



City of Perth

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# Regulation 18 Applicant Guideline

## Purpose

The City of Perth Strategic Community Plan 2019 – 2029 identified vibrancy as a community and strategic priority. This means the City's residents have identified vibrancy as a desirable and expected aspect of inner city life. The City is committed to serving the community in this regard through the support and approval of a range of different events.

This guideline sets out the City's minimum requirements for issuing approvals under regulation 18 of the *Environmental Protection (Noise) Regulations 1997 (WA) (Noise Regulations)*. It details key considerations that event organisers need to be aware of during the planning and execution of an event that requires approval under Regulation 18.

## Definitions

'CEO' means the chief executive officer of local government as per delegated authority from the CEO of DER (now DWER) on 12 December 2013 (page 6282 of Government Gazette – 20 December 2013).

'DWER' means Department of Water and Environmental Regulation (state government).

'Noise Management Plan' a document detailing how noise emission impacts will be managed prior to, during, and following an event.

'Regulations' means Environmental Protection (Noise) Regulations 1997 (WA) (Noise Regulations).

## Background

The Noise Regulations set allowable noise levels to protect the health, welfare and amenity of community. The Noise Regulations also acknowledge the community benefits of some inherently noisy activities. Regulations 18 and 19B provide for 'special cases' to allow certain noise producing cultural and social activities to take place. These special cases are exempt from complying with the prescribed noise levels and instead must comply with specific requirements under the regulations and conditions set by the City.

## What is regulation 18 approval?

Regulation 18 provides an approval process for sporting, cultural and entertainment events that would lose their character or usefulness if required to comply with the prescribed standard. This regulation is most commonly used for occasional outdoor music events that are open to the public. It cannot be utilised for private functions, which must comply with the allowable noise levels (i.e. ticketed events are usually included within Regulation 18, while weddings and invite only events are not).

Whilst most regulation 18 applications relate to single-day events, some events run for a much longer duration. The impact of longer duration events are generally far more significant on the community.

Regulation 18 approvals are subject to a range of conditions and limitations to manage the noise impacts on the surrounding community as far as reasonably practicable, while preserving the character and viability of the event.

The regulations do not define the term 'event', and they do not set maximum noise levels or durations for approved events. It is open to local government to establish guidance on what it considers to be an event, and what conditions are suitable for managing noise. This is a balancing act between protecting local communities, while sustaining the culture and vibrancy of a capital City.

This guideline has been developed to:

- Reduce the noise intensity of an event commensurate with its duration.
- Support events and ensure their viability.
- Minimise noise impacts on local communities by providing clear thresholds for different event types.

## When do I need a regulation 18 approval?

Regulation 18 approvals are required for any publicly accessible event that cannot reasonably be expected to comply with assigned noise levels.

## What happens if I hold a noisy event without a Regulation 18 approval?

Two things can happen:

1. You can be fined under:
  - a. The *City of Perth Trading in Public Places Local Law* and the *City of Perth Local Government Property Local Law* for failing to comply with the condition of your event permit (penalty range = \$400 to \$5000), and/or
  - b. The *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997* for creating 'unreasonable noise' (penalties \$250 up to \$25,000).
2. Your insurance may become invalid.



## What must I do to get a Regulation 18 approval?

Please see the steps below. However before you do anything, confirm with the City whether a Regulation 18 approval is needed and that approval can be given for the selected venue/site. If the maximum number of allowable Regulation 18 approvals have already been provided for the venue within a 12-month period, the City will not be able to give you approval. Refer to Appendix 2 for City of Perth venues that qualify for more than 2 Regulation 18 approvals per year.

### Step 1

Advise the City of your intention to apply for a Regulation 18 approval (this should be done preferably 6 months prior to the proposed event date). You need to clearly state how you intend to use the venue and what you mean by an 'event':

- type/style of event (e.g DJ, Live bands, stage show, festival)
- Location and orientation of stages, PA system, speakers and speaker volumes
- Start and finish times
- Frequency of use
- Maximum duration of events (eg days, weeks, months)

The City will advise if the event is within the approved number of events permissible in the proposed venue.

