

9 November 2011

**Development Application – Temporary Concert Events at Glebe Island
(DA 032-07-2011)**

The proposal

The amended development proposal seeks approval for two concert events, as one-off events on Glebe Island off Sommersville Road on the Balmain peninsula. The application seeks approval for concert events on 31 December 2011 (2.00pm to 3.00am) for approximately 30,000 patrons and on 3 January 2012 (2.00pm to midnight) for approximately 20,000 patrons.

The proposal also provides for 262 market village stalls to operate until 1.30am on New Year's Eve and 11pm on 3 January 2012. Erection of associated temporary structures including stages, grandstands, toilet facilities and bar areas are also proposed. Bump in is to be from 17 December 2011 with bump out by 10 January 2012 with the site occupation period being 24 days. Bus parking and patron queuing for transport is to be from James Craig Road.

Delegation to the Commission

The Planning Assessment Commission (Commission) is required to determine the application under the Minister's delegation on 14 September 2011.

The Commission consisted of Emeritus Professor Kevin Sproats (chair) and Mr Lindsay Kelly. The Commission is familiar with the area.

The original development proposal was placed on public exhibition from 10 August and 31 August 2011 (21 days). The Department received a total of 43 public submissions during the exhibition period as well as submissions from CASA, NSW Police, Department of Transport, Leichhardt Council, City of Sydney Council, Centennial Park & Moore Park Trust, Department of Environment and Heritage and NSW Maritime.

A number of significant issues were raised during the exhibition period and as a result of these submissions and representations from key government agencies, the applicant amended the proposal to reduce the crowd capacities for each event (from original proposal of 44,000 and 44,500 respectively) and provided additional information in relation to transport and patron management.

Key government agencies, including the NSW Police and Department of Transport have reviewed the amended proposal and now do not object to the proposal, subject to the imposition of conditions.

Director-General's Assessment Report

The Director General's Assessment Report (DG's report) identified the following key issues:

- public safety;
- transport management;
- noise and acoustic impacts;
- security and patron control; and
- waste management.

The Department is satisfied that subject to conditions, the proposed events may be held as a one-off event, in a safe manner and with acceptable impact for the nearby locality. The

Department has recommended that the proposal be approved as a deferred commencement consent requiring:

- separate approval for the wharf / pontoon component of the development, and
- that appropriate and acceptable management plans are approved to address transport, public safety, security, noise and patron behaviour issues.

In addition the Department has recommended that approval of the application be subject to conditions that seek to minimise the potential environmental impacts of the proposal. In particular conditions are proposed in relation to noise impacts including conditions setting the maximum noise levels allowable during tests, rehearsals and the concert events at the nearest affected receiver.

Meeting with Key Stakeholders

On 9 November 2011, the Commission met with the Department of Planning and Infrastructure and key stakeholders in relation to the project. These discussions are summarised below:

Department of Planning and Infrastructure

Staff from the Department of Planning and Infrastructure provided the Commission with a briefing on the development application. The issues discussed at the meeting included:

- the development application process including consultations with key stakeholders following exhibition of the proposal;
- description of amended proposal;
- effect of the recommended deferred commencement condition of consent; and
- requirement for separate approval in relation to temporary wharf / pontoon.

Following the briefing, the Department provided additional clarification to the Commission in relation to the application of clause 22 of Sydney Regional Environmental Plan No. 26 – City West in relation to temporary and interim uses. It also clarified that a separate approval is not required for the proposed activities on the Barangaroo site.

Glebe Point Resident Group

Representatives of the Glebe Point Resident Group outlined their objection to the project. Their objection was based on concerns in relation to:

- acoustic impacts on residents and persons using the foreshore to picnic and view New Year's Eve fireworks;
- lack of access to public transport;
- transmission of noise across water and implications of previous modelling undertaken in the area;
- inadequacy of DA documentation;
- concern that the event will not be a "one-off"; and
- errors / issues with noise conditions.

