



Statement No.

MINISTER FOR THE ENVIRONMENT

000673

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED  
(PURSUANT TO THE PROVISIONS OF THE  
ENVIRONMENTAL PROTECTION ACT 1986)**

OUTDOOR ENTERTAINMENT VENUE  
LOT 2 TOODYAY ROAD, RED HILL  
CITY OF SWAN

**Proposal:** The construction and operation of an outdoor entertainment venue on Lot 2 Toodyay Road, Red Hill. The venue will provide an outdoor facility for amplified music concerts, performing arts, children's events and film screenings.

Permanent features of the venue include an enclosed stage facing east, open grassed area, drainage basins, access road and a car park, as documented in schedule 1 of this statement.

**Proponent:** Ace Nominees Pty Ltd

**Proponent Address:** 71 Flora Terrace  
WATERMAN WA 6020

**Assessment Number:** 1291

**Report of the Environmental Protection Authority:** Bulletin 1104

The proposal referred to above may be implemented by the proponent subject to the following conditions and procedures:

**1 Implementation**

1-1 The proponent shall implement the proposal as documented in schedule 1 of this statement, subject to the conditions of this statement.

Published on  
30 DEC 2004

## **2 Proponent Commitments**

- 2-1 The proponent shall implement the environmental management commitments documented in schedule 2 of this statement to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

## **3 Proponent Nomination and Contact Details**

- 3-1 The proponent for the time being nominated by the Minister for the Environment under section 38(6) or (7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal until such time as the Minister for the Environment has exercised the Minister's power under section 38(7) of the Act to revoke the nomination of that proponent and nominate another person as the proponent for the proposal.
- 3-2 If the proponent wishes to relinquish the nomination, the proponent shall apply for the transfer of proponent and provide a letter with a copy of this statement endorsed by the proposed replacement proponent that the proposal will be carried out in accordance with this statement. Contact details and appropriate documentation on the capability of the proposed replacement proponent to carry out the proposal shall also be provided.
- 3-3 The nominated proponent shall notify the Department of Environment of any change of contact name and address within 60 days of such change.

## **4 Commencement and Time Limit of Approval**

- 4-1 The proponent shall substantially commence the proposal within five years of the date of this statement or the approval granted in this statement shall lapse and be void.

Note: The Minister for the Environment will determine any dispute as to whether the proposal has been substantially commenced.

- 4-2 The proponent shall make application for any extension of approval for the substantial commencement of the proposal beyond five years from the date of this statement to the Minister for the Environment, prior to the expiration of the five-year period referred to in condition 4-1.

The application shall demonstrate that:

1. the environmental factors of the proposal have not changed significantly;
2. new, significant, environmental issues have not arisen; and
3. all relevant government authorities have been consulted.

Note: The Minister for the Environment may consider the grant of an extension of the time limit of approval not exceeding five years for the substantial commencement of the proposal.

## 5 Compliance Audit

5-1 The proponent shall prepare an audit program and submit compliance reports to the Department of Environment which address:

1. the status of implementation of the proposal as defined in schedule 1 of this statement;
2. evidence of compliance with the conditions and commitments; and
3. the performance of the environmental management plans and programs.

Note: Under sections 48(1) and 47(2) of the *Environmental Protection Act 1986*, the Chief Executive Officer of the Department of Environment is empowered to monitor the compliance of the proponent with the statement and should directly receive the compliance documentation, including environmental management plans, related to the conditions, procedures and commitments contained in this statement.

## 6 Noise Management

6-1 The proponent shall not hold more than five events per annum whose noise emissions, when received at noise-sensitive premises, exceed the prescribed standard in the *Environmental Protection (Noise) Regulations 1997*.

Notes:

1. 'Noise-sensitive' premises has the same meaning as in the *Environmental Protection (Noise) Regulations 1997*.
2. An 'event' means a music, drama or dance performance, film or promotional event, or the like, which does not commence before 9:00 am and does not finish after 12:00 am midnight on any day, except New Year's Eve, when an event must finish before 2:00 am.
3. The level of noise emissions from the facility shall be determined in accordance with Part 3 of the *Environmental Protection (Noise) Regulations 1997*.