### Step 2

If the proposed event is within the approved number of events for a particular venue, you will need to engage an Acoustic Consultant to prepare a Noise Management Plan that complies with this guideline. The Acoustic Consultant must have experience with noise modelling and with monitoring event noise. Provide the details from Step 1 to a consultant and ask them to produce a noise contour map that extends to  $L_{Aeq} 50dB$  and  $L_{Ceq} 65dB$ , based on the worst case scenario use of the venue (e.g. late night events, loud volume)

If the event is a repeat event at the same location, the City may consider accepting a previous Noise Management Plan if there hasn't been any significant changes to the staging arrangements, the nature of the event, or the surrounding affected terrain (e.g. newly demolished or constructed buildings).

### Step 3

If the City has advised that the proposed event is beyond the approved number of events for a particular venue, then you will need to engage a Community Research Consultant. The survey must be carried out in accordance with the *City of Perth Regulation 18 (11) Community Survey Guideline* which is accessible on the City's website.

If Step 3 does not apply, submit your application for a regulation 18 approval along with the Noise Management Plan at least 60 days prior to the event along with the \$1000 application fee.

Note: **An application form is not a complete application.** Applications that are submitted without a noise management plan (including noise modelling), will not be accepted. The submission timeframe starts on the date of a full application being received.



## What if I submit a late application?

Applications submitted less than 60 days prior to an event will incur an additional application fee of \$250. Under regulations, this fee cannot be waived. The City will only accept applications submitted less than 21 days prior to an event in exceptional and compelling circumstances.

Where noise impacts will be spread across multiple local government areas, the City of Perth is not the sole approving agency. For this reason, when noise from an event is expected to cross over City of Perth boundaries, it is highly recommended that applications are lodged at least 60 days before an event to maximise the chance of timely approval.

## What details must I include in the Regulation 18 Noise Management Plan?

The City requires that Noise Management Plans associated with Regulation 18 applications contain the following information and demonstrate compliance with **Appendix 3**:

- i. Event Dates.
- ii. Start and Finish Times and time and duration of all noise sources.
- iii. All noise sources associated **directly** with the event that are likely to exceed the assigned levels (e.g. music from performances, crowd noise during, generators amusement rides).
- iv. Sound check and rehearsal details (for events with stage shows and/or music).
- v. Performance schedule (applicable for music concerts with multiple performances).
- vi. Bump-in and bump-out schedule. Note, a separation exemption may be required for construction work associated with the event if that work occurs outside of 7am to 7pm every Monday to Saturday, except Sunday and public holiday. Contact the City for more details.
- vii. A-weighted and C-weighted sound levels at the mixing desk (or at 20m in front of the stage if there is no mixing desk) specifying a Leq1min or Leq5min measurement parameter. If delay speakers are to be used, the impact is to be included in the contour maps.
- viii. Noise modelling including:
  - Meteorological conditions based on a temperature of 22°C, relative humidity of 50% and wind strength of 4 m/s during the day and 3m/s at night.
  - Contour maps and data in A-weighted and C-weighted that extend out to at least 50dB(A) and 65dB(C) respectively.
  - Contour maps are to cater for wind from all directions (worst case scenario).
  - If a site is surrounded by multistorey buildings provide noise contour maps at ground level and at 20m above ground level.
  - Modelling needs to include noise generated from other equipment (e.g. generators and amusement rides).
  - Locations of all significant noise sources and temporary barriers.
  - Contour maps must clearly show noise contours in relation to mixing desk/reference locations, identifiable land marks, and must clearly show the expected noise levels at nearest noise sensitive receivers. This will require noise contours to overlay legible, high definition, aerial imagery.
  - Note: for large events, in order to legibly show identifiable land marks in relation to noise contours, it may be necessary to present multiple noise contour maps at more than one scale.
- ix. Detailed site plan showing stage and speaker locations and orientation.
- x. Noise mitigation measures to be implemented.
- xi. Complaint handling and response strategy for the event, including sound system tests, rehearsals sessions and bump in / out.
- xii. Draft notification letter advising nearby noise sensitive premises (within the 65dB(A) contour) of the event. The letter must include a contact phone number for the organiser, which must be manned by a person prior to and during the event (automated answering services are not acceptable for this purpose).

## Contour Maps and Data (see Appendix 1)

Contour maps provide useful visual information from which appropriate noise management measures can be determined. Examples of A-weighted and C-weighted contour maps are provided in **Appendix 1**.

