

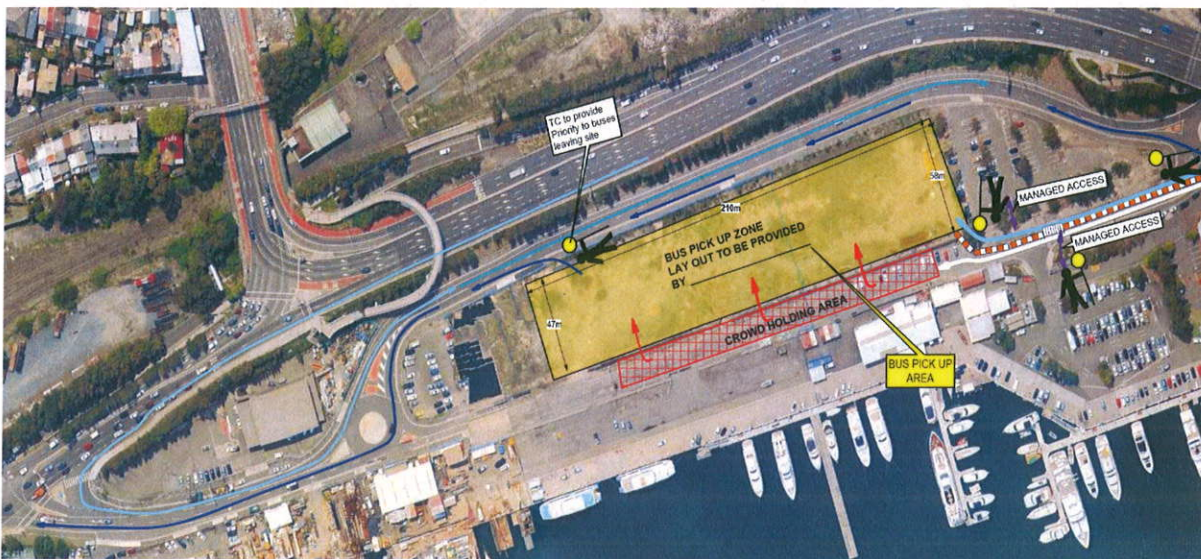


Figure 4 – Bus Parking and patron queuing,

Noise and Acoustic Impacts

The application is supported by two acoustic reports:

- SLR Consulting Australia Pty Ltd, "Acoustic Impact Statement", dated 11 July, 2011; and
- The PA People "Sound Management Plan's" dated September, 2011.

The applicant seeks, based upon the recommendations of the above reports, adoption of the following maximum sound pressure level readings for the nearest residential boundaries (see test site locations at **Figure 5**):

- 75-80dB(A), representing the weighted normal human hearing range, and
- 95-100dB(C), representing low frequencies.

The upper 80dB(A) noise level reading represents the equivalent of kerbside traffic on a busy street adjacent to property boundaries.

It is noted that the acoustic consultants engaged by the applicant have undertaken the monitoring of entertainment venues in and around Sydney:

- SLR Consulting Australia Pty Ltd has been engaged by the Sydney Cricket Ground and Sportsground Trust to monitor regular events, including concerts; and
- The PA People has been engaged by the Centennial Park & Moore Park Trust to regularly monitor concert events including the recent Parklife concert in Moore Park.

Concerns have been raised by the general public, Leichhardt Council and City of Sydney Council relating to the noise generated by a musical concert and also the manner in which the event can be monitored and managed.

The Department, when assessing the appropriateness of the recommended noise levels, has given consideration to other similar outdoor entertainment venue controls in Sydney including:

- Sydney Football Stadium 80 dB(A) and 100 dB(C), recently for Bon Jovi concert in December 2010, as this represents the upper level the applicant proposes; and
- Moore Park fields 65 dB(A) and 85 dB(C) for recent "Parklife" concert, involving multiple stages, as this represents an open field venue similar in nature to the subject land.