6-2 During an event in which noise levels received at noise-sensitive premises exceed the prescribed standard in the *Environmental Protection (Noise) Regulations 1997*, the proponent shall operate the facility to ensure that sound levels at the mixing desk position do not exceed an  $L_{Aeq, 1min}$  level of 100 dB(A), where  $L_{Aeq, 1min}$  is an average value taken over one minute, whose level contains the same energy as the fluctuating noise during that period.

Notes:

1. This condition applies when the mixing desk is located at a distance of not less than 20 metres and not more than 30 metres from the front of the stage.
  2. The level of noise emissions from the facility shall be determined in accordance with Part 3 of the *Environmental Protection (Noise) Regulations 1997*.
- 6-3 To facilitate meeting the requirements of conditions 6-1 and 6-2 and prior to using the facility for an event, the proponent shall prepare a Noise Management Plan to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The objectives of the Plan are:

- to ensure that the amenity, health, welfare and comfort of residents and those people recreating in surrounding areas are protected;
- to ensure that noise emissions from the facility meet the requirements of condition 6-2; and
- to ensure that the proponent does not hold more than five events per annum whose noise emissions, when received at noise-sensitive premises, exceed the prescribed standard in the *Environmental Protection (Noise) Regulations 1997*.

This Plan shall:

1. be prepared in consultation with potentially affected residents, the City of Swan, the Western Australia Police and the Department of Conservation and Land Management during the development of the plan and prior to events taking place;
2. show revised acoustic modelling contours based on latest topographic and cadastral information, and shall show existing and future residential areas and all noise-sensitive premises;
3. identify noise control measures required to minimise and/or reduce noise emissions from the facility as far as practicable and reasonable;
4. set out noise management measures, including finishing times, applicable to the various classes of events likely to be held;
5. identify noise control measures to apply to amplified events, particularly when they coincide with westerly and southerly winds;
6. include details of the reference positions and procedures for the measurement and monitoring of noise levels;
7. require noise monitoring and reporting to the City of Swan by a recognised independent acoustical consultant during amplified events;

8. allow for noise monitoring at noise-sensitive premises in the event of a complaint;
9. allow for at least two weeks' prior notification of events to the City of Swan, residents and any noise-sensitive premises within 500 metres of the site, with the provision of event details including timings, description and contact details for complaints;
10. allow for a noise complaints response procedure which includes the following:
  - 1) recording, response, rectification of complaints and reporting;
  - 2) review and continual improvement of noise management;
  - 3) adaptive noise management during events;
  - 4) reporting and review of the Plan; and
  - 5) consultation with the City of Swan and interested local groups.

Note: In the preparation of the above Plan, the Environmental Protection Authority expects that the advice of the following agencies will be obtained:

- City of Swan; and
- Shire of Mundaring.

- 6-4 The proponent shall implement the Noise Management Plan required by condition 6-3 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 6-5 The proponent shall make the Noise Management Plan required by condition 6-3 publicly available to the requirements of the Environmental Protection Authority.

## **7 Vegetation and Landscape Features Protection**

- 7-1 The proponent shall not conduct construction activities (other than those associated with the construction of the access road) within the area where native vegetation will be retained and protected (as shaded and shown in Figure 2).
- 7-2 Prior to ground-disturbing activity, the proponent shall prepare a Vegetation and Landscape Features Protection Plan to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The objectives of this Plan are to:

- integrate the protection of priority and significant flora, and granite outcrops on the northern portion of the facility with the proponent's design and layout of the proposal;

- limit the amount of clearing required for the facility to 4.6 hectares; and
- provide for the minimisation of the impact of the facility on the habitat and landscape values of John Forrest National Park.

