

Environmental Protection (Noise) Regulations 1997

REGULATION 19B

NOTICE OF VENUE APPROVAL – SCARBOROUGH BEACH RESERVE

1. WHEREAS I AM SATISFIED THAT:

- a. The City of Stirling ('the APPLICANT') is the occupier of the venue known as Scarborough Beach Reserve, (located at Lot 10541, HN 309 West Coast Highway, Scarborough WA 6019) ('the VENUE');
- b. the APPLICANT has applied for a venue approval in accordance with Regulation 19B(2) of the *Environmental Protection (Noise) Regulations 1997* ('the REGULATIONS');
- c. the VENUE is a venue at which a number of Notifiable Events may be held for the purposes of Regulation 19B(1) of the REGULATIONS; and
- d. the persons specified in regulation 19B(8) of the REGULATIONS have been given a reasonable opportunity to make a submission on whether or not the VENUE should be approved,

NOW I HEREBY APPROVE the VENUE, subject to the conditions contained in the Schedules to this approval, for the purposes of regulation 19B of the REGULATIONS ('VENUE APPROVAL'). This approval contains three (3) Schedules.

2. The VENUE APPROVAL has effect for a period of thirty-six (36) months from the date of publication in the Western Australian Government Gazette.
3. The following conditions in Schedule 1 to this approval are HEREBY DESIGNATED AS ANCILLARY CONDITIONS for the purposes of regulation 19C of the REGULATIONS:
 - i. CONDITIONS 16, 17, 18 and 19 (Complaint response service);
 - ii. CONDITIONS 20 and 21 (Notification to affected occupiers); and
 - iii. CONDITIONS 22, 23 and 24 (Community consultation).

Dated the First Day of January 2025

City of Stirling

(Person delegated under section 20 of the *Environmental Protection Act 1986*)

Encl. Schedules 1-3

Environmental Protection (Noise) Regulations 1997

REGULATION 19B

SCHEDULE 1 - CONDITIONS OF APPROVAL

This Schedule comprises eight (8) pages.

In this Schedule -

acoustic consultant means an acoustic consultant firm who is a member of the Association of Australasian Acoustical Consultants (AAA); or an acoustic consultant whose qualification and experience qualifies them for the membership grade of a Member or Fellow of the Australian Acoustical Society (AAS);

authorised person means a person authorised by the CEO of the City of Stirling under Section 88 of the *Environmental Protection Act 1986*.

CEO means the Chief Executive Officer of the City of Stirling acting in the capacity of the person responsible for the *Environmental Protection (Noise) Regulations 1997*;

community event means a NOTIFIABLE EVENT that meets the requirements of CONDITIONS 33, 42, 43, 44 and 45;

concert event means a NOTIFIABLE EVENT that meets the requirements of CONDITIONS 30, 34, 35, 36 and 37;

condition/s means a condition of the VENUE APPROVAL contained within this Schedule;

event organiser means the individual, body corporate, association or community group responsible for the operation and production of a NOTIFIABLE EVENT;

general event means a NOTIFIABLE EVENT that meets the requirements of CONDITIONS 30, 38, 39, 40 and 41;

inspector means an Inspector as defined by the *Environmental Protection Act 1986*;

measurement reference point means a position five (5) metres in front of the STAGE SOUND SYSTEM primary speaker banks of a COMMUNITY EVENT, where a mixing desk location is impractical;

notice of ancillary conditions means a Notice issued under Regulation 19D(5) of the REGULATIONS;

notifiable event/s means a notifiable event as defined by Regulation 19B(1) of the REGULATIONS;

PA means public address system at the venue;

performance(s) means an activity at a NOTIFIABLE EVENT that is likely to result in the emission of noise in contravention of the standard prescribed under regulation 7 of the REGULATIONS;

regulations means the *Environmental Protection (Noise) Regulations 1997*;

stage sound system means a dedicated public address system brought to the VENUE for a NOTIFIABLE EVENT;

unexpected incident means an incident, resulting in a substantial disruption to an event, the occurrence of which is beyond the immediate control of the EVENT ORGANISER and/or a person who holds a NOTIFIABLE EVENT at the VENUE. This means an accident or emergency, a breakdown of essential plant or equipment or the like; which directly results in the delay of a performance;

venue means Scarborough Beach Reserve, located at Lot 10541, HN 309 West Coast Highway, Scarborough WA 6019 and delineated by the red line in Schedule 2; and

venue approval means an approval issued under Regulation 19B of the *Environmental Protection (Noise) Regulations 1997* to the APPLICANT as occupiers of Scarborough Beach Reserve.