## Penalties applicable to non-compliance of a Regulation 18 approval.

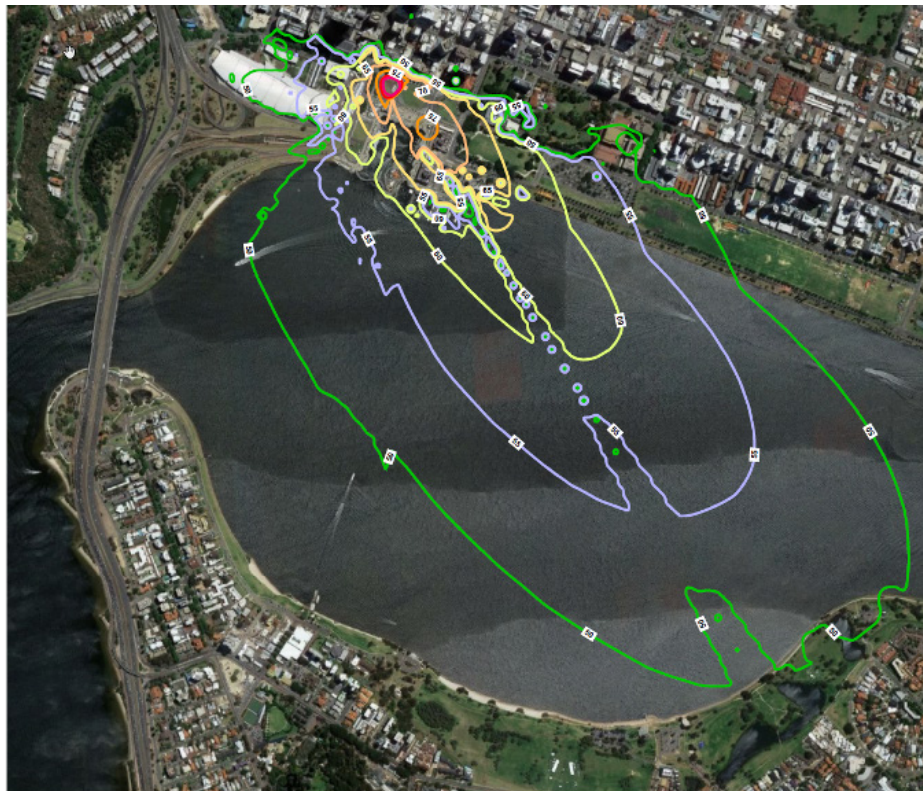
The City applies a graduated approach to enforcement, taking into consideration the seriousness of an offence, the history of the event organiser (previous warnings), and the degree of wilfulness associated with the breach.

Non-compliance with the conditions in a Regulation 18 approval may result in any of the following enforcement actions:

1. A direction by an Authorised Officer to reduce sound levels.
2. Infringement notices (\$250 to \$500 each).
3. Noise Abatement Direction. Failure to comply with the Noise Abatement Direction can result in a penalty of up to \$25,000.
4. Prosecution which may incur a maximum penalty of \$5000 per offence.
5. Future applications under regulation 18 may be refused.