This plan shall address the following:

1. the refinement of the proponent's layout of the facility to include adequate setbacks from the John Forrest National Park (in consultation with the Department of Conservation and Land Management);
2. limitation of the extent of vegetation clearing to less than 4.6 hectares;
3. clear delineation of the significant areas to be protected during the construction phase (by suitable temporary fencing, roping or a system of markers);
4. prevention of damage to or degradation of priority and significant flora or vegetation, and granite outcrops, due to earthworks and during the operation of the facility;
5. dieback management, including sourcing of imported soils from dieback-free areas (see also commitment 1(2));
6. the erection of boundary fencing on the southern boundary (in consultation with the Department of Conservation and Land Management);
7. procedures to control the entry of patrons into the adjacent John Forrest National Park during and between entertainment events at the facility;
8. contingency measures in the event that damage or degradation to priority, and/or significant flora, and granite outcrops, appears likely to occur or has occurred; and
9. procedures to prevent rubbish entering John Forrest National Park and contingency measures if rubbish is occurring within the park as a consequence of the facility.

Note: In the preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following agencies will be obtained:

- Department of Conservation and Land Management; and
- City of Swan.

7-3 The proponent shall implement the Vegetation and Landscape Features Protection Plan required by condition 7-2 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

7-4 The proponent shall make the Vegetation and Landscape Features Protection Plan required by condition 7-2 publicly available to the requirements of the Environmental Protection Authority.

## **8 Stormwater Management**

8-1 The proponent shall construct and operate stormwater detention basins to maintain the water quality in the creek (passing through the northern portion of Lot 2) downstream of the facility at the same level as the water quality upstream of the facility.

8-2 To meet the requirements of condition 8-1, the proponent shall:

1. retain on-site stormwater run-off from the facility using detention basins which have a minimum 2-hour storage capacity for run-off from a 10-year return frequency rainfall event;
2. incorporate surface scum trapping and filtration devices into the detention basins to prevent discharge of floating matter and sediments;
3. incorporate rushes and sedges in the detention basins;
4. have in place a system of maintenance to maintain the effectiveness of the detention basins and filtration devices; and
5. have in place a water quality monitoring and reporting programme for significant rainfall events to determine the effectiveness of the detention basins in meeting the requirements of condition 8-1,

to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

## **9 Rehabilitation and Decommissioning Plan**

9-1 Within 12 months following the completion of construction, or at a time agreed with the Environmental Protection Authority, the proponent shall prepare a Rehabilitation and Decommissioning Plan designed to ensure that the site is left in an environmentally acceptable condition to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Department of Conservation and Land Management and the City of Swan.

The Rehabilitation and Decommissioning Plan shall address:

1. rehabilitation of all disturbed areas, with self-sustaining vegetation communities which are consistent with the current composition of vegetation communities on the site and adjacent areas, to a standard suitable for the agreed new land use(s);

- 2 removal or, if appropriate, retention of plant and infrastructure in consultation with relevant stakeholders;
  - 3 long-term management of ground and surface water systems affected by the facility; and
  - 4 identification of contaminated areas, including provision of evidence of notification and proposed management measures to relevant statutory authorities.
- 9-2 If the proponent intends that no further events will be held at the facility, or if no event has been held at the facility for two consecutive operating seasons, the proponent shall implement the Rehabilitation and Decommissioning Plan required by condition 9-1 at a time and until such time as the Minister for the Environment determines, on advice of the Environmental Protection Authority, the Department of Conservation and Land Management and the City of Swan, that the proponent's rehabilitation and decommissioning responsibilities have been fulfilled.
- 9-3 The proponent shall make the Rehabilitation and Decommissioning Plan required by condition 9-1 publicly available, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

## Procedures

- 1 Certain requirements of this statement may cease to have effect at such time as the proponent has the approval to operate the facility in conformity with the amendments to the *Environmental Protection (Noise) Regulations 1997* pertaining to noise from outdoor entertainment venues.
- 2 Where a condition states "to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority", the Environmental Protection Authority will provide that advice to the Department of Environment for the preparation of written advice to the proponent.
- 3 The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment.
- 4 Where a condition lists advisory bodies, it is expected that the proponent will obtain the advice of those listed as part of its compliance reporting to the Department of Environment.

## Notes

- 1 The Minister for the Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment over the fulfilment of the requirements of the conditions.
- 2 Within this statement, to “have in place” means to “prepare, implement and maintain for the duration of the proposal”.