NOTE: CONDITIONS denoted * have been designated in this schedule as ANCILLARY CONDITIONS for the purposes of Regulation 19C of the *Environmental Protection (Noise) Regulations 1997*.

The VENUE APPROVAL is subject to the following CONDITIONS-

Sound system testing and rehearsals

1. The STAGE SOUND SYSTEM tests, practice and rehearsals shall be held -
 - (i) on, or over, not more than two (2) days, prior or on the day of a NOTIFIABLE EVENT;
 - (ii) only between 9:00am and 7:00pm; and
 - (iii) for a duration not exceeding three (3) hours on each day.

Unexpected incident

2. The finish time specified in CONDITIONS 26, 27, and 28 may be extended to not later than thirty (30) minutes past the required finish time on the day of a NOTIFIABLE EVENT, provided that-
 - (i) it is not reasonable and practicable to comply with the finish time because an UNEXPECTED INCIDENT occurs during a NOTIFIABLE EVENT;
 - (ii) an AUTHORISED PERSON from the City of Stirling is advised of the UNEXPECTED INCIDENT as soon as is practicable after the EVENT ORGANISER becomes aware of the occurrence of an UNEXPECTED INCIDENT but no later than twenty-four (24) hours after the incident; and
 - (iii) the CEO is notified in writing of the circumstances surrounding the UNEXPECTED INCIDENT by no later than forty-eight (48) hours after a NOTIFIABLE EVENT.

Maximum number of NOTIFIABLE EVENTS

3. No more than a combined total of twenty (20) NOTIFIABLE EVENTS that are CONCERT EVENTS or GENERAL EVENTS are to be held in any consecutive twelve (12) month period.
4. No more than a combined total of six (6) NOTIFIABLE EVENTS that are CONCERT EVENTS or GENERAL EVENTS are to be held in any consecutive thirty (30) day period.

5. No more than a total of eight (8) COMMUNITY EVENTS are to be held in any consecutive thirty (30) day period.
6. Each day of a multiple day CONCERT EVENT is considered to be one (1) NOTIFIABLE EVENT for the purpose of CONDITION 3 and CONDITION 4.

Control of sound levels at NOTIFIABLE EVENTS

7. The EVENT ORGANISER shall engage an ACOUSTIC CONSULTANT for the purposes of monitoring sound levels during a CONCERT EVENT.
8. The EVENT ORGANISER shall engage an ACOUSTIC CONSULTANT for the purposes of monitoring sound levels during a GENERAL EVENT or a COMMUNITY EVENT if directed by an AUTHORISED PERSON.
9. The EVENT ORGANISER shall provide the names and contact mobile telephone numbers of two (2) persons: - one (1) person representing the ACOUSTIC CONSULTANT for CONCERT EVENTS; and one (1) person representing the EVENT ORGANISER - who shall both be present, in control of sound levels and contactable during the NOTIFIABLE EVENT to the City of Stirling. The names and contact telephone numbers of those persons shall be provided to the CEO no later than 5.00pm, three (3) days prior to the NOTIFIABLE EVENT.