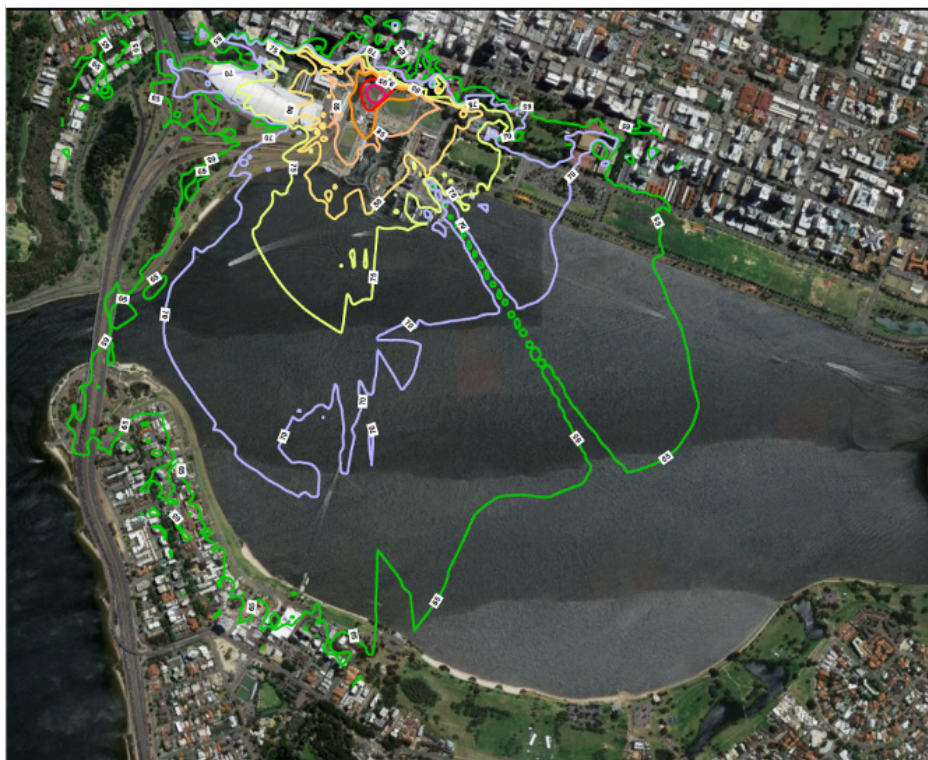
# Appendix 1

## EXAMPLE OF SOUND CONTOUR MAPS



Provided courtesy of Lloyd George Acoustics

Predicted  $L_{Aeq,1min}$  Noise Levels - Assumes 100 dB(A) at Mixing Desk  
Wind from All Directions



Provided courtesy of Lloyd George Acoustics

Predicted  $L_{Ceq,1min}$  Noise Levels - Assumes 110 dB(C) at Mixing Desk  
Wind from All Directions

# Appendix 2

## VENUES WHERE MORE THAN 2 'APPROVED' EVENTS MAY BE HELD PER 12-MONTH PERIOD

The City of Perth undertook a community noise survey in 2020 of residents and businesses situated near the following locations:

- Langley Park
- Supreme Court Gardens
- Ozone Reserve
- Wellington Square
- Russell Square

The purpose of the consultation was to determine the acceptable number of additional events that could be held at each venue / site within a 12-month period, based on community feedback. The results of this consultation were used to determine the maximum number of events detailed in Table 1.

Yagan Square and Elizabeth Quay are not City owned or managed sites, and accordingly were not included within the City's Community Noise Survey. These sites will only be given approval by the City's CEO to hold a maximum of two events per consecutive 12-month period, unless a survey satisfying all criteria of the City's Regulation 18 and 19B Community Consultation Guideline (in draft), is provided.

**Table 1 - Maximum number of 'approved' regulation 18 events, per 12-month period**

<b>6 'approved' Regulation 18 events</b>	<b>4 'approved' Regulation 18 events</b>	<b>2 'approved' Regulation 18 events</b>
Langley Park	Wellington Square	Elizabeth Quay
Supreme Court Gardens		Yagan Square
Ozone Reserve		
Russell Square		

Note: a new noise survey of the above venues is scheduled for late 2025. Future consultation will be done, in accordance with the methodology detailed in the City's Regulation 18 and 19B Community Consultation Guideline.

# Appendix 3

## Maximum Receiver Noise Levels

All events must comply with a maximum noise level of 75dB LAeq 5min which is not to be exceeded at noise sensitive receivers. The City reserves the right to vary this limit when it is determined to be appropriate for the circumstances of the event.

## Maximum Mixing Desk Levels

For the purposes of practical measurement and sound level control, the City will issue Regulation 18 approvals with maximum permissible sound levels at a mixing desk located at a specified distance from the stage. The level set at the mixing desk will be the level required to achieve

the appropriate maximum noise level at the nearest noise sensitive receiver, as determined by the noise modelling accompanying the application.

## Maximum Event Noise Level, Duration and Finish Times

Subject to compliance with other statutory requirements, the City will approve events that adhere to the noise levels, event duration and finishing times detailed in Table 2. This table is to be used as a guide during the preparation of any event requiring a Regulation 18 approval. With due consideration given to the circumstances of individual events, the City reserves the right issue or refuse approvals that vary from the levels, durations and finish times detailed in table 2.