Dr Judy Edwards MLA  
MINISTER FOR THE ENVIRONMENT

30 DEC 2004

## Schedule 1

### The Proposal (Assessment No. 1291)

The proposal is to construct and operate an outdoor entertainment venue on Lot 2 Toodyay Road, Red Hill, City of Swan. The facility will provide an outdoor venue for amplified music concerts, including rock concerts, performing arts, children's events and film screenings. Permanent features of the facility include an enclosed and roofed stage, open grassed area, drainage basins and a car park.

The location of the facility is shown in Figure 1 (attached). The layout of the facility showing the area of locally significant vegetation to be retained is shown in Figure 2.

The key characteristics of the proposal are summarised in Table 1 below.

**Table 1 - Key Proposal Characteristics**

Characteristic	Description
Location	Lot 2 Toodyay Road, Red Hill, City of Swan.
Area	(Lot size) approximately 10 hectares total. Area to be cleared for development, up to 4.6 hectares.
Capacity	Up to 5000 people
Annual number of events	Up to 100 events per year, principally between the months of November and April.
Annual number of amplified music events/rock concerts	Up to 20 events per year.
Stage	A stage set-up facing east, surrounded by three concrete walls, approximately 5 metres in height. Sheet metal deck roof. All walls and roof to be internally lined with acoustic insulation. Noise output from two banks of speakers each with a sound power level of 127 dB(A), representing a typical rock concert.
Permanent facilities	Stage area. Informal seating area. Car park. Bus turning circle. Access road from Toodyay Road. Maintenance of emergency egress on the western side of Lot 2. Water tank with a capacity of 50 000 litres.

### Figures

Figure 1 - Location of Lot 2 Toodyay Road, and

Figure 2 - Layout of the venue.