In assessing an appropriate noise level to be adopted the Department has given consideration to:

- the open nature of the site and lack of structures between the venue and residences;
- the timing of the events on, and 2 days after, the New Years Eve celebrations; and
- the noise levels imposed on other event venues, including Sydney Olympic Park, Sydney Football Stadium, Sydney Cricket Ground, Moore Park and Royal Botanic Gardens.



Figure 5 – Sound testing locations.

Based upon this assessment, and submissions made by the applicant, the general public and relevant government agencies, it is recommended that the noise level limits that should be imposed for nearby residential property boundaries be:

- New Years Eve 2011 –
 - 75 dB(A)/95 dB(C) from 2pm-Midnight; and
 - 70 dB(A)/90 dB(C) from Midnight to 3am closure; and
- 3 January 2012 Concert –
 - 70 dB(A)/90 dB(C) from 2pm-midnight closure.

These recommended noise levels represent an assessment of the proposal against the controls applying to other entertainment venues in the Sydney CBD and also an acceptance of the lower range levels offered by the applicant's acoustic consultant, as follows:

- a 75dB(A) level proposed for New Years Eve is considered acceptable as the low range provided by the applicant's acoustic consultant and an acknowledgement that up until midnight on that evening there would be a reasonable level of tolerant acceptance of festive noise; and
- after midnight on New Years Eve, and for the concert event on 3 January 2012, noise levels are recommended to be limited to 70 dB(A) as the level of acceptance of noise after midnight and during a week work night is not as acceptable for the local amenity.

It is considered that these noise level limits will ensure that the single stage concert events will have adequate volume for patron concert satisfaction whilst creating noise levels

generally acceptable for this type of event, noting that it is within the accepted levels for similar one-off concert events. The conditions of consent include conditions which require that a Noise Management Plan be provided prior to the event and shall demonstrate compliance with the noise limits prior to the events commencing. They should specify the monitoring and management procedures to be implemented.

Conditions of consent are recommended (**Conditions B3 and B4**) which set out the required noise controls, monitoring methods, timing for practice tests, complaints management and exemptions.

Security & Patron Control

The application was supplemented by the following documents:

- Draft "Security Management Plan" prepared by the Sure Group;
- "Security Risk Assessment" prepared by the Sure Group;
- "Site Safety Plan" prepared by Force Events Pty Ltd;
- Emergency Management & Incident Response Plan prepared by Solution2Safety Pty Ltd;
- "Alcohol Management Plan" prepared by Hamiltons Hospitality Pty Ltd; and
- preliminary "Site Occupational, Health and Safety and Environmental Inspection Report" prepared by Noel Arnold & Associates.

The Department notes that these plans are only in draft form and will be required to be finalised prior to the commencement of on-site works should the application be approved.

The Department is satisfied that suitable measures are proposed to promote patron on-site safety, control patron behaviour and to restrict potential for conflicts on site and after the event, including:

- event is restricted to an 18+ audience only;
- alcoholic beverages will be served only until 2am on New Years Eve (site closing time 3am) and 10:30pm on 3 January (site closing time 11pm);
- maximum 4 drinks per person, served in plastic cup or aluminium can, free water available, and all drinks opened at bar area;
- no existing areas/buildings are to be disturbed which have the potential to disturb contaminated soils or asbestos and shall be suitably fenced/ roped to restrict access;
- event perimeter is to be suitably fenced to prevent unrestricted access to the waterway;
- existing surface areas are to be upgraded to ensure trip hazards are rectified/removed, including raised drainage covers and metal girders; and
- suitable contact details are to be provided for emergency situations and also for direct contact should external issues arise, i.e. patron misbehaviour along transport/pedestrian routes or complication with transport routes, such as traffic accident.

The NSW Police and DoT are satisfied that, with the reduced crowd size, the revised Security Management Plan adequately responds to their initial concerns, subject to those agencies final agreement to the Plan prior to the commencement of operations. The security measures proposed for the event will ensure that the patrons can be properly instructed and suitably directed should an issue arise.

