



OUTDOOR CONCERT NOISE

ENVIRONMENT PROTECTION POLICY

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AUSTRALIAN CAPITAL TERRITORY
GOVERNMENT

OUTDOOR CONCERT VENUE ENVIRONMENT PROTECTION POLICY

NOTE: This Environment Protection Policy (EPP) will be notified as an amendment to the Noise EPP and will form Schedule 2 to that EPP. An abridged Glossary of Terms for the Noise EPP has been attached to assist in reading this document. Terms used in the Policy which are defined in Schedule 2 of the *Environment Protection Act 1997* are in **bold**. Additional terms defined in the Policy are underlined.

1. Background and Application

Open-air entertainment, including amplified **concerts** has social and cultural value. However the amplification of voice and instrumental music, together with applause and other audience response, can result in excessive and even offensive noise at neighbouring or nearby premises, particularly where these are residential premises.

While a number of steps can be taken to reduce the adverse impact of concert noise, such as the location of the stage, direction of the speakers and the reduction in low-frequency (bass) sounds, the noise levels may still be considered as intrusive. Noise in excess of the **zone noise standard** can be expected at outdoor **concert venues** capable of providing the facilities required for such significant community events within the ACT.

This Policy has been developed to balance the need to provide adequate protection to the amenity of neighbouring residents from outdoor **concert** noise with the rights of the broader community to enjoy significant events in accordance with the objects of the *Environment Protection Act 1997* (the Act).

A number of **concert venues** with sufficient facilities and infrastructure necessary to conduct significant outdoor **concerts** exist within the ACT. A broader approach is required to ensure a balance between community expectations and protection of environmental standards.

The Act and this Policy empower the EMA to grant **environmental authorisations** for unlimited periods for the following major venues:

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- Bruce Stadium; and
- Exhibition Park in Canberra.

2. Single Event Authorisations

Applications for authorisations to conduct single outdoor concert events will be considered for other public venues capable of holding more than 2,000 persons. These **environmental authorisations**, which will permit single outdoor concert events will contain conditions consistent with this Policy.

Outdoor concert venues capable of holding fewer than 2,000 people do not require an environmental authorisation but must comply with zone noise standards under the *Environment Protection Act 1997*

Standard environmental authorisations have been granted for the conduct of outdoor **concerts** at various existing venues in Canberra. Conditions in the environmental authorisations are set having regard to historical use and the likely impact on residential amenity in the vicinity of the venues.

3. Compliance Location

The major adverse environmental impact from noise from outdoor concerts is on residential areas located in the vicinity of the outdoor **concert venue**.

The purpose of this Policy is to limit the **environmental harm** potentially caused by noise from outdoor concerts. To take due account of economic and social considerations, a **compliance location** is established for each venue. This **compliance location** is in or near existing residential properties most affected by the noise. The **compliance location** may be varied to take into account special noise-sensitive premises, for example hospitals.

Concerts at existing outdoor **concert venues** are generally unable to comply with **zone noise standards** at their lease boundaries.

Environmental authorisations which permit outdoor **concert events** to emit noise in excess of **the zone standard** will specify the relevant **compliance location** and conditions relating to the noise the **events** may generate at that location as conditions of the authorisation.

4. Measures to Limit Adverse Environmental Impact

A number of factors contribute to the degree of adverse impact on residential areas from noise emitted during outdoor **concert events**:

- the level and nature of the noise;
- the number of **events** each year;
- the time at which the **event** takes place;
- the spread of **events** during the year; and
- the amount of warning (“prior notification”) provided to residents about upcoming **events**.

The Policy deals with each of these factors. The proposed measures have been developed to provide certainty both to people undertaking outdoor **concerts** in venues capable of holding more than 2,000 persons and to the people affected by the noise from such activities. The conditions described below will be applied only to **events** which generate noise in excess of the **zone noise standard** at the **compliance location**. There are no restrictions on **events** which do not exceed the **zone noise standard** as defined in the Act and Regulations.

4.1. Level of the noise

Restrictions in this Policy on the level of noise from outdoor concerts at the **compliance location** are expressed as **dB(A)** above the **noise trigger level** applying at the **compliance location**. The noise trigger level for outdoor concerts will be 50 dB(A) (L_{A10T}).

