

From: Masuda Sheikh
Sent: Sunday, 20 December 2009 8:52 PM
To: PORTER
Subject: Submission: Inquiry into live community events

Dear Ms Porter

Submission to Standing Committee on Planning, Public Works, and Territory and Municipal Services – Inquiry into live community events

I wish to submit my views to the Interdepartmental Committee investigating the issue of noise emanating from venues such as the Transit Bar in the Canberra city. The noise from this Bar adversely affects the lives of people who have made lifestyle choices to live in apartments in the city such as the Waldorf.

The objection is not to the music itself but to the fact that the music is so loud and continues well beyond the boundaries in terms of time, and the acoustics considered respectable, which every other household living in the suburbs takes for granted as a basic right.

If a venue wishes to engage in loud music beyond the acceptable time, then surely it is their responsibility to ensure that their venue is sound proofed and it should not be the responsibility of all others living nearby to spend money sound-proofing.

Sound proofing involves double glazing windows, doors and walls. The venue holding the music should be taking this action before they decide to have loud music. It is the essence of human dignity and respect for your neighbour.

It should NOT, under any circumstance, become the responsibility of all the other venues around the neighbouring area to protect against noise. The people who have invested in property, or chosen to stay in a property, in Civic did so under the knowledge and belief that they could enjoy the hustle of city life but at the same time, have the ability to go back to their place of residence where they can enjoy peace and tranquility – and sleep. This applies equally to someone who is a homeowner or a renter.

The noise affects use and enjoyment which is a fundamental common law right and should be, by law, classified as a private nuisance. When a house in the suburb creates a noisy disturbance, the onus is on the owner to cease or lower the noise. When a dog barks during the night, we don't place a muzzle on all the dogs in the street, only the dog that barks. This is a fair and measured response and I am appealing to rational thought when making the decision about whose responsibility it is to protect against the noise.

I ask you to consider the precedent that an adverse finding, which places the onus on all adjoining properties rather than the venue, would create. Any decision must be incorporated into law to ensure homeowners and residents rights are protected.

Referred for your consideration.

Yours sincerely,

Masuda Sheikh

Owner of a Waldorf Apartment.

20 December 2009