The draft plans currently do not identify the primary contact persons, telephone numbers or any agreement with NSW Police or other State Emergency Services agencies. These plans need to be supported by a detailed Evacuation Plan in the case of a major emergency situation which has been prepared in accordance with accepted guidelines and criteria. This can be achieved through on-going discussions with the relevant government agencies and is recommended to be required by a deferred commencement condition of consent (**Part A, Condition A1 and B3**) to be finalised prior to the commencement of on-site works.

Waste Management

Prior to the commencement of the works the applicant will be required to develop a Waste Management Plan which is to be implemented during the works and operational stage of the development. The Plan is to identify methods for the following:

- the temporary on site storage of waste generated from these works;
- the on site reuse/recycling of waste generated from these works; and
- the off site disposal of waste generated from these works.

All off site waste disposal is to occur at an appropriately licensed waste management facility

6.1.8 Section 79C(1)(c) the suitability of the site for the development,

The Department considers that the proposed use is suitable for the site considering the site's position, orientation, vacant possession and proximity to the City and its transport services.

Concerns were raised in public submissions that the venue was inappropriate, particularly for the proposed second concert on 3 January 2012. The applicant has advised that alternative venues had been considered and systematically eliminated. These venues included Sydney Football Stadium, Sydney Cricket Ground, Moore Park, Barangaroo and the Domain. The site criteria requirements were to be able to accommodate a large crowd/patronage, be readily accessible, be in a prominent location, have accessible views and be available on the event nights. The alternative venues failed at least one of these criteria requirements and the applicant proceeded with the subject site.

The site is adequately serviced with electricity, sewer and telephone services. Due to the temporary nature of the proposed development augmentation of these systems is not warranted or necessary. The land currently is an active port facility and will continue to be one upon completion of these concerts.

The proposal, due to the nature of the activity, will create issues with noise and traffic, being matters that are synonymous with large event proposals. The Department is satisfied that these can be managed to acceptable levels for such events subject to the applicant implementing preventative measures to minimise residential impacts. These measures will include:

- monitoring sound recording to adjust amplified music output;
- provision of adequate security staff to appropriately direct patrons;
- strategic positioning of amplifiers to reduce sound projection out of the venue;
- combined transport strategy where at least 80% of patrons will travel to the site utilising public transport on ferries, trains and buses; and
- marketing and sale of public transport/shuttle passes as part of event ticketing.

6.1.9 Section 79C(1)(d) any submissions made in accordance with this Act or the regulations,

This matter has been addressed in detail at Section 5 and the issues raised in the submissions have been adequately addressed in Section 6 of this report

6.1.10 Section 79C(1)(e) the public interest

The proposal is considered to be in the public interest for the following reasons:

- the proposal would utilise an existing vacant site in a temporary nature, ensuring that the site will revert back and be available for port and employment activities in the long term;

- the proposal does not raise any significant or adverse traffic or parking considerations that have not, or can not, be adequately addressed in the submitted Traffic & Transport Management Plan;
- the principles of ecologically sustainable development have been considered against the proposed development and are considered to be acceptable for this particular proposal; and
- the proposal will not have any long term negative impacts on surrounding residential development.

7. DELEGATION

The Minister for Planning and Infrastructure is the consent authority for the proposal. However, the Planning Assessment Commission may determine the application on the Minister's behalf under delegation dated 14 September 2011 as the proposal generated greater than 25 submissions and an objection from Leichhardt and City of Sydney Council.

8. DEFERRED COMMENCEMENT

The application is a unique proposal at a unique location that originally raised significant concerns with public safety, traffic, transport methods and crowd control. This was primarily due to the originally proposed crowd size (a minimum of 44,000) and the use of Old Glebe Island Bridge for a large pedestrian access. The applicant has responded to these logistical issues as well as the concerns of local residents by reducing the attendance number to 30,000 and 20,000 respectively and adjusting the modes of transport to and from the events.

The reduction in crowd size has had positive impacts upon the concerns raised by the general public and government agencies related to the above issues. The key government agencies now are willing to support a conditional approval of the application.

