

Noise Incentive Scheme Review

Strategic Alignment - Thriving Communities

Public

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**City Planning, Development
and Business Affairs
Committee**

Program Contact:

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Approving Officer:

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EXECUTIVE SUMMARY

The purpose of this report is to advise Council on the feasibility of improving its current Noise Management Program. The report is the outcome of a Council decision on [9 August 2022](#) seeking consideration of whether the program could be applied to new developments. The report was linked to a periodic review of the Noise Management Program due to commence at the end of the 2022/23 financial year. The scope of the review was expanded to respond to the Motion on Notice.

The current Noise Management Program includes two incentive components: an Acoustic Advisory Service (AAS) contracted by City of Adelaide to an acoustic engineer; and access to the Noise Management Incentive Scheme (NMIS) which is only available with the advice of the Acoustic Advisory Service.

The program is currently open to residential properties that do not have any remaining defects or liability period. The program does not currently apply to non-residential development.

This report considers options to improve the effectiveness of the Noise Incentive Scheme and whether the Noise Management Program could be extended to apply to a noise source.

The report recommends a pilot in 2023/24 relating to incentives for noise-sources.

The review has resulted in minor changes to the Noise Management Program as it relates to residential eligibility for the scheme and an increase in the incentive payment based on the historic number of applications and the available budget.

RECOMMENDATION

The following recommendation will be presented to Council on 11 July 2023 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE RECOMMENDS TO COUNCIL:

That Council:

1. Endorses the updated Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines (Attachment A to Item 5.2 on the Agenda of the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023).
2. Notes the ongoing negotiation with the State Government to strengthen the:
 - 2.1. Planning and Design Code
 - 2.2. Ministerial Building Standard 101 – Construction requirements for the control of external sound
 - 2.3. Application of Planning Assessment and Building Assessment rules.
3. Notes the potential for larger noise rebates to be provided for adaptive reuse. Options and budget implications will be explored as part of the development of the adaptive reuse program.

4. Notes the refinements to the Noise Management Program as recommended by WSP will be progressively implemented in 2023/24.
 5. Notes the increase in the rebate for improvements to residential properties from \$1300 to \$3000.
 6. Approves the WSP recommendation for an additional Noise-source Management Incentive Scheme to be developed as a pilot in 2023/24 with any proposed projects above the 2023/24 budget allocation to be presented to Council at budget review.
 7. Authorises the Chief Executive Officer authority to amend the Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines (Attachment A to Item 5.2 on the Agenda of the meeting of the City Planning, Development and Business Affairs Committee held on 4 July 2023) if a Noise-source Management Incentive Scheme is approved.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Thriving Communities Well-planned and inclusive residential population growth
Policy	The AAS and NMIS components of the Noise Management Program operate under the Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines endorsed by Council on 13 September 2016. The current review of the Operating Guidelines is dated 15 June 2023.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	There may be future opportunities for integration of the Noise Management Program with other City of Adelaide incentives programs, such as the Sustainability Incentives Scheme and the Heritage Incentives Scheme, to deliver a redesigned incentive program that addresses multiple built form strategic outcomes. There is also opportunity for the Noise Incentive Scheme to support adaptive reuse of city buildings for residential use and to support noise management from non-residential development that improves residential amenity.
23/24 Budget Allocation	The budget for the Noise Management Program in 2023/2024 is \$39,000.
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The Noise Management Program is periodically reviewed by City of Adelaide. The current review is dated 15 June 2023.
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. The purpose of this report is to provide Council with information and recommendations to improve Council's current Noise Management Program. A summary of the current program is provided at Link 1 view [here](#).
2. This report is the outcome of a Council decision on [9 August 2022](#) that Administration prepare a report for the new term of Council on the feasibility of improving the Council's current noise attenuation scheme, including:
 - 2.1. Approaches for new developments that need to respond to existing live music venues and new venues that need to respond to existing businesses and residences.
 - 2.2. Potential costs to Council should a scheme be developed, policy and legislative barriers (if any), and potential opportunities and partnerships in progressing such a scheme.
3. WSP was engaged to complete the review of the Noise Management Program including consideration of the August 2022 decision. The consultant's report is available at Link 2 view [here](#).
4. The review is the first conducted since the introduction of the state-wide Planning and Design Code in 2021 and considers relevant legislation and policy changes to be included in the City of Adelaide's Code Amendment program.

Approaches for new developments

5. Part 1 of the Council decision seeks consideration of how the Noise Management Program might apply to:
 - 5.1. New residential developments near existing live music venues, and
 - 5.2. New non-residential development near existing residences (and businesses).
6. The Noise Management Program applies to new residential developments near existing live music venues if there are no remaining defects or ongoing liability period. This is generally 12-24 months after construction completion.
7. The Noise Management Program does not currently apply to non-residential development based on residential premises being considered sensitive 'noise-receivers' in the context of policy and regulation, with the onus being on control of noise at the noise source.