**Table 2 – Event Noise Level, Duration, and Finish Times**

Friday, Saturday & Preceding Public Holidays				Sunday to Thursday			
Max days	Max Level* dB(A)	Max Duration (hrs)	Latest Finish**	Max days	Max Level* dB(A)	Duration (hrs)	Latest Finish**
1	75	6	12:30am	1	75	5	11:00pm
1	75	7	12:00am	1	75	6	10:30pm
1	75	8	11:30pm	1	75	7	10:00pm
1	72#	9	11:30pm	1	72	8	10:00pm
1	72#	10	11:00pm	1	72	9	9:30pm
2	75	6	12:00am	2	75	5	10:30pm
2	75	7	11:30pm	2	75	6	10:00pm
2	72#	8	11:30pm	2	72	7	10:00pm
2	72#	9	11:00pm	2	72	8	9:30pm
3 – 4	72	6	11:30pm	3 – 4	72	5	10:00pm
3 – 4	72	7	11:00pm	3 – 4	72	6	9:30pm
3 – 4	69	8	11:00pm	3 – 4	69	7	9:30pm
> 4	72	5	11:00pm	> 4	69	4	10:00pm
> 4	72	6	10:30pm	> 4	69	5	9:30pm
> 4	69	7	10:30pm	> 4	66	6	9:30pm

Notes to Table 2:

- \* refers to a maximum noise level at the nearest noise sensitive receiver
- \*\* New Years Eve events are exempt from latest finish times in Table 2
- # For 1-2 day events, if table 2 restricts the maximum noise volumes to 72dB(A), Officers may consider volume trade-offs to enable headline acts to play at noise impact levels of 75dB(A) by requiring corresponding volume decreases in earlier stages of the event.

## Before Lodging Your Application

To prevent delays in processing your application and receiving your approval with conditions that you cannot meet, it is highly recommended that:

- a. event organisers provide the following information to their appointed acoustic consultant for consideration in preparing the event noise management plan.
- b. for music events, once the acoustic consultant has provided you with the event noise management plan, you will need to reach agreement with performers to be contracted, that the conditions set for the event are acceptable.

# Appendix 4

## REGULATION 18 APPLICANT CHECKLIST

This checklist will prove useful in ensuring that you do not miss important steps of the application process which could delay or jeopardise your event.

Pre-application requirements		Tick Y/N
1. I have received written confirmation from the City that a Regulation 18 event can be held at the required venue on the required date.		
2. My event has been assessed to satisfy the following criteria:		
<b>Table 1:</b>		
<b>Fri, Sat, Preceding Public Holiday</b>	<b>Sunday to Thursday</b>	
Number of days =	Number of days =	
Maximum level =	Maximum level =	
Duration =	Duration =	
Finish time =	Finish time =	
3. I have engaged an acoustic consultant and have provided them with a copy of the Regulation 18 Applicant Assessment Guideline to follow.		
4. Noise Modelling and Management Plan - I have obtained a noise modelling and management plan for the event prepared by a qualified acoustic consultant and checked that it meets the Regulation 18 Applicant Assessment Guideline.		
5. I have completed the City's Regulation 18 application form - <a href="https://www.perth.wa.gov.au/sites/default/files/documents/Application%20for%20Regulation%2018%20.pdf">https://www.perth.wa.gov.au/sites/default/files/documents/Application%20for%20Regulation%2018%20.pdf</a>		
<b>Application Submission</b>		
6. I have submitted my Regulation 18 application to the City along with payment of the relevant fee:		
\$1000 (if >60 days from the event date).		
\$1250 (if between 21-60 days from the event date).		
7. I received an acknowledgment email from the City that the application has been received.		



## Acknowledgment

- I understand that it can take up to 8 weeks for the City to determine my application.
- If noise from my event will impact on an adjacent local government authority and that local government authority objects, I understand that the City may not be able to approve the application.
- I understand that my application will not be accepted unless the application fee has been paid in full, and that I will not receive a refund should my application be rejected.
- Should my application be successful, I acknowledge that I will receive an approval that is subject to conditions.
- I understand my obligations to comply with the conditions of approval and that the City may take enforcement action against me for failure to comply with these requirements.

Post-application requirements	Tick Y/N
<b>Receipt of Regulation 18 Approval</b>	
8. Read each condition of the approval document carefully.	
9. Appoint an acoustic consultant to conduct the monitoring and reporting without delay.	
10. Provide a copy of the approval document to the acoustic consultant.	
11. Request the acoustic consultant to accept responsibility for overseeing compliance with the monitoring and reporting requirements.	
12. Advise the acoustic consultant to seek clarification of any conditions directly with the City.	
13. Notification - undertake community notification as required by the City or as specified in NMP	
<b>Reporting</b>	
14. Ensure that sound level monitoring compliance reports are submitted to the City on time as detailed in the conditions of approval.	



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