

SUBMISSION TO DCC ON:

Plan Change 1 to the Partially Operative Dunedin City Second Generation District Plan (2GP)

Re: change ID PHS2, acoustic insulation requirements, provision 9.3.1 & 9A (appendix)

Yes, I may wish to speak to my submission at a hearing, and yes I'd consider doing so as part of a joint presentation.

From: Mark Baxter

I accept the change, but with the following amendments:

- increasing the proposed increase of 35dB to 40dB in the CBD,
- including living areas in the standard in the CBD,

as outlined below in sections 1–4.

1 Introduction

Noise mitigation responsibilities in the CBD area need to be imposed solely on residential and accommodation owners and developers, and not on gig venues.

Why just on the residential and accommodation owners and developers?

Because the CDB area is the correct area for a city to put its legitimate noisy entertainment – there's no where else for it.

If we want a vibrant living and breathing city we need to have somewhere that legitimate noisy entertainment is allowed and encouraged. Clearly, the CDB is the only sensible option for such.

Further, it is the DCC's role to protect the rights of such businesses in this area, just like any other legitimate business.

2 Discouraging of new venues

For the last couple of decades I've flirted with the idea of opening a music venue in Dunedin, and now I'm well into my 50s with retirement on the not too distant horizon I might normally be seriously considering implementing such plans. Last roll of the dice and all.

However, after the fates of CBD music venues that have been closed largely because of noise issues with CBD residential developments, there is no way I would consider opening a music venue in Dunedin. Not while venues hold liability for noise mitigation when a property developer *chooses* to build a residence next to an existing noisy entertainment venue, in what should be a noisy entertainment permitted area.

Especially so when I, as the venue owner, don't own the building it is in - I could literally spend the last my life savings modifying a building I don't own, only to be looking for a new location if my lease ever isn't renewed, and with no way to recoup the expense of sound-proofing someone else's building (and then probably needing to similarly sound-proof the new premises). I can assure you that most working-class potential venue developers like me can not afford such risk.

As an aside, given the shift from traditional retail to online and big-box store retail, I'd think the DCC should be encouraging service and entertainment businesses into the CBD. Making venues less liable for noise mitigation (and thus more financially viable) will help with this.

3 Safety

My background includes underground music, and being a somewhat anarcho-syndicalist Leftie I like the idea of self-organised punk/alternative DIY gigs in disused warehouses or similar. And have enjoyed many in my time.

However, there is also a safety element. The majority of self-organised music gigs are done by experienced people and are generally safe. Some are not, and as a community we have a collective responsibility to encourage safe event management.

The DCC has controls over many of the safety aspects of commercial venues (unlike underground gigs), and thus should use this influence to encourage the creation and sustainability of safe gig venues in the city.

I often lament that the city is doing nothing to address a factor I feel was a significant contributor to Sophia Crestani's tragic (and avoidable) death. That is, a lack of supervised entertainment venues which young people can afford to frequent.

Putting the responsibility of noise mitigation costs on venues is part of this problem. Making it too expensive for working-class people like me to open venues (which are typically more budget friendly), is part of this problem when it comes to a lack of student venues.

4 Solutions

If it were up to me I'd implement something like Melbourne has adopted to protect its CBD venues from reverse sensitivity; in Melbourne CBD within a certain distance of a live music venue, the *residential property owner* is fully responsible for reducing the severity of the noise, *not* the venue.

While not nearly as robust a protection as Melbourne offers, the DCC's proposed increase in requirements for acoustic insulation requirements on residential CBD developers' side, is a good start. And very much needed.

Hence I support the change PHS2 to increase acoustic insulation performance standard for bedrooms from 30dB to 35dB.

But frankly that is the least we can do. That is literally the minimum protection other cities *already* offer.

Given many Councillors stood on supporting Dunedin music, we need to be – and have a mandate for – doing more than this *bare minimum*.

While supporting PHS2 I'd strongly **recommend increasing it to a 40dB standard** for acoustic insulation performance in the CBD (including the Warehouse Precinct).

I'd also suggest increasing the standard not just for bedrooms in the CBD and related area, but **also for living areas**. Having one's relaxation area invaded by intrusive sound can be just as disruptive as having your sleeping area invaded by intrusive sound. Including living areas in the increased CBD requirements seems like common sense.

A 40dB standard would better help existing venues protect themselves from reverse sensitivity, and be more encouraging for potential new venue developers. That alone would not be enough to tempt me to invest my life savings into a venue, but it will help encourage others by offering them better protection than 35dB will.

Mark Baxter is a Dunedin resident who grew up in the days of the Dunedin Sound, has had experience with social activities management at the Otago University and Otago Polytechnic for over 20 years, and a long-time supporter and occasional organiser of various music gigs.