

1.3 Policy/Procedure - Management of Noise Emissions For Events Other Than Horse Racing at Belmont Racecourse, Burswood.

File Ref:	BURS	In Brief <ul style="list-style-type: none"> • Draft documented policy/procedure relating to music events held at Belmont Racecourse sent to other organizations for their comment. • Comments received and the necessary amendments made. • Policy and procedure with related delegation now recommended for Council adoption.
Appendices:	No	
DA/BA Ref:	N/A	
Date:	1 August 2002	
Reporting Officer:	G Hodgkins	
Responsible Officer:	C Eaton	

TABLED ITEMS:

- Draft Policy/Procedure dated 12 February 2002
- Letter received from the Town of Vincent dated 28th March 2002
- Letter received from the City of Belmont dated 8th March 2002
- Letter received from the City of Bayswater dated 16th May 2002
- Letter received from the City of Perth dated 6th May 2002
- Letter received from the Western Australian Turf Club dated 27th June 2002
- Letter received from the Western Australian Turf Club dated 2nd August 2002

BACKGROUND:

Council's Health Department receives several formal requests per year from organisers who want to hold concert events at Belmont Racecourse. As these types of events are not part of the Western Australian Turf Club's normal activities and have the potential to create excessive noise problems they are required to undergo a special approval process.

Subsequently when music or other events are likely to exceed the normal provisions of Environmental Protection (Noise) Regulations 1997 an organiser or proprietor may request that the Local Authority approve the event under Regulation 18 of Environmental Protection (Noise) Regulations 1997 subject to terms and conditions.

Under Regulation 18 of the Environmental Protection (Noise) Regulations 1997 the Chief Executive Officer of any local government may approve more than two Regulation 18 non complying noise events in any given 12 months if he is satisfied that the majority of affected residents have no objection to the holding of the extra events.

The Chief Executive Officer must not give approval unless the local governments of each district in which noise emissions received from the event are likely to fail to comply with the standard prescribed under Regulation 7 agrees to the proposed conditions applicable to the approval. Regulation 7 prescribes the standard for noise emission from any premises or public place when received at other premises.

In view of this requirement it has been necessary to write to the four local governments affected to seek their comment on each occasion that an application under Regulation 18 is lodged.

Where any agreement cannot be reached the conditions are to be determined by the Minister of Environmental Protection after receiving the advice of the Chief Executive Officer.

The Chief Executive Officer may impose conditions on any event that he thinks fit.

Conditions imposed may :

- Limit the duration of the event and the rehearsals;

- Set start and end times for the event and rehearsals;
- Set times when the stage, seating, etc can be set up and pulled down; and
- Set any other requirements needed to contain the noise impact, including noise limits.

To facilitate a quicker approval process within the scope of the Noise Regulations where potential noise complaints can become an issue it was suggested that Council's Health Services liaise with the Department of Environmental Protection, the Western Australian Turf Club, and the relevant local authorities to draft a policy that could be accepted by all parties regarding the conditions of approval for any future events. The advantage of such an agreed policy would allow events to proceed as long as they fall within the parameters of the policy and thus negating the need for correspondence and approvals to be obtained from relevant authorities upon an application for each event.

Issues to be included in such a policy would address the frequency of events, types of events, hours of operation, complaints procedures, community consultation and reporting mechanisms. The policy would also limit the number of events to be held each year and be subject to an annual review, given possible residential development of potentially affected areas, including the Swan Portland Cement site in Burswood.

