



City of Perth

Regulation 16

'Community Noise' Exemption Guideline



Purpose

This guideline details the circumstance under which the 'community event' provisions of regulation 16 in the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) will be applied.

Decision Making

The City aims to make decisions that are aligned with the City's strategic community plan and within legislative parameters. Decisions are made to benefit the broad community rather than benefit a few.

Legislation

The key regulations relevant to this guideline are:

- regulation 7 ('assigned levels' for day to day activities);
- regulation 16 (exemption for community noise); and
- Regulation 18 (exemption for 'approved events').

A full copy of the Noise Regulations can be viewed online at <http://legislation.wa.gov.au>

Noise Emissions considered as 'Community Noise' under Regulation 16

In accordance with regulation 16, schedule 2, noise emissions from the following sources will be considered as exempt 'community noise' and as such won't need to comply with the day to day '**assigned levels**' referred to in regulation 7 and '**approved event**' requirements of regulation 18.

- ✓ Agricultural shows
- ✓ Fairs and fetes
- ✓ Educational activities
- ✓ Exhibitions and other like events

To address ambiguity with the terms "exhibitions and other like events" the City has qualified these terms, in keeping with the spirit of the regulations and the City's Strategic Community Plan. Key features of these events include:

- ✓ Not for profit
- ✓ The number of people to benefit from the event outweighs the number impacted
- ✓ Free and open to all age groups
- ✓ Accessible
- ✓ Benefits a positive cause (e.g fundraising and awareness for cancer research)
- ✓ Promotes/exhibits culture and/or rituals - through food, cultural dance, music or other demonstrations (e.g smoking ceremonies)

Whilst event organisers will need to take reasonable precautions to minimise 'unreasonable noise' from an 'exempt' event they will not need to appoint an Acoustic Consultant for event monitoring, as would otherwise be required for a non-community noise event under regulation 18. Instead, a Noise Management Plan (NMP) will need to be provided. The NMP will need to detail the following information:

1. Plan showing stage set up and direction
2. Speaker type, number and location
3. Sound level limits in dB(A) and dB(C) at front of house/stage
4. Scheduling of acts
5. Name of person responsible for sound control on the event day/s
6. Identification of surrounding properties that may be impacted by the event
7. A draft notification letter for approval by the City (this will be sent to impacted residents, but should not be issued until approved by the City)
8. Any other information requested from the City in relation to noise management

The City may provide sound level monitoring equipment and guidance on how to use and report post event.

Regulation 16 - How to apply for a 'community noise' exemption

The process is simple but if needed, the City's Environmental Health Officers will gladly guide you through the process.

All you need to do is provide a completed 'Community Event Application Form' and a Noise Management Plan to the City at least **60 days** prior to the event.

Only events that meet the application timeframes will be considered for an exemption.

Please refer to the application form in **Appendix 1**.

Noise Control Notice

If the following criteria applies to your event, the City may issue you with a noise control notice (NCN) for the event. The NCN effectively makes the Regulation 16 exemption conditional and failure to meet requirements of an NCN can void the exemption and expose you to full enforcement provisions of the regulations including infringements or prosecution for the emission of 'unreasonable noise'. An NCN will only be considered in the following circumstances:

- ✓ When loud amplified music is to be played for a total duration of more than 6 hours on one day or 4 hours per day over multiple days
 - o past 10.30pm on any day preceded by a normal work day
 - o past 11pm on a Friday, Saturday or public holiday
- ✓ When loud impulsive, tonal or modulating noise is emitted for an accumulative duration exceeding 2 hours.
- ✓ When any non-music related noise source associated with the event is expected to exceed 100dB(A) measured at 1m and is to be present for the majority of the event.
- ✓ Where sound levels exceed 90dB(A) 20m front of house or 105dB(C)
- ✓ The event has been run before and noise complaints were received regarding amplified music and/or PA system use.

See **Appendix 2** for an example of an NCN. This will assist you in understanding the City's expectations in relation to how you manage noise during the event.



Appendix 1

REGULATION 16 – COMMUNITY EVENT NOTIFICATION FORM

This form is to be submitted to the City of Perth at least 60 days prior to the event.