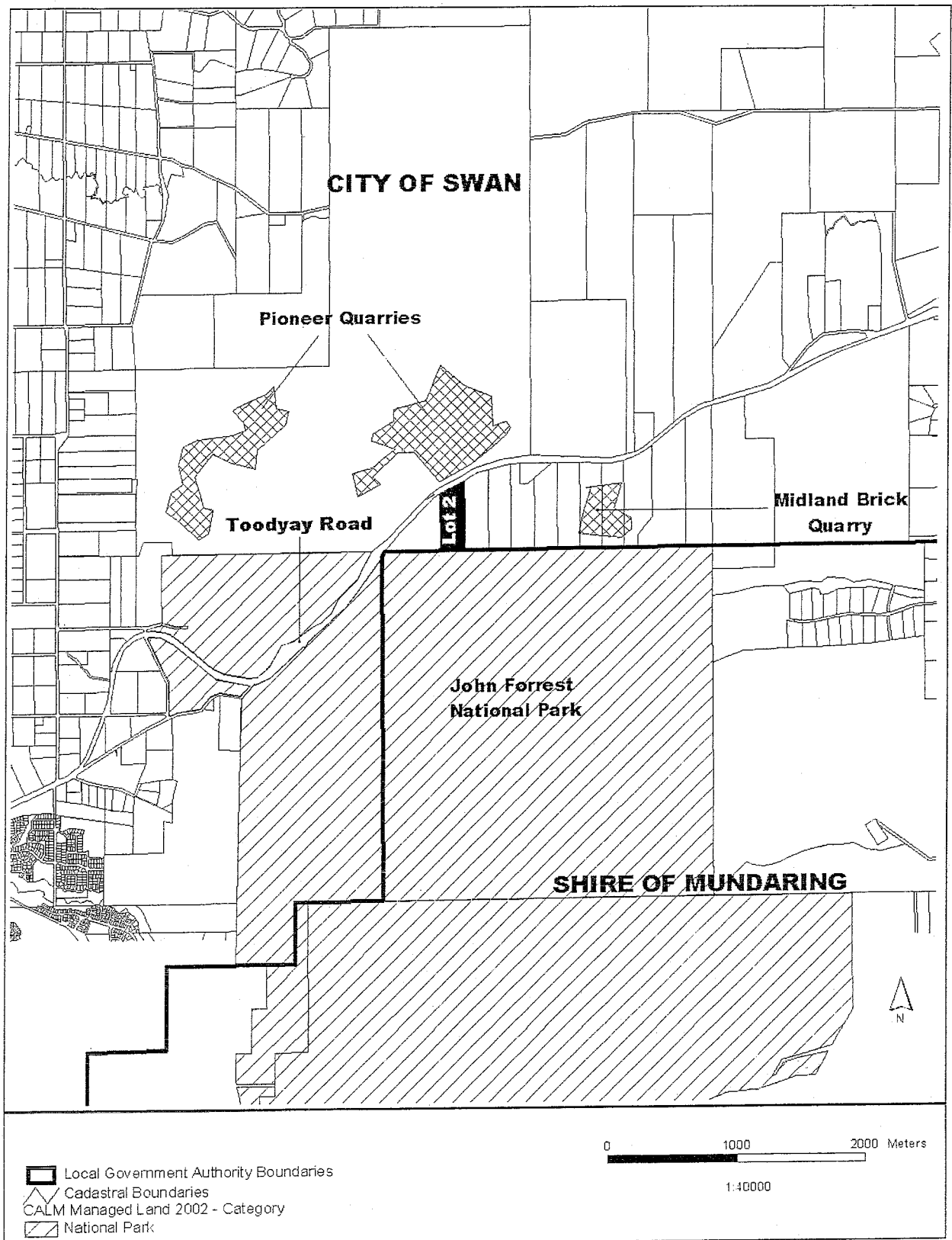


Figure 1 - Location of Lot 2 Toodyay Road.