A report was submitted to Council at its meeting held 24 April 2001, when Council resolved the following:

- "A. The Manager of Environmental Health and Building Services to draft a policy in consultation with the Department of Environmental Protection, the Western Australian Turf Club and other affected Local Authorities relating to Regulation 18 Approvals under the Environmental Protection (Noise) Regulations 1997 in respect to the Belmont Racecourse.*
- B. The draft Policy be the subject of a report to Council for consideration and to include such matters as acceptable noise levels, the frequency of events, types of events, hours of operation, complaint procedures, community consultation, number of events per year, and reporting mechanisms."*

A draft policy and procedure (tabled) was subsequently developed and a report submitted to Council at its meeting held 12th February 2002 when Council resolved the following:

- "A. The following Draft Policy and Procedure dated January 2002 be forwarded to the Department of Environmental Protection, Western Australian Turf Club, Town of Vincent, City of Perth, City of Bayswater and City of Belmont for their comment.*
- B. Upon receipt of comment from the Department of Environmental Protection, Western Australian Turf Club, Town of Vincent, City of Perth, City of Bayswater and the City of Belmont the Policy/Procedure be submitted to Council for final consideration and approval"*

COMMENT:

Correspondence and comment has since been received from the Western Australian Turf Club (WATC) the Town of Vincent, City of Perth, City of Belmont and the City of Bayswater who are all supportive of the proposed policy. (letters tabled). Discussion has also taken place between senior officers from the Department of Environmental Protection (DEP) and Council Officers to facilitate the finalisation of the policy and procedure.

No additional or significant comments were made by the other local authorities, however the DEP did request some changes, therefore as a result of this consultative process some changes have been made. The main thrust of the changes related to providing more protection to any possible elevated noise levels being received by the other local authorities. The other main change was to provide more flexibility to the WATC in relation to the number of events permitted. Previously only 6 events per year were going to be permitted. Under the new policy the WATC can apply to have additional events which will be assessed outside the scope of the agreed policy, but they will still have to comply with the regulations. The WATC was contacted and given a copy of these changes. The WATC acknowledged and accepted the amendments.

A policy and procedure has now subsequently been prepared and is submitted to Council for consideration. Should Council approve of the policy and procedure a copy will be sent to all relevant organisations for their information.

The adoption of the policy and procedure will streamline applications and approvals for music events held at Belmont Racecourse whilst putting controls in place for noise levels emanating from the Racecourse which could otherwise adversely affect the health and amenity of residents including those residing in adjoining local authorities.

It is proposed that the application of the proposed policy be delegated to the Chief Executive Officer.

RESPONSIBLE OFFICER RECOMMENDATION:

A. The following Council Policy and Procedure be adopted:

POLICY

Authority	Council Meeting 20 August 2002
HLTH4	MANAGEMENT OF NOISE EMISSIONS FOR EVENTS OTHER THAN HORSE RACING AT BELMONT RACECOURSE, BURSWOOD.
Keywords	Belmont Racecourse; Noise; Regulation 18; Events.
Policy	Applications for events other than horse racing at Belmont Racecourse in accordance with Regulation 18 of the Environmental Protection (Noise) Regulations 1997 may be approved without prior approval of other Local Authorities provided the requirements of the Procedure in relation to this Policy are complied with.
Related Policies	None
Procedure	Yes
Delegated by Council to:	Chief Executive Officer
Last Reviewed:	N/A

