



Council Policy

Approval of Venues for
sporting, cultural or
entertainment events:
Regulation 19B



Approval of Venues for sporting, cultural or entertainment events

Policy scope

The City recognises the economic, social and cultural value derived from sporting, cultural or entertainment events. This policy is to ensure balance between the City's commitment to be a vibrant events centre and its vision of being a compassionate city that cares for the wellbeing of our people and the environment we share, in operating under its delegations to approve outdoor entertainment venues in accordance with the *Environmental Protection (Noise) Regulations 1997 (the regulations)*.

Noise is managed under the provisions of the *Environmental Protection (Noise) Regulations 1997* which allow different noise levels dependant on the type of premises receiving the noise (residential/ noise sensitive, commercial, or industrial) and the surrounding land uses and traffic volume on nearby roads.

The regulations provide for events that would exceed the permitted levels for events such as concerts and community activities to gain conditional approved by the CEO in the form of a Regulation 16 approval for community events, a Regulation 18 approval for one-off events and Regulation 19B approval for events held at entertainment venues.

This Policy is to address permanent venues which propose to hold regular outdoor concerts and events that would produce noise in excess of the levels permitted under the regulations. Other venues while not excluded from applying for a Regulation 19B approval are expected to comply with the noise levels prescribed or apply for Regulation 18 approvals for special events.

This policy is not intended to apply to events covered by Regulation 18. The City's Outdoor Events Policy has identified localities suitable for outdoor concerts/events and the number of these that can be approved in a 12-month period. These localities are outdoor spaces such as, but not limited to, Fremantle Park, Fremantle Oval and the Esplanade Reserve. Events at these locations are subject to Regulation 18 approvals specific for the type of event proposed.

This policy is not intended to apply to venues that are substantially indoors whom should manage their noise emissions via appropriate venue management and application of suitable noise attenuation.

This policy is not intended to address the broader and more complex issue of "designated entertainment precincts".



Policy statement

This policy is provided to inform the CEO of the Council's acceptability criteria for applications to approve Venues under Part 2, Division 7 of the *Environmental Protection (Noise) Regulations 1997*, acting as a submission to the CEO for their consideration. It is acknowledged that the CEO alone is delegated by the Chief Executive Officer of the Department of Water and Environmental Regulation to consider and approve applications for Venues under Part 2, Division 7 of the *Environmental Protection (Noise) Regulations 1997*.

Policy principles

In considering applications submitted under Regulation 19B the City will be guided by the following principles which address issues not clearly defined in the regulations and may be specifically applicable to the City of Fremantle considering population density and proximity of residential premises to entertainment venues of various types:

- Cumulative impact – the proximity of a Venue application to other Venues which already have an approval under Regulation 19B or are the subject of another current application will be taken into consideration. Where a 1km radius around a Venue overlaps with the 1km radius around another approved or currently proposed Venue, the cumulative noise impacts on noise sensitive premises within the overlap area will be given particular weight in assessing an application. Noise modelling will be considered when assessing venues that may jointly impact noise sensitive premises.
- Precautionary principle – where a Venue has not previously been the subject of an approval under Regulation 19B or Regulation 18, the City may limit the duration of an initial approval to not more than 2 years.
- Precautionary principle - limit the number of notifiable events permitted to be held in any 12 month financial year to 15 events. Consideration will be given to the spread of events throughout each 12 month period, balancing traditional demand for more events in the summer months against excessive impacts on local communities from multiple events in a short span of time. Limiting the number of events 2 events per fortnight, Mon – Sun.
- Precautionary principle - limit the event duration to a maximum of 5 hours with a strict 10 PM noise curfew for events held Sunday – Thursday, and a strict 10.30PM noise curfew for events held Friday - Saturday. Event proposals that wish to exceed the event period of 5 hours and/or curfew time to submit a separate Regulation 18 application. If approved this approval will count as 1 of the approved Regulation 19B events. The City



will consider approving events of a longer and later duration on New Year's Eve.

- Precautionary principle- Limit line and sound check for a period of 2 hours after 10 am on the day of the event. Sound checks to be limited to PA testing and noise limit assessing, not used for extended band practice and or jamming.
- Precautionary principle – an event will be considered to occur on one day, acts that play more than one night will be considered as one event for each night.

Application Requirements

An application for Venue Approval is required to be made by the Venue to the CEO of the City in accordance with the requirements of the Regulations and with any supporting documents the applicant may see as relevant and that the CEO may request.

Fees

Fees associated with the application need to be proportionate with the cost of assessing and processing the application. These are set under the City's Schedule of Fees and Charges and will be charged at the same rate as the number of Regulation 18 approvals that would have applied to the approval of the individual events in a 12-month period. As an example, an application for 5 events per year would attract a fee of 5x the Reg 18 approval fee listed in the City's fees and charges.

This will cover all of the Officers time in meeting with the applicant, site visits, research, collation of information, assessing all information, consultation and review to external parties, meeting with the Coordinator, Manager, Director and Council (if required), Council reports (if required), preparation of final documents, CEO sign off, administration time, and so on. An applicant may request a breakdown of these charges which should be given on request.



Definitions and abbreviations

CEO – The Chief Executive Officer of the City of Fremantle

Act – The Environmental Protection Act 1986.

Regulations – The Environmental Protection (Noise) Regulations 1997.

Venue - permanent premises which propose to hold regular outdoor concerts and events that would produce noise in excess of those permitted under the regulations and for which noise cannot be controlled by venue attenuation or other noise management procedures.

Notifiable event means a sporting, cultural or entertainment event that –

- a) is open to the public; and
- b) is likely to result in noise emissions, other than community noise, that do not comply with the standard prescribed under regulation 7; and
- c) is not an approved event or an event for which application for approval under regulation 18 has been made.

The City of Fremantle has been delegated powers under the Regulations to approve applications to emit noise, from sporting, cultural and entertainment events, exceeding the standard set by the Regulations.

Responsibility and review information	
Responsible officer:	CEO
Document adoption/approval details	Ordinary Meeting of Council – FPOL2301-7 – 22 February 2023
Document amendment details	Amendment approval/adoption date Proof of adoption/approval - meeting name or document no#
Next review date	(maximum of four years from last review)