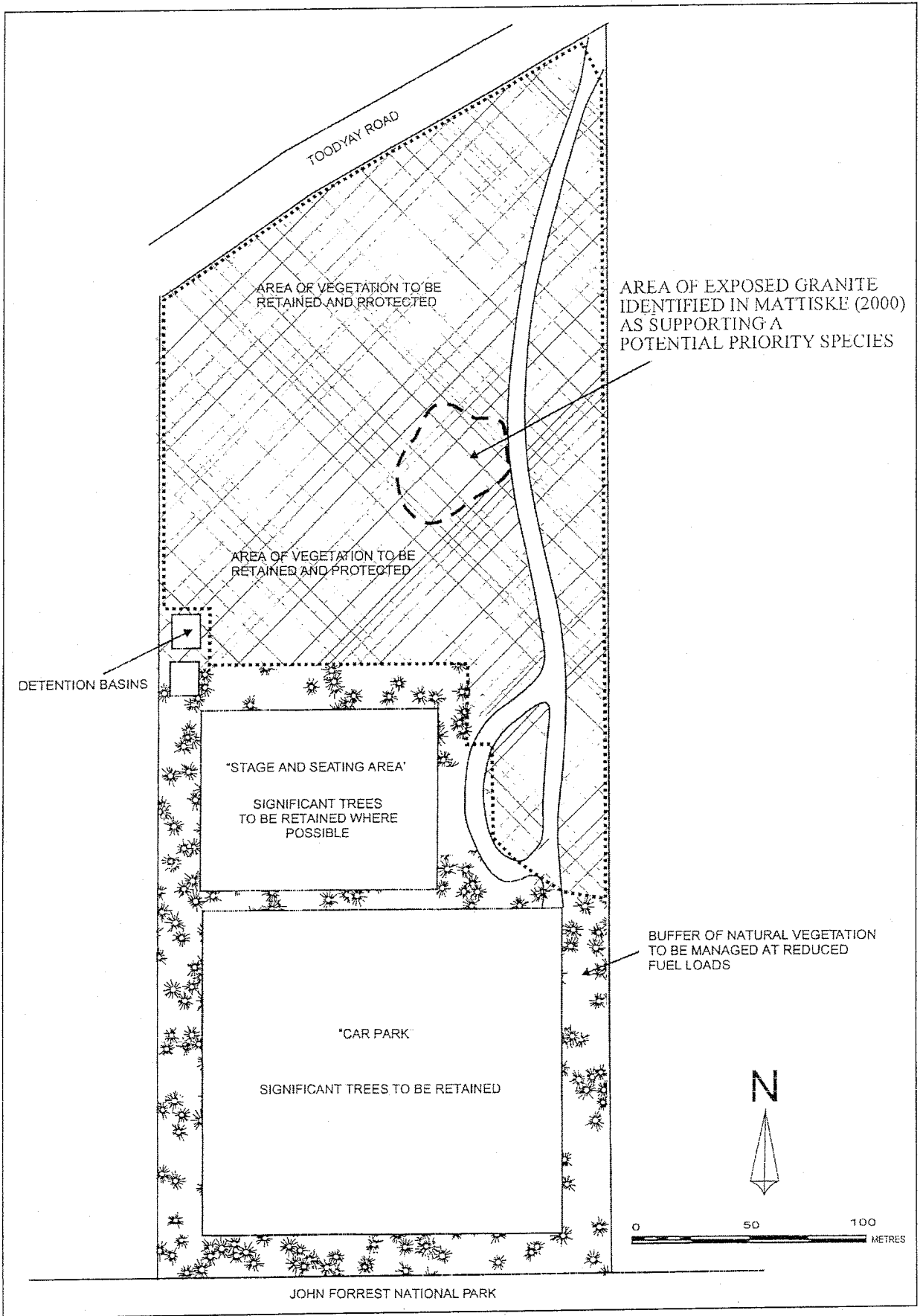


Figure 2 - Layout of the venue.

**Proponent's Environmental Management Commitments**

14 December 2004

Outdoor Entertainment Venue  
Lot 2 Toodyay Road, Red Hill  
City of Swan

(Assessment No. 1291)

Ace Nominees Pty Ltd

**Proponent's Environmental Management Commitments – Outdoor Entertainment Venue, Lot 2, Toodyay Road, Red Hill, City of Swan (Assessment No. 1291) – 14 December 2004**

Note: The term 'commitment' as used in this schedule includes the entire row of the table and its six separate parts as follows:

- a commitment number;
- a commitment topic;
- the "action" to be undertaken by the proponent;
- the objective of the commitment;
- the timing requirements of the commitment; and
- the body/agency to provide technical advice to the Department of Environment.

No	Topic	Action	Objective	Timing	Advice
1	Construction Environmental Management	<p>Have in place and make publicly available a Construction Environmental Management System which addresses the following:</p> <ol style="list-style-type: none"> <li>1. protection of flora and areas of highest conservation value;</li> <li>2. weed and dieback management, including sourcing of imported soils from dieback-free areas;</li> <li>3. identifying areas to be disturbed and which will require rehabilitation;</li> <li>4. procedures for the direct transfer of topsoil from cleared to rehabilitation areas;</li> <li>5. using only local native flora in the rehabilitation of disturbed areas and in landscaping works;</li> <li>6. dust management;</li> <li>7. surface water runoff management; and</li> <li>8. protection of Aboriginal Heritage sites.</li> </ol>	To limit the offsite impacts due to construction activities	Prior to construction	City of Swan CALM
2	Operation Environmental Management	<p>Have in place and make publicly available an Operation Environmental Management System which addresses the following:</p> <ol style="list-style-type: none"> <li>1. waste management, including rubbish and litter;</li> <li>2. procedures for the management of patrons during events;</li> <li>3. security to restrict public access to within the facility;</li> <li>4. bins used on site to have animal-proof lids;</li> <li>5. ongoing weed control and management;</li> <li>6. management of surface water runoff;</li> <li>7. dust management; and</li> </ol>	To ensure that offsite impacts are satisfactorily managed during events and between events	During construction and prior to the first event	City of Swan CALM