POLICY/ PROCEDURE

HLTH4

MANAGEMENT OF NOISE EMISSIONS FOR EVENTS OTHER THAN HORSE RACING AT BELMONT RACECOURSE, BURSWOOD

1. All events other than those conducted by the WATC to be held at Belmont Racecourse be assessed/approved under Regulation 18 of the Environmental Protection (Noise) Regulations 1997. Approvals can be issued by the Chief Executive Officer of the Town of Victoria Park, subject to compliance with this procedure.
2. No more than six (6) events will be approved per calendar year and not withstanding the number of events, no more than 20 hours of actual event time for external events. If more than 6 events are proposed in any calendar year then the details of the additional proposed event(s) will have to be submitted to Council, other affected local authorities and the Department of Environmental Protection (DEP) for appraisal.
3. The City of Bayswater, City of Perth, Town of Vincent, City of Belmont and the Department of Environmental Protection will be advised in writing of any events proposed under this policy at least 30 days prior to the event. These instrumentalities will be advised of the type of event, hours of operation, and contact numbers for any one wishing to lodge a complaint. Where local governments have endorsed this policy and procedure, the conditions of an approval given will be taken to have been agreed to under noise regulation 18 (12).
4. Any organisation or statutory authority adversely affected by this policy, including the Town of Vincent, City of Belmont, City of Perth, City of Bayswater, DEP, and the Western Australian Turf Club, may request a review of the policy. The Town of Victoria Park will undertake not to approve any further events for a period of 60 days after receiving such a submission, unless applications for events have been presented to Council for appraisal, prior to the submission of a request for a review from another statutory authority.
5. A request for a review should be addressed in writing to the Chief Executive Officer of the Town of Victoria Park, and will be assessed in consultation with the DEP within 30 days of the date, of receiving the submission.
6. The starting time and the completion time for the Event shall be indicated by the promoter on the application and will only be agreed to if it can be shown that compliance can be made with this procedure. For the purpose of this procedure the start and finish times of the event will be determined in consultation with the Town of Victoria Park, DEP and the organiser. In any instance for outside events the following time constraints will apply:

Friday and Saturday.	10am – 11pm.
Sunday, Monday, Tuesday, Wednesday, and Thursday.	11am – 10pm.
New Years Eve.	until 1.30am New Years Day.
7. The duration of the practice and rehearsals sessions and sound checks for the event shall not exceed two hours on or before the event day.

- 8. Practice and rehearsals sessions and sound checks for the event shall be held at times acceptable to the Town of Victoria Park and the Department of Environmental Protection, and in any instance not before 9am.**
- 9. The public address system and stage for an event outside the main grandstand shall be installed with the following features included:**
 - (i) Any stage shall be located such that, as far as practicable, it faces the Belmont Racecourse grandstand or towards the south-east; and**
 - (ii) For outdoor concerts, the mixing desk shall be located in front of but not more than 30 metres from the primary speaker banks or at a location approved by the Council.**
- 10. (i) Subject to Clause 10 (iv) below, the sound level resulting from music associated with an outdoor Event, shall not exceed the following levels**

L_{Aeq,1min} level of 100 dB(A) measured at the mixing desk,

where L_{Aeq,1min} is an average value taken over 1 minute, whose level contains the same energy as the fluctuating noise during that period.

 - (ii) Subject to Clause 10 (v) below, the sound level resulting from music associated with an indoor Event, shall not exceed the levels prescribed in the following table:**

Time Period	Measurement Position	1. 3.1.1.1 Sound Pressure Level – L _{Ceq,1min}
Before 12.00am, on any day other than New Years Day, or before 2.00am on New Years Day	Position 1	97
	Position 2	103
	Position 3	105
12.00am to 2.00am, on any day other than New Years day, or 2.00am to 4.00am on New Years day	Position 1	92
	Position 2	98
	Position 3	100
After 2:00am, on any day other than New Years Day or after 4:00am on New Years day	Position 1	89
	Position 2	95
	Position 3	97

where L_{Ceq,1min} is the C-weighted average value taken over 1 minute, whose level contains the same energy as the fluctuating noise during that period.

(iii) The measurement positions referred to in Clause 10 (ii) herein are located external to the venue building and are in the following positions:

- (a) Measurement position 1:- 10 metres directly in front of any ground level external door;
- (b) Measurement position 2:- 4 metres directly in front of any level one external door or window; and
- (c) Measurement position 3:- 1 metre directly in front of any level two external door or window.

(iv) Up to 5 percent of the L_{Aeq,1min} levels may exceed, by not more than 5 dB, the levels specified in Clause 10 (i) over the period of the Event.

(v) Up to 5 percent of the L_{Ceq,1min} levels may exceed, by not more than 5 dB, the levels specified in Clause 10 (ii) over the period of the Event.

