

32. In deciding whether to allow extra concerts, the Authority shall take into account the number of concerts in the previous year, the effective noise levels of concerts in the previous year, the number of complaints received about concerts in the previous year, the measures which are proposed to limit noise emissions from the premises for the extra concerts and any other matters that appear to be relevant.

33. In particular, the Authority shall not allow more than six concerts in a financial year where:

- (a) the effective noise level, contained in a self-monitoring report or measured by the Authority, of any concert in the previous year exceeded the noise limit by more than 3 dB at any measurement point in a noise sensitive area;
- (b) the effective noise level, contained in a self-monitoring report or measured by the Authority, exceeded 62 dB(A) (or 52 dB(A) if measured indoors) for more than four concerts in the previous year at any measurement point in a noise sensitive area; or
- (c) the Authority is not satisfied that all of the extra concerts will meet the noise limit.

34. After a decision has been made by the Authority concerning an application for more than six concerts in a financial year, the Authority shall serve a variation of noise control notice either permitting or refusing the extra concerts in that financial year.

The notice of variation shall be issued within 14 days of the receipt of an application and shall specify the reasons for allowing or disallowing extra concerts on the premises.

"Background level" means the noise level of the aggregate of sounds received at a specified measurement point in the absence of contributions of music noise, measured as $L_{A,90}$ or L_{OCT90} according to the procedures in schedule B.

"Beneficial use" means a use of the environment or any element or segment of the environment which is conducive to public benefit, welfare, safety or health and which requires protection from the effects of noise.

"Concert" means any operation of an outdoor venue where the effective noise level exceeds 55 dB(A) (or 45 dB(A) if measured indoors) at any measurement point in a noise sensitive area.

"C-weighted" means frequency-weighted as specified in Australian Standard 1259-1982—Sound Level Meters, published by the Standards Association of Australia.

"Derived noise limit" means the maximum effective noise level allowed at a derived point.

"Derived point" means a point specified by an authorised officer to be used as a substitute measurement point to facilitate the assessment of music noise in a noise sensitive area.

"Duration of operation" means, with respect to outdoor venues, the time interval between the start and finish of the musical entertainment on a day.

"Effective noise level" means the level of music