Monitoring and compliance reporting of sound levels of NOTIFIABLE EVENTS

10. For the purpose of CONDITIONS 36 and CONDITION 40 monitoring of sound levels at a CONCERT EVENT or a GENERAL EVENT shall be undertaken at the mixing desk.
11. For the purpose of CONDITIONS 44 monitoring of sound levels at a COMMUNITY EVENT shall be undertaken at the MEASUREMENT REFERENCE POINT.
12. Monitoring of sound levels shall commence five (5) minutes prior to the start of a NOTIFIABLE EVENT and shall continue uninterrupted until five (5) minutes after the completion of a NOTIFIABLE EVENT.
13. Monitoring of sound levels for a NOTIFIABLE EVENT shall be carried out using monitoring equipment that complies with Regulation 22 of the REGULATIONS.
14. For the purposes of CONDITIONS 36, 40 and 44 sound levels readings shall be taken to the nearest whole decibel, and shall be taken to have exceeded the sound levels referred to in CONDITIONS 36, 40 and 44 if those levels are exceeded by more than 1dB.
15. For the purposes of CONDITION 7, 8 and 9, for a NOTIFIABLE EVENT, the EVENT ORGANISER is to provide a detailed report, prepared by an ACOUSTIC CONSULTANT, including but not limited to:
 - (i) the noise monitoring methodology used including measurement location, measurement duration, instrumentation details, and pre- and post-calibration;
 - (ii) the full results of the monitoring required by CONDITION 10 and 11, specifically -

- (a) a table of monitoring results including the maximum sound levels;
- (b) the number of exceedances, as a measure of compliance with CONDITIONS 37, 41 and 45; and
- (c) the logged data in a graphical format, including practise, rehearsals and STAGE SOUND SYSTEM tests,
- (iii) the full results of any additional monitoring required by the NOTICE OF ANCILLARY CONDITIONS;
- (iv) a report referred to under CONDITION 19 of any complaints received by the EVENT ORGANISER;
- (v) copies of calibration certificates for all monitoring equipment utilised; and
- (vi) a statement as to whether or not the NOTIFIABLE EVENT complied with the VENUE APPROVAL

The report shall be delivered to the CEO by not later than ten (10) days after a NOTIFIABLE EVENT.

Complaint response service

- 16. *The EVENT ORGANISER shall provide a complaint response service for persons who wish to lodge complaints regarding noise from activities associated with a NOTIFIABLE EVENT including sound system tests and rehearsals.
- 17. *The complaint response service shall comprise a telephone service with at least two (2) lines that can always be answered in person by an operator. An answering machine response is not acceptable.
- 18. *The complaint response service shall be attended at all times during a NOTIFIABLE EVENT including sound system tests and rehearsals. Where any complaints are received, the complaint response service must request the caller's full name, address, and telephone number.
- 19. *The EVENT ORGANISER or the person making notification of a NOTIFIABLE EVENT shall compile a report detailing all calls received by the complaint response service. The report should contain the caller's full name, address, telephone number (where those details are provided by the caller) the specific nature of the complaint and date and time of the call.

Notification to affected occupiers

- 20. *Notice of the date/s, start and finish times for a CONCERT EVENT or GENERAL EVENT, the establishment of the complaint response service, its telephone number(s) and the times of operation, shall be publicised, no earlier than twenty-eight (28) days and no later than seven (7) days prior to the date of a CONCERT EVENT or GENERAL EVENT-
 - (i) by the APPLICANT on the City of Stirling website from the initial publication date until the completion of the NOTIFIABLE EVENT;
 - (ii) by the EVENT ORGANISER by means of a flyer or email distributed to all occupiers affected by noise emissions in excess of 60dB(A) as specified in the NOTICE OF ANCILLARY CONDITIONS, that 'occupiers' include occupiers of premises in the adjoining local governments set to receive sound levels in excess of 60dB(A) from the event.
- 21. *Notice of a COMMUNITY EVENT, the establishment of the complaint response service, its telephone number(s) and the times of operation, shall be publicised

by the APPLICANT or the person making notification of an event not later than seven (7) days prior to the COMMUNITY EVENT (or start of the season) on the City of Stirling website and shall remain on the website until the completion of the COMMUNITY EVENT (or the season).