Please provide all of the following information (incomplete applications will not be accepted):

1. Event name:	<input type="text"/>
2. Event Location:	<input type="text"/>
3. Event date/s:	<input type="text"/>
4. Event Times:	<input type="text"/>

5. Tick all the following options that apply to your event:

- Agricultural show
- Fair or fete
- Educational activity
- Exhibition or like event
- Not for profit (evidence of NPO)
- The number of people to benefit from the event outweighs the number impacted
- Free and open to all age groups
- Accessible (disabled access toilets, ramps, etc)
- Benefits a positive cause (e.g fundraising and awareness for cancer research)
- Promotes/exhibits culture and/or rituals - through food, cultural dance, music or other demonstrations (e.g smoking ceremonies)

6. Provide a list of performances and set times (e.g. singers, bands, dances etc)

- List attached
- Not applicable for my event

7. Site map that includes stage set-up and location of speakers and details of speakers.

- Attached

8. Noise Management Plan

- Attached

Once a letter is submitted to the City, the event officer looking after your event will be in contact to notify you of the outcome. For further clarification around events and noise exemptions please contact the City on info@cityofperth.wa.gov.au or call the City on (08) 9461 1444.

Appendix 2

REGULATION 16 - NOISE CONTROL NOTICE (EXAMPLE TEMPLATE)

The Event is classed as a 'Community Activity'. The requirements applicable to the event have been determined by the City's Environmental Health Officer, in accordance with regulation 16 of the *Environmental Protection (Noise) Regulations 1997*.

Starting and finishing times

1. The starting time for music at the Event shall not be earlier than [START TIME] on [DATE/S] and the completion time for music played at the Event shall be no later than [FINISH TIME] on that day.
2. Sound checks shall be held between the hours of [START TIME] and [FINISH TIME] on [DATE] only, for a combined/cumulative time period not exceeding 30 minutes.
3. All noise associated with the set up and dismantling of equipment before and after the event shall occur **only between the hours** of [START TIME] and [FINISH TIME] on [DATE].

Please note: Anything outside of the above mentioned hours (condition 3) will need to comply with the 'assigned levels' detailed in regulation 7.

Sound Level Limits

4. The sound level resulting from music associated with the Event, and from sound tests for the Event, shall not exceed the following levels when measured 30m front of house/stage;

Time Period	Sound Level Limits
[DATE]	$L_{Aeq,5 \text{ min}}$ 90 dB (A)
	$L_{Ceq,5 \text{ min}}$ 105 dB (C)

The $L_{Aeq, 5 \text{ min}}$ and $L_{Ceq, 5 \text{ min}}$ are average values taken over 5 minutes, whose level contains the same energy as the fluctuating noise during that period.

Monitoring of sound levels

5. At least one (1) person is to monitor sound levels using an approved sound level meter every 30 minutes, from a location set 30m front of house/stage (see enclosed map for details).

Clause 5 advice:

A minimum of five sound level readings using the $L_{Aeq, 5 \text{ min}}$ and $L_{Ceq, 5 \text{ min}}$ criteria shall be taken every 30 minutes.

6. Sound level measurements shall also be taken and logged every 2 hours at a distance no closer than 3 metres from the building known [IF NAMED], located at [NOISE SENSITIVE PROPERTY ADDRESS].

Clause 6 advice:

Five sample measurements shall be taken whilst local traffic is idle for at least 10 seconds per measurement.

Compliance Records and Reporting

7. Provide a compliance summary of the event to the City's Environmental Health Team **within 3 working days** following the event.

Clause 7 advice:

The compliance summary shall:

- a) include a copy of all sound level records;
- b) provide names, contact numbers and outcomes relating to all noise complaints received during the event; and
- c) in the event of sound level compliance having not been met, provide reasons as to why this occurred.

Direction to reduce sound level

8. Any direction by an Authorised Person appointed under section 88 of the Act and employed by the City of Perth to reduce sound levels, shall be complied with forthwith.

Complaint Response Service

9. A complaint response service for persons aggrieved by activities associated with the Event shall be provided. This shall comprise a telephone service that is always answered in person by an operator. An answering machine response is not acceptable. The complaint response service shall be attended at all times when the Event is in progress, including any associated sound checks and rehearsals for the Event.

Community Notification

10. Written notice of the start and completion times of the Event and any associated sound checks/rehearsals, and the establishment of the complaint response service, its telephone number(s) and the times of operation, shall be provided in a letter of notification to all receivers located at [NOISE SENSITIVE PROPERTY ADDRESS/ES].

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