

Environmental Protection (Noise) Regulations 1997

Regulation 19B

Schedule-1 Conditions of Approval

This schedule comprises six (6) pages

In this schedule –

Acoustic consultant means an acoustic consultant who is a member of the Association of Australian Acoustical Consultants (AAAC) or an acoustic consultant whose qualifications and experience qualifies them for membership to the Australian Acoustical Society.

CEO means the Chief Executive Officer of the City of Fremantle;

condition/s means a condition of the venue approval contained within this Schedule;

financial year means the period of twelve months ending on 30 June;

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

event means a notifiable event that meets the requirements of conditions of this approval

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

noise sensitive premises means a noise sensitive premises as defined by the regulations;

notice of ancillary conditions means a notice issued under regulation 19D(5) of the regulations;

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 *Environmental Protection (Noise) Regulations 1997*;

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

unexpected incident means an incident, resulting in a substantial disruption to an event, the occurrence of which is beyond the immediate control of Fremantle Prison 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 Fremantle Prison, located at 1 The Terrace, Fremantle WA 6160.

venue approval means an approval issued under regulation 19B of the *Environmental Protection (Noise) Regulations 1997* to Fremantle Prison located at 1 The Terrace, Fremantle, WA 6160.

The VENUE APPROVAL is subject to the following conditions:

Sound system testing and rehearsals

1. (1) The duration of the sound system tests and rehearsals shall not exceed one hour on the day before a NOTIFIABLE EVENT and one hour on the day of a NOTIFIABLE EVENT.
- (2) The sound system tests and rehearsals shall be held between 2.00pm and 4.00pm on the day before a NOTIFIABLE EVENT and not before 10.00am on the day of a NOTIFIABLE EVENT.

Unexpected incident

2. (1) The finishing time specified in condition 11 may be extended to not later than twenty (20) minutes past the required finishing time on the day of a NOTIFIABLE EVENT, provided that -
 - (2) it is not reasonable and practicable to comply with the finishing time because an UNEXPECTED INCIDENT occurs during a NOTIFIABLE EVENT;
 - (3) an INSPECTOR from the City of Fremantle is advised of the UNEXPECTED INCIDENT as soon as is practicable after Fremantle Prison or the person making notification of a NOTIFIABLE EVENT becomes aware of the occurrence of an UNEXPECTED INCIDENT; and
 - (4) the CEO is notified in writing of the circumstances surrounding the UNEXPECTED INCIDENT within forty eight (48) business hours of the NOTIFIABLE EVENT.

Complaint response service

3. (1) Fremantle Prison or the person making notification of a NOTIFIABLE EVENT shall provide a complaint response service for persons who wish to lodge complaints regarding noise from activities associated with a NOTIFIABLE EVENT.
 - (2) The complaint response service shall comprise a telephone service with at least two lines that can always be answered in person by an operator. An answering machine response is not acceptable.
 - (3) The complaint response service shall be attended at all times during a NOTIFIABLE EVENT and during sound system testing and rehearsals.
 - (4) Fremantle Prison or the person making notification of a NOTIFIABLE EVENT shall compile and forward a report detailing all calls received by the complaint response service to the CEO by no later than five (5) working days after a NOTIFIABLE EVENT. 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.

Advice to residents

4. Notice of the starting and completion times for a NOTIFIABLE EVENT and the establishment of the complaint response service, its telephone number(s) and the

times of operation, shall be publicised by Fremantle Prison or the person making notification of an event, not later than seven (7) days prior to the date of a scheduled NOTIFIABLE EVENT -

(1) in the 'Local Community Newspaper'; and

(2) by means of a flyer distributed to all NOISE SENSITIVE PREMISES in the area shown shaded red on the attached map, Schedule 3.

Community consultation

5. (1) Fremantle Prison is to conduct a community survey to assess community attitudes to NOTIFIABLE EVENTS. The survey is to be conducted two years after commencement of the VENUE APPROVAL, between 1 May and 30 June in the survey year.

(2) The survey respondents shall be contacted by a recognised community survey agency with a representative sample of occupiers of all NOISE SENSITIVE PREMISES within one kilometre of the venue.

(3) A report on the survey is to be forwarded to the CEO by not later than 5.00 pm on 31 August in the survey year.

Venue Configuration

6. The venue layout for a NOTIFIABLE EVENT will have a Stage located to the northern end of the main parade ground facing south with a front of house noise monitoring station located 40 metres from the main stage as shown in the plan, Schedule 2.

Event approval under regulation 18

7. The CEO may approve a maximum of two (2) events under Regulation 18 of the REGULATIONS that are outside this schedule of conditions of the VENUE APPROVAL in any given FINANCIAL YEAR. Each Regulation 18 event that is approved by the CEO will count as an EVENT for the purpose of condition 13.

Control of sound levels at notifiable events

8. (1) Fremantle Prison or the person making notification of a NOTIFIABLE EVENT shall engage an Acoustic consultant for the purposes of monitoring sound levels during the NOTIFIABLE EVENT.

(2) Fremantle Prison shall provide the names and contact telephone numbers of two persons who represent Fremantle Prison and who shall be present and contactable during any NOTIFIABLE EVENT by the City of Fremantle if required. The names and contact telephone numbers of those persons shall be provided to the CEO by 5:00pm at least five (5) days prior to the date of any NOTIFIABLE EVENT. One (1) person representing the ACOUSTIC CONSULTANT for the EVENT and one (1) person representing the Fremantle Prison or the person making notification of a NOTIFIABLE EVENT.