Leichhardt Council

Representatives of Leichhardt Council, including the Mayor, briefed the Commission on the Council's objection to the proposal as outlined in its submissions on the application and additional information tabled at the meeting. The main issues raised were as follows:

- Number of persons on Peninsula including predicted New Year's Eve visitors, residents and concert goers;
- Lack of policing;
- Traffic, parking and access issues;
- Lack of planning for event;
- Crowd control and safety;

- Emergency services planning and response;
- Alcohol related impacts and antisocial behaviour;
- Use of James Craig Road;
- Lack of information in documentation;
- Impacts on surrounding areas; and
- Lack of opportunity for Council to review / input into management plans (subject of deferred commencement condition).

City of Sydney Council

A representative of the City of Sydney Council, provided the Commission with the Council's views on the noise levels proposed to be included in the conditions of consent. Council's view was that the noise levels between midnight and 3am on New Year's Eve should be reduced from the proposed maximum of 70dB(A). The Commission noted that it is intended that bands on this night are to cease at 1.30am. The representative advised that Council did not object to the event otherwise. It was recommended that a maximum level for low frequency noise should also be included in the condition of consent.

Applicant

Representatives of the applicant, Sydney Resolutions Pty Ltd, met with the Commission and clarified a number of matters. These matters included:

- Proposed ticketing arrangements including nomination of transport mode and requirement that all tickets be pre-sold;
- Bands to end at 1.30-1.45am therefore it was agreed that the noise condition could be amended to required that amplified music end no later than 2am rather than 3am as proposed in conditions of consent;
- A number of approvals, the subject of the deferred commencement condition of consent, either have been obtained or are in process of being obtained; and
- sounds tests / rehearsals will only be for a maximum of 5 hours on one day prior to each event. In this regard the applicant stated that the sound equipment would not be on-site until 30 December 2011 therefore no sound testing would occur before this date. It was also advised that the majority of rehearsals for the events would be held off site in other venues thus limiting any acoustic impacts.

Glebe Society

Whilst the Glebe Society was unable to attend the meeting, an additional written submission (via email) was made to the Commission. The submission raised concerns about the noise conditions and complaints management process.

Commission's consideration and determination

The Commission has carefully considered the DG's assessment report, all associated documents and submissions received.

In making its determination the Commission has relied upon the advice provided by NSW Police and the NSW Department of Transport in relation to the two primary issues: safety and security, and transport management. In this regard the Commission notes that the two responsible government agencies have advised that following negotiations they do not object to the proposed development and that having regard to the reduced crowd capacities, the potential impacts can be effectively managed.

The Commission appreciates the real concerns raised by Leichhardt Council having regard to its past experience, in relation to the expected large number of people attending the area. In particular it appreciated the issues on, and surrounding, the Balmain Peninsula in relation to traffic, parking and anti-social behaviour impacts. However in making its determination the Commission has relied upon the advice of the NSW Police and NSW Department of Transport that the relevant impacts can effectively be managed. It is also satisfied that the

deferred commencement condition will ensure that appropriate management plans are put in place to control potential impacts.

In regard to Leichhardt Council's concern that it will not have an opportunity to provide input to the required Transport Management, Security Management and Emergency Management and Incident Response Plan, the Commission considers that it is appropriate to request that the Department of Planning and Infrastructure ensure that the Council is consulted in the preparation of these plans.

In respect of the proposed noise condition B4(a), the Commission considers that this condition should be amended as follows:

B4 Noise – Concert Events

- (a) *The temporary events must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 at the nearest affected receiver. During the test(s), rehearsal(s) and main event(s), the A-weighted maximum sound pressure level (LA,Max) measured must not exceed:*
- (i) 75 dB(A) / **95dB(C)** between 2pm –Midnight on 31 December;
 - (ii) 70 dB(A) / **90dB(C)** between Midnight and **2am** ~~3am~~ on 1 January, 2012; and
 - (iii) 70 dB(A) / **90dB(C)** between 2pm – midnight on the 3 January, 2012;

The intent of these amendments is to clarify that amplified music will cease on New Year's Day at the latest by 2am and to include a maximum noise level for low frequency noise as recommended by the Department of Planning and Infrastructure in its assessment report.

In summary, having regard to all relevant matters, the Commission is satisfied with the Department's assessment and has determined to approve the proposal subject to the conditions recommended by the Department as amended above.



Emeritus Professor Kevin Sproats
PAC Member



Mr Lindsay Kelly
PAC Member