



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST REGULATION 19B VENUE APPROVAL OPTUS STADIUM, PERTH

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under Regulation 19G(1)(a) of the *Environmental Protection (Noise) Regulations 1997* in objection to the decision of the Town of Victoria Park to issue a Regulation 19B venue approval for Optus Stadium. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Ms Susan Randazzo
Approval Holder:	VenuesLive Management Services (WA) Pty Ltd
Proposal description:	The venue approval authorises a number of notifiable events to be held within a 12 month period, subject to conditions at Optus Stadium.
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	25 June 2020

REASONS FOR MINISTER'S DECISION

The Minister received an appeal on 2 March 2020, regarding the decision of the Town of Victoria Park to issue a venue approval for Optus Stadium. The venue approval authorises VenuesLive Management Services (WA) Pty Ltd (VenuesWest) to hold a number of notifiable events per 12 month period, subject to conditions. The venue approval is valid for three years.

By way of summary, the Minister understood that the appellant was seeking certainty on the number and types of events to be held at Optus Stadium and a reduction in the noise levels set out in the approval to a level that is acceptable for both event attendees and sensitive receptors in the East Perth area. The appellant also sought for a review of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* to provide a consistent and co-ordinated approach to managing cumulative noise impacts from multiple venues in the area.

The decision to issue the venue approval was developed by the Town of Victoria Park in consultation with noise experts within the Department of Water and Environmental Regulation (DWER). The Minister understood that the conditions of the approval were workshopped with State and local government over a two-year period and considered the results of community surveys.

The number of special entertainments events (including motor sport events) is limited to ten events in a 12-month period, being a maximum of two major entertainment events, two motor sporting events and six medium events. In addition, sixty-five sporting events, including Australian Football League matches, are permitted over a 12-month period.

Noise modelling was undertaken by an accredited acoustic consultant to assess the impact of noise from entertainment special events on surrounding receptors. The modelling was undertaken using a computer program that took into account meteorological conditions, expected music volumes, barrier effects from buildings and land contours and various event scenarios.

The modelling predicted that noise levels at Vanguard Terrace in East Perth will be no higher than 50 dB(A) for a west or north stage configuration, while a centre stage configuration is expected to have a noise level no higher than 65 dB(A). Based on its experience monitoring outdoor events and comparison with other jurisdictions, the DWER noise experts considered the modelling was appropriate and the predicted noise levels are reasonable and acceptable. As an additional safeguard, the Minister noted that any proposal to use a centre stage configuration requires special approval from the Town of Victoria Park.

In order to ensure that noise levels are appropriately managed for entertainment special events and motor sport events, the conditions set out requirements for a Noise Management Plan, notifications, complaints, monitoring, reporting and post event community consultation. VenuesWest advised that for entertainment events, it is typical for an independent consultant to monitor noise levels at the mixing desk, and at various fixed monitoring locations, including Vanguard Terrace in East Perth.

The Minister was aware that the approval has been issued for three years which is the recommended minimum timeframe for approval of a new venue. The Minister noted that the intent of this initial time limited approval is to provide an opportunity to consider noise levels in practice with a view to these results informing any future approval. In this regard, the Minister was advised that the Town of Victoria Park and VenuesWest indicated that they would be willing to make data publicly available in an appropriate timeframe to assist the community's understanding of noise levels from events.

In relation to cumulative impacts of noise from the multiple venues, while this matter is outside the scope of the appeal, the Minister was advised that the City of Perth, the Town of Victoria Park and DWER's Noise Branch are aware of the issues the appellant has raised and have established a working group to investigate these concerns.

Taking the above into account, and in particular DWER's advice that predicted noise will be below a level that would be expected to cause unreasonable impacts to residents in the area, the Minister considered the venue approval to be justified. The Minister further considered that the conditions applied to the approval are conservative, and limit the number, duration and noise levels for all entertainment and motor sport special events. It follows that the Minister dismissed the appeal.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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