New development

8. SA noise regulations place requirements on control of noise at the source as the most efficient way to control noise for a range of receivers.
9. The planning system is the appropriate mechanism to assess and mitigate noise from new development where there are likely to be impacts between different land uses. Noise impacts are assessed against the Planning and Design Code.
10. City of Adelaide is pursuing a range of policy improvements to the Planning and Design Code in line with Council's submission to the Expert Panel on the Planning System Implementation Review in January 2023.
 - 10.1. This includes development of a Code Amendment program for City of Adelaide, with the first amendment to be pursued relating to reintroduction of policy for Adult Premises and Liquor Licensing venues.
 - 10.2. In November 2022, City of Adelaide also made a submission to the Environment Protection Authority (EPA) *draft Environment Protection (Commercial and Industrial) Noise Policy 2022*. The submission sought further consideration of existing and future residential land uses (sensitive receivers) assigned in the City Main Street Zone and associated Hindley Street, Rundle Mall and City High Street Subzones.
 - 10.2.1. The Subzones are currently designated a Commercial land use category which enables higher noise levels/outputs when assessing new development applications.
 - 10.2.2. In March 2023, the EPA released its consultation summary report. The consultation summary report indicates recommendations will be made in consultation with Planning and Land Use Services that the applicable Subzones have both Commercial and Residential land use categories, which would consequently have lower maximum noise output for new developments.

- 10.2.3. If endorsed, the policy change would result in improved clarity for acoustic engineers undertaking noise assessment and improved amenity for residential land uses in the relevant mixed-use Zones/Subzones.

Non-residential development

11. WSP advice is that noise from venues (usually music) is more effectively managed at the noise source.
12. Local government, Environment Protection Authority, Consumer and Business Services, SAPOL and others all play a role in regulating noise from existing development.
13. City of Adelaide could consider incentives for venues to manage noise at their venues (at the noise source).
14. The review by WSP suggests this could be achieved by:
 - 14.1. Expanding the scope of the existing Noise Management Program, or
 - 14.2. Developing a stand-alone Noise-Source Management Incentive Scheme.
15. A Noise-Source Management Incentive Scheme could apply to existing development and/or where the applicant of the noise source has demonstrated compliance with all applicable planning policy and noise attenuation is still required.
16. It is important to note that this would be voluntary and up to individual venue owners or tenants.

Potential costs/barriers and opportunities/partnerships

17. Part 2 of the Council decision seeks to understand potential costs to Council should a scheme be developed that relates to new development and or existing businesses, including:
 - 17.1. Policy and legislative barriers (if any); and
 - 17.2. Potential opportunities and partnerships in progressing such a scheme.
18. WSP have recommended that the Noise Incentive Scheme could be better directed at managing noise at the source, however noise from music is just one of several reasons people access the Noise Incentive Scheme; others include traffic, waste collection and aircraft noise.
19. In relation to non-residential development, a Noise-Source Management Incentive Scheme could be piloted. The value of the abatement works can only be determined on a building by building basis.
20. There are several noise source hot spots within the City of Adelaide near Hindley and Rundle Streets. If Council is supportive, the owners of these properties could be invited to participate in a pilot. The existing Acoustic Advisory Service would be used to undertake the acoustic engineering assessment.
21. The works required are likely to be more extensive and expensive than works to residential properties therefore a \$3000 rebate is not likely to be enough of an incentive.
22. Any proposals outside of the 2023/24 budget allocation to the Noise Management Program resulting from the pilot will be presented to budget review for a Council decision.

Other Options Considered

23. City of Adelaide offers a range of incentive programs to improve the amenity, heritage restoration and sustainability of developments, such as the Heritage Incentives Scheme and the Sustainability Incentives Scheme.
24. Integration of incentives schemes into a broader program for city design and living, as is consistent with Council interest in local design, could be considered but would require additional funding and add to the cost for assessment and administration of the program.

Review Outcomes

25. The report by WSP makes some recommendations on how the Noise Management Program can be improved and concludes that the current program is well structured and operates effectively.
26. Administration's advice is the emphasis for new developments should be on ensuring sound policy and good quality design at the outset, not rectifying poor development outcomes.
27. Administration recommends that the Noise Incentive Scheme is retained for residential development with several amendments.
28. The Operating Guidelines (Attachment A) have been amended to reflect the following key changes:
 - 28.1. Increase the rebate from \$1100 to \$3000

- 28.2. Allow tenants to access the scheme with the approval of the property owner.
29. In 2022/23 there were 11 rebate applications. The value of the works ranged from \$2,200 to approximately \$25,000. With only \$1100 provided per application and not full expenditure of the budget for 2022/23.
30. Increasing the rebate to \$3000 would make the scheme more attractive and remain within budget based on typical annual volume of applications. Increased popularity of the scheme as a result will need to be monitored if the budget is reached early in the financial year.
31. A summary of all changes to the Operating Guidelines is provided in Link 3 view [here](#).

Next Steps

32. Administration will implement a range of related recommendations arising from the review including updating noise management information and tools available through the CoA website, and cross promotion of the Noise Management Program with other City of Adelaide incentive schemes.
33. City of Adelaide will continue to seek improvements to the Planning and Design Code to strengthen policy relating to dwelling design and new or refurbished venues.

DATA AND SUPPORTING INFORMATION

Link 1 – Summary of the City of Adelaide Noise Management Program

Link 2 – Noise Management Program Review with WSP review report – 15 June 2023

Link 3 – Summary of Amendments to the Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines

ATTACHMENTS

Attachment A – Acoustic Advisory Service and Noise Management Incentive Scheme Operating Guidelines

- END OF REPORT -