston or Manuka, a large number of people live near these group centres. Retroactive upgrading of these Groups Centres to the status of special entertainment precincts subject to higher Noise Standards would impose an unreasonable loss of utility of local residents.

Similarly Manuka Oval is located in the middle of a residential area, and was never intended as an entertainment venue. To retroactively repurpose the Oval as an entertainment facility would greatly inconvenience all nearby residents, and deprive them of their right to peaceably enjoy their property. If the Government were to pursue this approach the only fair thing to do would be to acquire local residents' properties at a fair price, and then resell them after rezone the oval and changing its associated Noise Standards. The expected resulting loss of real estate value would be a good indicator of the loss of amenity that this option proposes to impose on local residents in Barton, Kingston and Forrest.

The establishment of "entertainment only" precincts/hubs that promote and facilitate events and entertainment, as is suggested in Option 2, should only be pursued in green-field areas. The retrospective insertion of such facilities into established areas would raise the problems discussed in relation to Option 1 above.

  
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President

23 September 2016