3	Fire Management	<p>8. dieback management, including avoidance of dieback spread on-site as well as dieback spread to the adjacent National Park, to the requirements of CALM.</p> <p>Have in place and make publicly available a Fire Management System which addresses the following:</p> <ol style="list-style-type: none"> <li>1. provision of water supplies;</li> <li>2. provision of fuel-reduced buffers and ongoing vegetation and fuel hazard management;</li> <li>3. provision of access and egress for patrons including their vehicles in at least two directions, still allowing for the access of emergency vehicles;</li> <li>4. development of response plans, including the provision of fire fighting equipment and the integration of emergency services;</li> <li>5. emergency response and evacuation procedures for patrons; and</li> <li>6. ongoing liaison with FESA, CALM, and the local fire brigade.</li> </ol>	To minimise and manage the risk of fire ignition occurring as a result of events, and to ensure adequate fire response.	During construction and prior to the first event.	CALM FESA City of Swan Local fire brigade
4	Conservation Covenant	Lodge a conservation covenant on the northern portion of Lot 2.	To conserve the granite outcrops and habitats supporting potential priority flora on the northern portion of Lot 2 in perpetuity.	Within six months following construction	CALM or National Trust or Department of Agriculture
5	Stakeholder Consultation Strategy	<p>Have in place and make publicly available a Stakeholder Consultation Strategy including:</p> <ol style="list-style-type: none"> <li>1. continued stakeholder consultation;</li> <li>2. incorporation of outcomes into management;</li> <li>3. outlining opportunities to discuss management plans and systems with stakeholders;</li> <li>4. reporting on environmental performance; and</li> <li>5. advertising the occurrence of events where noise levels are likely to exceed the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>.</li> </ol>	To ensure that consultation continues with stakeholders and that outcomes are incorporated into proposal management.	During construction and prior to the first event	City of Swan

6	Light overspill	<p>Have in place and make publicly available a Light Overspill Management System which addresses the following:</p> <ol style="list-style-type: none"> <li>1. design of lights and their location and positioning, including directing lighting onto the stage;</li> <li>2. limitations to the duration of illumination before and after events, including rehearsals; and</li> <li>3. retention and/or increasing of vegetation barriers surrounding the venue.</li> </ol>	To ensure that light overspill from the venue does not affect the amenity of nearby residents.	Prior to the first event.	City of Swan.
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**Abbreviations**

CALM = Department of Conservation and Land Management  
 FESA = Fire and Emergency Services Authority

## Attachment 1 to Statement 673

### Change to Proposal

**Proposal:** Outdoor Entertainment Venue, Lot 2 Toodyay Road, Red Hill, City of Swan

**Proponent:** Ace Nominees Pty Ltd

**Change:** Change orientation of the stage, realign access road, relocate sedimentation basins and seal the car park

**Key Characteristics Table:**

<b>Element</b>	<b>Description of proposal</b>	<b>Description of approved change to proposal</b>
Location	Lot 2 Toodyay Road, Red Hill, City of Swan.	Lot 2 Toodyay Road, Red Hill, City of Swan.
Area	(Lot size) approximately 10 hectares total. Area to be cleared for development, up to 4.6 hectares.	(Lot size) approximately 10 hectares total. <b>Area to be cleared for development, up to 4.26 hectares (with 0.86 hectares of this to be rehabilitated).</b>
Capacity	Up to 5000 people	Up to 5000 people
Annual number of events	Up to 100 events per year, principally between the months of November and April.	Up to 100 events per year, principally between the months of November and April.
Annual number of amplified music events/rock concerts	Up to 20 events per year.	Up to 20 events per year.
Stage	A stage set-up facing east, surrounded by three concrete walls, approximately 5 metres in height. Sheet metal deck roof. All walls and roof to be internally lined with acoustic insulation. Noise output from two banks of speakers each with a sound power level of 127 dB(A), representing a typical rock concert.	<b>A stage set-up facing east south east, surrounded by three concrete walls, approximately 9 metres in height.</b> Sheet metal deck roof. All walls and roof to be internally lined with acoustic insulation. Noise output from two banks of speakers each with a sound power level of 127 dB(A), representing a typical rock concert.