In general, the greater the amount by which noise exceeds the **noise trigger level**, the greater the **environmental harm** caused. The Policy permits noise levels which exceed the **noise trigger level** by

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varying amounts, but requires a reduction in the total number of events held if noisier events are to be held. This balancing of factors is achieved through the event credits scheme outlined in Section 4.2 below.

The EMA will not authorise an event that is likely to produce noise which exceeds 65 dB(A) (L_{A10T}) at the **compliance location** for 15 minutes or longer.

Outdoor **concerts** will be required to finish by 11 pm. On New Year's Eve, events are permitted without **environmental authorisations** between 6 pm on 31 December and 12.30 am on 1 January, provided noise levels do not exceed 60 dB(A) (L_{A10T}) at **compliance locations**.

An **environmental authorisation** will be required on New Year's Eve for noise greater than 60 dB(A) but less than 65 dB(A) (L_{A10T}). Authorised events on New Year's Eve must finish by 12.30 am on 1 January.

Sound tests other than rehearsals [see Section 4.3] may be conducted for a maximum period of 60 minutes between the hours of 9.00 am and 6.00 pm.

The use of public display fireworks at outdoor concerts must be completed by 10 pm except on New Year's Eve where the fireworks display must be completed by 12.30 am on 1 January.

The noise from the fireworks will be excluded from the event's noise monitoring.

4.2. Number of events each year

Each outdoor **concert venue** will be allocated a certain number of event credits each year. The year is defined as 1 July to 30 June. Event credits will be needed for any event which generates noise above the noise trigger level at the **compliance location**. A number of event credits may be needed to hold an event, depending upon the event's duration and the noise level generated.

The number of event credits allocated to each venue annually is calculated to enable a balance between protecting residential amenity and permitting outdoor concerts that are enjoyed by a substantial section of the community.

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The number of event credits shown below is the total number available for each venue for all events (including outdoor concerts) which require event credits.

| Outdoor Concert Venue | Number of event credits per annum |
|------------------------------|--|
| Bruce Stadium | 10 |
| Exhibition Park in Canberra | 10 |

4.3. The Use of Event Credits

One event credit will be needed for every 5 dB(A) by which event noise exceeds the noise trigger level.

The effect of exceeding the noise trigger level and extending beyond 4 hours has a cumulative effect on the use of event credits.

Events which extend beyond 4 hours require two event credits. Three event credits are required if the duration of an event exceeds 8 hours, and so on.

Individual rehearsals will be treated as an event under this Policy and may not exceed two hours in duration.

Examples

An event which runs from 1 pm to 4 pm and exceeds the noise trigger level by 5 dB(A) will require 1 event credit.

An event which runs from 6 pm to 11 pm and exceeds the noise trigger level by 15 dB(A) will require 6 event credits.

An event which runs from 9 am to 6 pm and exceeds the noise trigger level by 10 dB(A) will require 6 event credits.

The actual event credits used by a particular event will be deducted from the annual total for the particular **concert venue** immediately after the event is held.

An event will not be permitted unless the balance of event credits for the particular **concert venue** is more than, or equal to, the number of event credits still

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available for all events which have been advertised for the **concert venue**.

If the actual number of event credits used by an event do exceed the balance remaining for the **concert venue**, the excess will be deducted from the next year's allocation of credits and no further events will be permitted at the **concert venue**. Any unused event credits at the end of the year do not accrue to the next year.

4.4. Spread of events during the year

Authorisations will contain the following limits to ensure a reasonable spread of events at a facility:

- no more than six event credits may be used in any six week period;
- events conducted on days other than a Friday or Saturday will be restricted to three events per year.

4.5. Prior Notification

Prior notification of upcoming events assists residents affected by noise from outdoor concerts to organise their activities to minimise the adverse impact of that noise.

Authorisation holders for Bruce Stadium, Exhibition Park in Canberra and most other locations will be required to advertise, in a daily newspaper circulated in the affected area, any upcoming events at least eight weeks in advance of the event.

For other locations where there are only a relatively small number of **affected occupiers**, the authorisation may provide for direct notice to these persons.