11. Monitoring shall be carried out by persons approved by the Council. The monitoring shall be carried out continuously during the sound system tests for the Event and over the period 10 minutes before the Event, during the Event and for 10 minutes after the Event. For outdoor events the monitoring shall be

carried out at the mixing desk position. For indoor events monitoring shall be carried out at the measurement positions referred to in Clause 10 (iii) herein. Provision shall be made to enable the approved person free access in and out of the venue and access to all sound engineers and stage management personnel.

12. The monitoring of sound levels shall be carried out using monitoring equipment that complies with regulation 22 of the Environmental Protection (Noise) Regulations 1997. The public address system used at the Event shall be operated so that the readings of the sound levels recorded by the monitoring equipment do not exceed the sound levels allocated in clause 10 (i) and (ii) herein (regardless of the accuracy of the monitoring equipment).
13. Any direction to reduce the sound levels, including low frequency sound levels generated by the public address system used at the Event, by the person approved to monitor the noise levels, any Inspector appointed under section 88 of the Act, the Police or employed by the Council, shall be complied with by the event organiser forthwith.
14. The promoter will pay the Council the prescribed noise monitoring fees and any other costs incurred to monitor the event in relation to noise, prior to the application for the event being processed by the Town of Victoria Park.
15. The promoter will provide a complaint response service for persons who wish to lodge complaints regarding noise from the activities associated with the Event. This will comprise a telephone service, which will always be answered in person by an operator. The complaint response Service may also be handled by Council's representative, and a complainant will also have access to Council's after hours pager service where a Council Officer will respond.
16. The complaint response service shall be attended at all times when the Event is in progress and during practice and rehearsal sessions and sound system tests for the Event. All complaints received are to be recorded.
17. Notice of the starting and completion times for the Event and the establishment of the Complaint Service, its telephone number and the times of operation, shall be publicised not later than 5 days prior to the event by means of a "flyer" distributed to all noise sensitive premises (as defined in the Environmental Protection (Noise) Regulations 1997) including –
 - (a) All noise sensitive premises with addresses in the following locations in the City of Perth:

All streets within the area bounded by East Parade, Claisebrook Cove and the Swan River, and all streets within the area bounded by Nile Street, Trafalgar Road, Claisebrook Cove and the Swan River; and
 - (b) All noise-sensitive premises with addresses in the following location in the Town of Vincent;

All streets within the area bounded by East Parade and the Swan River; and
 - (c) All noise-sensitive premises with addresses in the following locations in the City of Bayswater;

All streets within the area bounded by Guildford Road, Peninsula Road and Tranby Road and the Swan River; and

- (d) All noise-sensitive premises with addresses in the following locations in the City of Belmont:

All streets within the area bounded by Riversdale Road and the Swan River; and

- (e) The premises known as Mercy Hospital - Ellesmere Road Mt Lawley ; and
- (f) Any other locality deemed necessary by the Council, the Department of Environmental Protection, or another potentially affected local authority.

18. The approved person monitoring the noise for the event shall deliver a report on the noise monitoring to the Council by not later than 5 working days after the event.

19. The Council will submit after the event a copy of the noise report to the, City of Bayswater, City of Perth, Town of Vincent, City of Belmont and the Department of Environmental Protection for information.

B. The Department of Environmental Protection, Western Australian Turf Club, Town of Vincent, City of Perth, City of Belmont, and the City of Bayswater be advised of the adoption of the Policy and Procedure and be provided with copies.

C. The following power be delegated to the Chief Executive Officer:

No	Section	Delegation	Conditions	Assignee(s)
	EPA (Noise) Regulations 1997 and Council Policy	Approval of events under Regulation 18 of EPA (Noise) Regulations 1997 at Belmont Racecourse	Compliance with Council Policy and Procedure	No

RESOLVED:

Councillor Bissett moved Councillor Mason seconded

That the recommendation be adopted.

CARRIED (8-0)