Permanent facilities	Stage area. Informal seating area. Car park. Bus turning circle. Access road from Toodyay Road. Maintenance of emergency egress on the western side of Lot 2. Water tank with a capacity of 50,000 litres.	Stage area. Informal seating area. Car park. Access road from Toodyay Road. Maintenance of emergency egress on the western side of Lot 2. Water tank with a capacity of 50,000 litres.
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**List of Figures:**

Figure 3: Layout of the venue

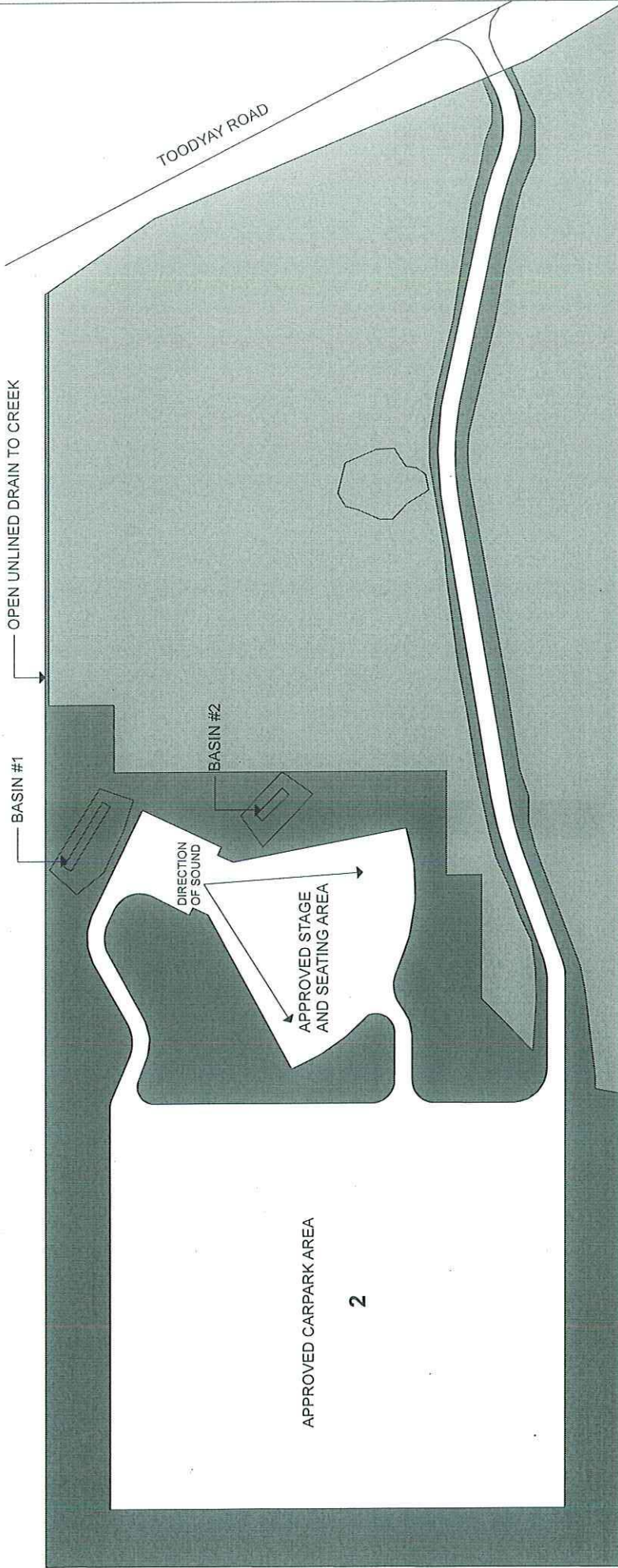
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**Dr Paul Vogel**  
CHAIRMAN  
Environmental Protection Authority  
under delegated authority

Approval date: 10.2.10



1



APPROVED CARPARK AREA

2

APPROVED STAGE  
AND SEATING AREA

3

OPEN UNLINED DRAIN TO CREEK

BASIN #1

BASIN #2

DIRECTION  
OF SOUND

TOODYAY ROAD

AREA OF VEGETATION TO BE  
RETAINED AND PROTECTED

BUFFER AREA