Community consultation

22. *The APPLICANT is to conduct a community survey to assess community attitudes to NOTIFIABLE EVENTS, not less than twelve (12) months after the commencement of the VENUE APPROVAL, and not more than four (4) months prior to expiry of the VENUE APPROVAL. The survey is to be undertaken by a reputable survey agency and shall address any issues or concerns identified by the City of Stirling to its satisfaction
23. *The survey respondents shall be contacted and shall be based on telephone or written contact with a representative sample of all occupiers within one (1) kilometre of the VENUE.
24. *A report on the survey is to be forwarded to the CEO by not later than 5.00pm three (3) months prior to the expiry of the VENUE APPROVAL.

Noise management plan for a NOTIFIABLE EVENT

25. The EVENT ORGANISER shall submit a detailed noise management plan to the CEO no less than twenty-eight (28) days prior to a CONCERT EVENT or a GENERAL EVENT. The noise management plan shall include but is not limited to the following:
 - (i) a list of scheduled times for PERFORMANCES at a NOTIFIABLE EVENT;
 - (ii) an infrastructure construction and dismantling schedule for a NOTIFIABLE EVENT;
 - (iii) a procedure on how the APPLICANT intends to manage the NOTIFIABLE EVENT to comply with the sound levels limits specified in CONDITIONS 36, 40 and 44;
 - (iv) arrangements for the monitoring of sound levels in accordance with CONDITIONS 10, 11, 12, 13, 14 and 15;
 - (v) the procedure for the ACOUSTIC CONSULTANT referred to in CONDITION 7 and 8 to communicate the monitored sound levels with the EVENT ORGANISER and with the City of Stirling's INSPECTORS while the NOTIFIABLE EVENT is underway;
 - (vi) the procedures for dealing with exceedances of the sound level limits specified in CONDITIONS 36, 40 and 44 while a NOTIFIABLE EVENT is underway;
 - (vii) the procedures for dealing with noise related complaints made to the complaint response service required by CONDITION 16;
 - (viii) the VENUE configuration for NOTIFIABLE EVENTS in accordance with CONDITION 30 or CONDITION 31; in a scaled and labelled plan to the satisfaction of the Coordinator Environmental Health of the City of Stirling; and
 - (ix) the arrangements for minimising noise disturbances by patrons within the VENUE following the NOTIFIABLE EVENT.

NOTIFIABLE EVENTS

Start and finish times of NOTIFIABLE EVENTS

26. Subject to CONDITION 2, the start time for PERFORMANCES at a:
 - (i) CONCERT EVENT or a GENERAL EVENT shall not be earlier than 10:00am; or
 - (ii) COMMUNITY EVENT shall not be earlier than 7:00am, and, the finish time shall not be later than 10:00pm on the same day, excluding events that occur the day before a Saturday, Sunday or Public Holiday.
27. Subject to CONDITION 2, where a NOTIFIABLE EVENT occurs the day before a Saturday, Sunday or Public Holiday, the start time for PERFORMANCES at a:
 - (i) CONCERT EVENT or a GENERAL EVENT shall not be earlier than 10:00am; or
 - (ii) COMMUNITY EVENT shall not be earlier than 7:00am; and, the finish time shall not be later than 11:00pm on the same day.
28. Subject to CONDITION 2, the finish time for PERFORMANCES at any NOTIFIABLE EVENT that start on New Year's Eve (31 December) and end on New Year's Day (1 January) shall be no later than 1.00am.
29. The start time of PERFORMANCES at a COMMUNITY EVENT may be varied on a maximum of four (4) occasions within a twelve (12) month period to no earlier than 5:00am.

VENUE configuration for NOTIFIABLE EVENTS

30. Subject to CONDITION 31, a CONCERT EVENT or GENERAL EVENT shall be configured with a stage and stage sound system located in the amphitheatre as shown in Figure 1 of Schedule 3.
31. A NOTIFIABLE EVENT may be configured with a stage and stage sound system different to that shown in Figure 1 of Schedule 3, so long as the notice of the NOTIFIABLE EVENT required in accordance with regulation 19D (1) for the NOTIFIABLE EVENT includes a justification for the configuration to the satisfaction an AUTHORISED PERSON.
32. A CONCERT EVENT or GENERAL EVENT shall include a mixing desk located not more than thirty (30) metres in front of the stage sound system's primary loudspeaker banks, with reference to the sound level limits referred to in CONDITIONS 36 and, 40.
33. Subject to CONDITION 31, a COMMUNITY EVENT may include up to three (3) stage sound systems to be used for PERFORMANCES, positioned with the stage sound system's primary loudspeaker banks directed West, located within the VENUE boundary as shown in Figure 1 of Schedule 2.