8.1 Deferred Commencement

Although the amended application, with reduced crowd numbers, is a significantly more reasonable form of development for this location during the New Years Eve period, there remain some issues of transport and public safety detail which must be fully resolved. These matters will be finalised as they are discussed with the relevant government agencies and as preferred patron transport modal splits become more evident through ticket sales. Additionally, there remains the requirement for the applicant to obtain relevant consents for the water-based development.

On this basis the Department recommends that a deferred commencement consent be granted under section 80(3) of the Act whereby the following matters will need to be met by the applicant:

- (1) The applicant shall obtain appropriate development consent from the Minister administering the Ports and Administration Act, 1995 for the construction and placement of any temporary wharves/pontoons associated with the ferry embarking/disembarking requirements to service the concert proposals;
- (2) The applicant shall obtain the written approval of the following plans from NSW Police and the Department of Transport:
 - transport management plan addressing specifically modal splits, bus/ferry availability and desirable routes;
 - security management plan addressing safety precautions on and off Glebe Island and general patron behaviour control measures; and

- emergency management and incident response plan which will detail the precautionary actions to be taken in the case of a major occurrence and the marshalling of patrons.

Such written approval is to be provided to the Department of Planning and Infrastructure.

8.2 Consent Structure

Due to the application being recommended to operate as a deferred commencement, the structure of the recommended development consent will be in the following manner:

- Section A shall identify the deferred commencement requirements to be complied with prior to the full operation of the development consent under Part B; and
- Section B, being the final consent form, is to be structured as follows:
 - Part A deals with the general administration conditions, including approved plans;
 - Part B identifies conditions required to be complied with prior to commencement of any works including payment of fees, management plans to be adopted;
 - Part C identifies conditions required to be complied with prior to the concert events being held, including noise control measure verification and structural adequacies;
 - Part D identifies conditions required to be complied with during construction and concert events, including lighting, traffic control, hours of operation; and
 - Advisory notes to the applicant on matters requiring external authority considerations.

9. CONCLUSION

The application has been considered with regard to the matters under section 79C of the EP&A Act, 1979, and is considered to be an acceptable temporary development for the subject land, subject to conditions, including the Deferred Commencement, in order to attain both, separate approvals for the waterway based developments and satisfactory transport, security and emergence situation management outcomes for the events.

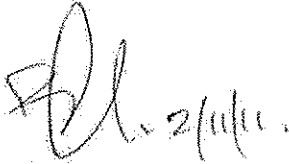
The temporary use proposal is consistent with the objectives of the Sydney Regional Environmental Plan No. 26- City West and the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, as well as the principles of the Glebe Island and White Bay Master Plan 2000. In order for the event to be held in a safe and orderly manner it is necessary for further approvals to be granted for the temporary wharves in the waterway and for the key management plans to be provided with further detail to the satisfaction of the NSW Police and DoT.

On this basis, it is recommended that a deferred commencement consent be granted to the temporary use application, subject to conditions of consent.

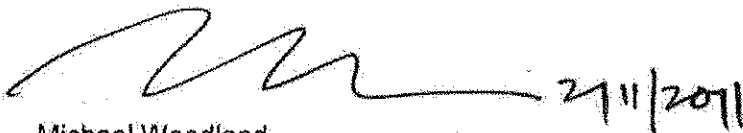
10. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

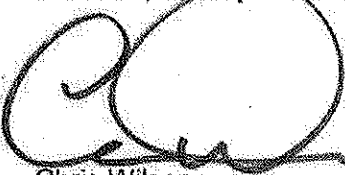
- (A) consider the recommendations of this Report;
- (B) **Approve** the development application under Section 80 of the *Environmental Planning and Assessment Act. 1979*, and
- (C) **Sign** the attached Development Consent (**Appendix C**).



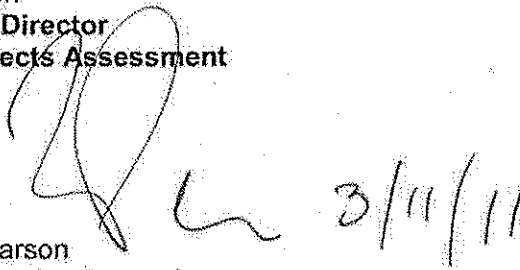
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