Monitoring and compliance reporting of sound levels

9. (1) For the purpose of condition 12, monitoring of sound levels at an EVENT shall be undertaken at the front of house mixing desk.
- (2) Monitoring of sound levels shall commence 5 minutes prior to the start of an EVENT and continue uninterrupted until 5 minutes after the conclusion of the EVENT,
- (3) Monitoring of sound levels shall use equipment that complies with Regulation 22 of the REGULATIONS.
- (4) For the purpose of Condition 12, sound level readings shall be taken to the nearest whole decibel and shall be taken to have exceeded the sound levels referred to in CONDITION 12 if those levels are exceeded by 1 decibel.
- (5) For an EVENT Fremantle Prison or the person making notification of a NOTIFIABLE EVENT is to provide a detailed report prepared by an ACOUSTIC CONSULTANT referred to in condition 8 (1), including but not limited to;
- (a) the noise monitoring methodology used including; measurement location and duration, instrument details and pre and post calibration;
 - (b) the full results of the monitoring including:
 - a table of monitoring results including the maximum sound levels;
 - the number of exceedances as a measure of compliance with condition 12 (1);
 - the logged data in a graphical format including sound checks and rehearsals;
 - a statement of event complied with the venue approval.

The report shall be delivered to the CEO not later than 10 days after an EVENT.

Maximum duration of an EVENT

10. Maximum duration of an Event is five (5) hours.

Starting and finishing times

11. The starting time for performances at any EVENT shall not be earlier than 5:00pm and the completion time for performances at any EVENT shall not be later than 10.00pm on the same day.

Sound level limits

12. (1) the sound level at the mixing desk (where the mixing desk is located at not more than 40 metres from the primary loudspeaker banks), shall not exceed –

**$L_{Aeq,5min}$ level of 97dB(A); and
 $L_{Ceq,5min}$ level of 110dB(C),**

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

(2) The sound levels specified in Condition 12(1) may be exceeded for up to 5% of the duration of the EVENT but shall not be exceeded by more than 3dB(A) or 3dB(C) and there shall not be more than two exceedance per hour.

(3) Where the mixing desk distance varies from the distance stated in Condition 12(1), then the sound levels are to be adjusted relative to the distance.

(4) The public address systems used at the EVENT shall be operated so that the readings of sound levels recorded by the approved monitoring equipment referred to in Condition 9(3), do not exceed the sound levels referred to in Condition 12(1).

Number of Events

13. (1) No more than a combined total of ten (10) NOTIFIABLE EVENTS are to be held in any financial year.

(2) No more than a combined total of four (4) NOTIFIABLE EVENTS are to be held in any consecutive twenty-eight (28) day period. Should more than 2 events be proposed in any 12-day period approval for the *extra event(s)* within the 12-day period to be considered by the CEO and granted approval by the CEO if deemed appropriate.

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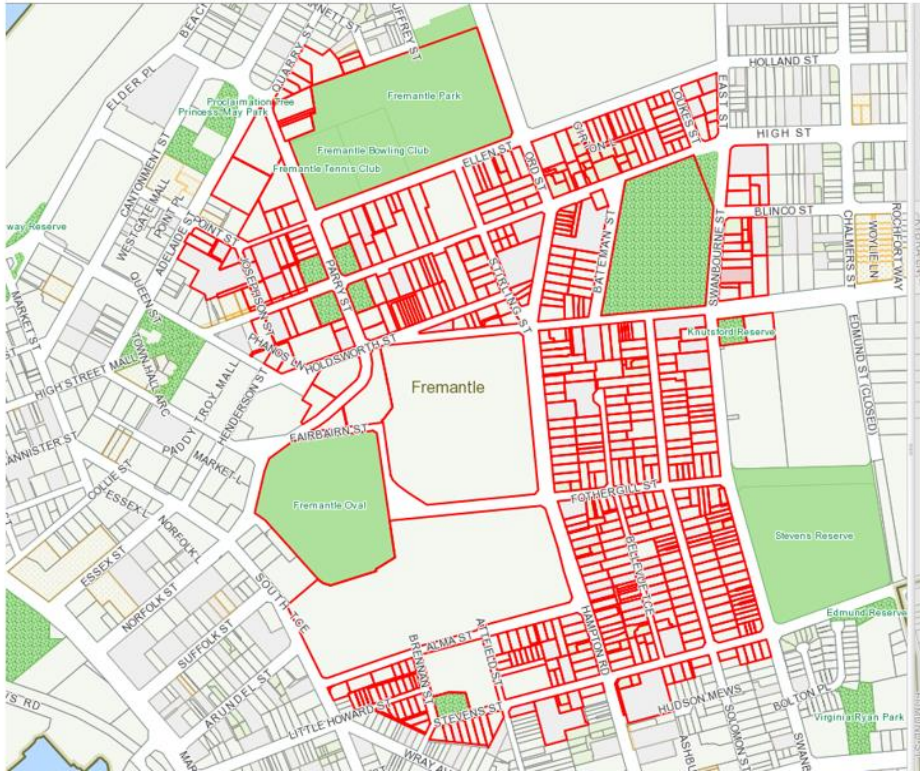
14. This approval is valid for three years and will be reviewed after the survey information is provided as per Condition 5.

Schedule 2: Venue layout



Fremantle Prison Venue Layout

Schedule 3: Notification area



Notification area for letter/flyer drop as listed in Condition 4.

END OF SCHEDULE