CONCERT EVENT

Maximum number of CONCERT EVENTS

34. No more than six (6) CONCERT EVENTS are to be held in any consecutive twelve (12) month period.

Maximum duration of CONCERT EVENTS

35. Subject to CONDITION 2, the duration for PERFORMANCES at a CONCERT EVENT shall not exceed ten (10) continuous hours.

Sound level limits of CONCERT EVENTS

36. Subject to CONDITION 37, the sound level received at a mixing desk located in accordance with CONDITION 32 resulting from PERFORMANCES at a CONCERT EVENT, shall not exceed:

- (i) LAeq, 5 min level of 90 dB; and
- (ii) LCeq, 5 min level of 100 dB,

where LAeq, 5 min and LCeq, 5 min are average values taken over five (5) minutes, whose level contains the same energy as the fluctuating noise during that period.

37. The sound level limits specified in CONDITION 36 may not be exceeded:
- (i) for more than 5% of the duration of the event (rounded to the nearest Leq, 5 min);
 - (ii) by more than one (1) exceedance per hour; and
 - (iii) by more than 3dB (A) and 3dB (C) at any time during a CONCERT EVENT.

GENERAL EVENTS

Maximum number of GENERAL EVENTS

38. No more than twenty (20) GENERAL EVENTS are to be held in any consecutive twelve (12) month period.

Maximum duration of GENERAL EVENTS

39. Subject to CONDITION 2, the duration for PERFORMANCES at a GENERAL EVENT shall not exceed six (6) continuous hours.

Sound level limits of GENERAL EVENTS

40. Subject to CONDITION 41, the sound level received at a mixing desk located in accordance with CONDITION 32 resulting from PERFORMANCES at a GENERAL EVENT, shall not exceed:

- (i) LAeq, 5 min level of 80 dB; and
- (ii) LCeq, 5 min level of 90 dB,

where LAeq, 5 min and LCeq, 5 min are average values taken over five (5) minutes, whose level contains the same energy as the fluctuating noise during that period.

41. The sound level limits specified in CONDITION 40 may not be exceeded:
- (i) for more than 5% of the duration of the event (rounded to the nearest Leq, 5 min);
 - (ii) by more than one (1) exceedance per hour; and
 - (iii) by more than 3dB(A) and 3dB(C) at any time during a GENERAL EVENT.

COMMUNITY EVENT

Maximum number of COMMUNITY EVENTS

42. No more than sixty (60) COMMUNITY EVENTS are to be held in any consecutive twelve (12) month period.

Maximum duration of COMMUNITY EVENTS

43. Subject to CONDITION 2, the duration for PERFORMANCES at a COMMUNITY EVENT shall not exceed five (5) continuous hours.

Sound level limits of COMMUNITY EVENTS

44. Subject to CONDITION 45, the sound level received at a MEASUREMENT REFERENCE POINT located in accordance with CONDITION 33 resulting from PERFORMANCES at a COMMUNITY EVENT, shall not exceed:

- (i) LAeq, 5 min level of 85 dB; and
- (ii) LCeq, 5 min level of 95 dB, or

where LAeq, 5 min and LCeq, 5 min are average values taken over five (5) minutes, whose level contains the same energy as the fluctuating noise during that period.

45. The sound level limits specified in CONDITION 44 may not be exceeded:
 - (i) for more than 5% of the duration of the event (rounded to the nearest Leq, 5 min);
 - (ii) by more than one (1) exceedance per hour; and
 - (iii) by more than 3dB(A) and 3dB(C) at any time during a COMMUNITY EVENT.