Authorisations will also include a condition that the **EMA** be provided with a copy of the newspaper advertisement and/or notice to **affected occupiers** not later than two working days after the advertisement appeared in the newspaper or the notice was delivered to **affected occupiers**.

Authorisations may provide that, in advertising an upcoming event, the authorisation holder may nominate an alternate date for the event if the original date of the event is cancelled. Should the original event be cancelled for this reason, an equivalent event can be held on the alternate date with no additional cost in event credits.

Where the authorisation holder wishes to cancel an event, the authorisation may provide that event credits will be reinstated if the cancellation is advertised at least two weeks before the event was due to be held.

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The authorisation will provide that the **EMA** be advised within two working days of the placement of any advertisement notifying this type of cancellation.

Where an event is cancelled due to factors beyond the control of the authorisation holder, the authorisation may provide that event credits will be reinstated. The authorisation will require that the **EMA** be advised immediately of cancellation and may impose requirements to advise **affected occupiers**.

5. Demonstrating Compliance

Authorisation holders will be required to demonstrate that the outdoor **concert events** they hold comply with the conditions of their authorisation by monitoring events and making the results available to the **EMA**.

Alternatives to monitoring at the **compliance location** may be acceptable where it can be shown that the alternative unambiguously demonstrates compliance at the **compliance location**. For example, monitoring inside the **concert venue** at selected locations could be an acceptable alternative provided that it can be shown by a noise expert, using modelling and confirmed by field tests, that a reproducible relationship exists between noise levels at those selected locations and, those at the **compliance location**.

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6. Glossary Of Terms

The definitions of the terms listed in this Glossary are provided to assist in reading this EPP. For the formal legal definition of the terms marked with an asterisk (*), refer to Section 4 of the Act and for those marked with a ♦, refer to Regulation 3.

| Term | Definition |
|------------------------------|---|
| affected occupier ♦ | The occupier of land, including or any person lawfully on unleased or public land, which is subject to excessive noise. |
| compliance location ♦ | The location at which noise from an activity must not be excessive. |
| dB(A) | The abbreviation dB represents decibels, the logarithmic unit of measurement of sound pressure level. The dB(A) is the sound pressure level obtained with a sound level meter using an A-weighted electrical filtering network, which approximates the frequency response of the human ear. |
| EMA* | Environment Management Authority - a statutory office established under Part II of the Act to administer the Act. |
| environmental authorisation* | A form of licence to conduct an activity which has a significant potential to cause environmental harm. |
| environmental harm* | Any impact on the environment as a result of human activity that has the effect of degrading the environment (whether temporarily or permanently). |
| EPP* | Environment Protection Policy |
| event | An “event” is the conduct of an outdoor concert, using amplifying equipment, in a venue capable of holding more than 2,000 persons. “Event” also includes rehearsals. |
| event credit | A unit used in the Outdoor Concert Noise EPP to determine how many events, under specified conditions, can be held at an outdoor concert venue. |
| excessive noise ♦ | The noise from an activity which exceeds the zone noise standard, or a different standard where that standard is specified in an environmental authorisation or approval, at the applicable compliance location. |
| L_{A10T} | The dB(A) level exceeded for 10% of the specified time period T and is often used as the descriptor for a noise under investigation. It is similar to the average of the maximum noise levels. |
| noise expert | An accredited acoustical consultant, experienced in environmental noise assessment, who is a member of the Australian Acoustical Society. |
| noise trigger level | The noise level above which event credits will be used. For outdoor concerts the noise trigger level will be 50 dB(A) (L_{A10T}). |
| noise zone ♦ | A parcel of land determined by land use policies in the |

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| Term | Definition |
|-------------|---|
| | Territory Plan to which a single zone noise standard applies. Table 1 of Schedule 2 of the Regulations defines noise zones. |
| rehearsal | A performance beforehand for the purpose of practice or drill which uses the main speaker system. |

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| Term | Definition |
|-----------------------|---|
| sound test | The testing of sound levels and the acoustic properties of an outdoor concert venue for the purposes of obtaining information of the likely impact of concert noise at the compliance location. |
| zone noise standard ♦ | The maximum level of noise as measured at the applicable compliance location which may be generated by an activity being undertaken in the relevant noise zone. Table 1 of Schedule 2 of the Environment Protection Regulations defines zone noise standards. |