

30 November 2018

Planning for Entertainment Noise  
Department of Planning; Lands; and Heritage  
Locked Bag 2506  
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Via email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)

To whom it may concern

### **Planning for Entertainment Noise in the Northbridge Area: Consultation Paper**

Thank you for the opportunity to provide feedback in relation to the above Consultation Paper. The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia. UDIA is a membership organisation with members drawn from the residential, commercial and industrial property development sectors. UDIA members include both private and public sector organisations. Our industry represents approximately 12.3% of Western Australia's Gross State Product, contributing \$30.45 billion annually to the Western Australian economy and \$251.7 billion nationally. As well as helping to create sustainable and liveable communities, the industry employs a total of 228,500 Western Australians and over 2 million Australians across the country.

UDIA welcomes the release of the consultation paper and supports attempts to provide greater clarity for development in Northbridge and other entertainment precincts whilst also maintaining the vibrant character of these areas. The Institute is generally supportive of the principles of the reform objectives as outlined in the consultation paper, however also notes that the specific requirements of the proposed reforms are critical. As these details are yet to be released, UDIA reserves its support for the proposed reform pending the release of full details of the reform measures.

Whilst welcoming the release of the paper, the Institute wishes to raise a number of concerns that should be addressed in the development of the proposed reform, to ensure the effective delivery of the proposed reform objectives.

#### **Impact on housing affordability**

The consultation paper fails to recognise that to a large extent, the property market effectively regulates issues concerning noise itself. Individual property purchasers will consider a range of relevant factors in their decision making, including price and location, and will form their decisions based upon their personal preferences. As such, the need for market invention and the community benefits of this intervention have not been fully articulated.

The consultation paper does not clearly identify issues and problems regarding noise that it is seeking to resolve. Whilst the paper discusses the number of noise complaints made, it does not provide any further details regarding either the nature or reasoning of complaints and the validity of these

complaints, vaguely stating that “*complaints in relation to established entertainment venues in Northbridge represent a portion of total noise complaints.*” This failing raises concerns that the proposed reform response has been developed without the preparation of a robust evidence base to inform policy decisions. Furthermore, given that there are approximately 100 licenced premises, of which half host, or have the capacity to host events within Northbridge, the annual level of complaints about music noise which varied from 10 to 45, between 2012 and 2017 is relatively small and does not support the need for a complex package of reforms.

Whilst the reasoning for reform needs to be more clearly demonstrated, UDIA queries whether an impact assessment of the proposed reforms has been undertaken. This impact assessment should include a cost benefit analysis of the mitigation measures proposed and the impact that the building design measures will have on housing affordability. With this regard, it is particularly important to note that at \$475,000, the median price of a residential unit in Northbridge is considerably below that of neighbouring East Perth which has a median of \$535,000. Therefore, given the role that Northbridge plays in providing more affordable housing options in close proximity to Perth’s CBD, the impact of the reform measures on housing affordability are likely to be heightened.

Whilst the Institute supports the proposal to exclude outdoor living areas from meeting noise requirements as a sensible approach within entertainment areas, UDIA is concerned that the consultation paper suggests a proposed indoor noise criteria of LAeq 19dB, a more stringent requirement than is in place elsewhere. This proposed noise criteria is considerably higher than the draft SPP5.4 Road and Rail Noise indoor noise requirements which prescribe LAeq 40 dB for living areas and LAeq35 dB for bedrooms. This requirement is likely to have a significant, detrimental impact upon housing affordability and the inconsistency also raises questions as to how inconsistency’s with other planning requirements will be resolved.

#### Recommendations

- The nature and extent of noise issues within Northbridge are more clearly defined and set out, as part of a robust evidence base justifying the need for, and the reasons for, the proposed reforms.
- A full cost benefit analysis of the proposed reforms is undertaken and made available, including a housing affordability impact assessment.

#### **Policy Implementation**

Whilst acknowledging the consultative nature of the paper, no information is provided to establish how the reforms will be implemented from a legislative or technical point of view. Whilst the paper discusses the need to amend the *Environmental Protection (Noise) Regulations 1997*, it provides no further details, as such, it is unclear if the amendments to the Noise Regulations will only apply to Northbridge, or be state wide. The paper also states that “*consideration may be given to adopting elements of the reforms elsewhere if need is demonstrated*” but fails to provided further guidance as to where this may be considered appropriate. The process for local governments designating entertainment noise areas outside of Northbridge should be clearly explained and further industry consultation undertaken.

The paper's executive summary states that the reform aims to *"shift the responsibility for noise attenuation in new developments to the 'agent of change'"*. What this means and the agent of change principle needs to be more clearly explained and defined. The Institute supports a balanced approach whereby both the development industry and entertainment industry jointly take responsibility for protecting the health and amenity of residents. The Institute does not support the agent of change principle if it allows existing venues to be non-compliant with noise regulations and places all costs of achieving compliance upon new residential and mixed use development.

The consultation discusses the broader application of the agent of change principle, however provides no further details or examples of this application. Given the narrow focus of the consultation paper, it is inappropriate to seek feedback on the broader application of the agent of change principle

#### Recommendations

- The process for local governments designating entertainment noise areas outside of Northbridge should be clearly explained and further industry consultation undertaken.
- The agent of change principle needs to be accurately defined and any further application of the principle should not be undertaken without full and comprehensive industry consultation.

The Institute appreciates the Department's efforts in engaging with the development industry on this issue and looks forward to continue working with the Department to increase housing diversity and affordability. Should the Department require any assistance or further information regarding this matter, the UDIA would be delighted to assist. Please do not hesitate to contact Chris Green, Director Policy and Research at [cgreen@udiawa.com.au](mailto:cgreen@udiawa.com.au) or 9215 3400.

Yours sincerely



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