END OF SCHEDULE 1

Dated the 1st Day of January 2025

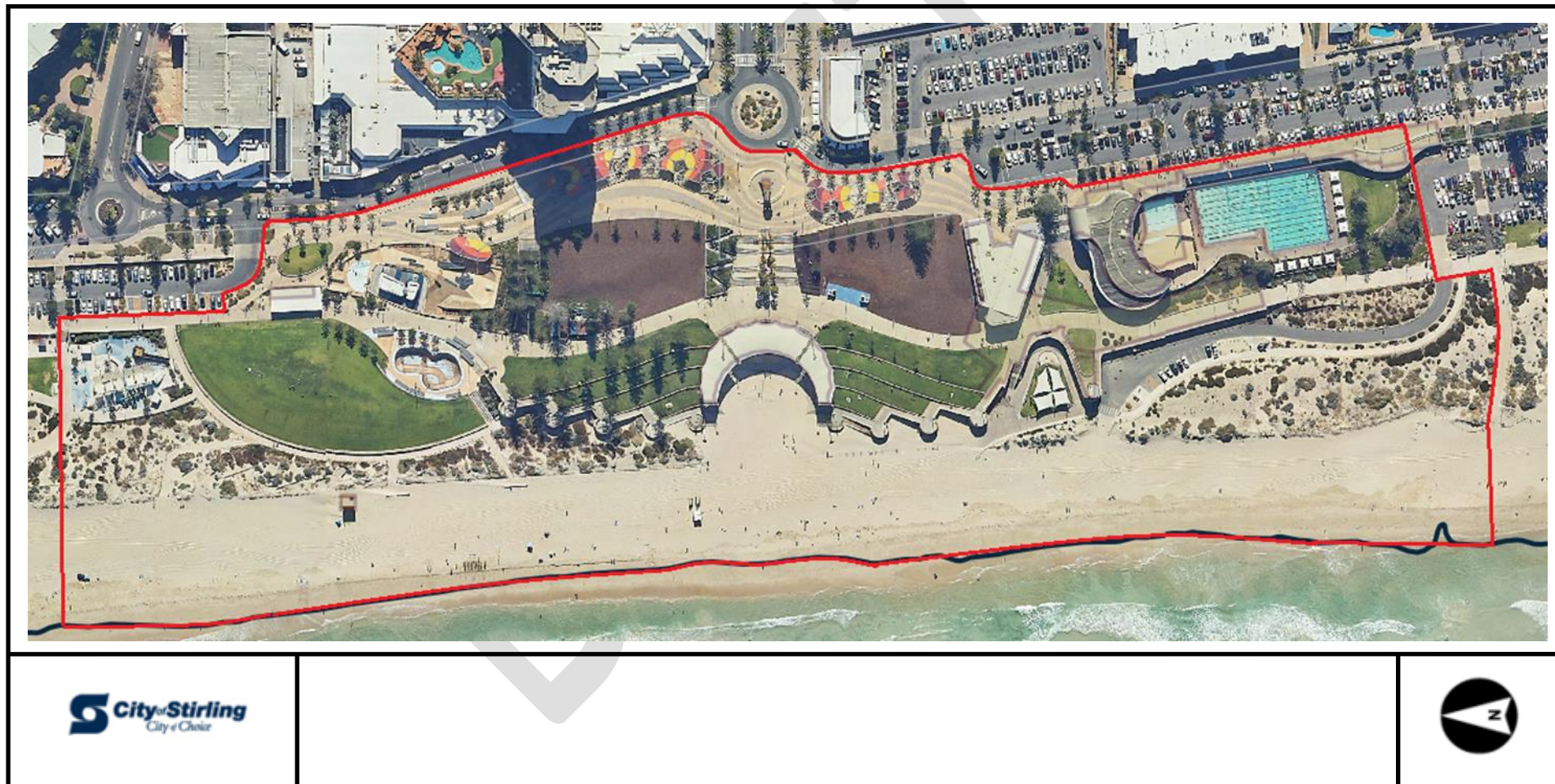
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SCHEDULE 2 - Venue Boundary

This Schedule comprises one (1) page

FIGURE 1



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SCHEDULE 3 – EVENT CONFIGURATION

This Schedule comprises one (1) page

