

24 April 2012

**DETERMINATION OF THE CONCEPT PLAN AND STAGES 1 AND 2 PROJECT
APPLICATION FOR A PROPOSED CULTURAL EVENTS SITE AT TWEED VALLEY WAY
AND JONES ROAD, YELGUN - BYRON LOCAL GOVERNMENT AREA (MP09_0028)**

The concept plan and project application (Stages 1 and 2 only) seek approval for a cultural events site at Yelgun.

The concept plan application proposes:

- Approval for the site to be used for cultural, educational and outdoor events with a maximum capacity of 50,000 patrons and associated camping;
- Internal roads and parking areas;
- An administration building and a gatehouse building;
- Water and wastewater treatment infrastructure;
- A cultural centre;
- A conference centre and associated accommodation; and
- A comprehensive vegetation management plan.

The project application proposes:

Stage 1:

- Event usage area of approximately 97ha with associated camping and temporary structures;
- A 2.3km long spine road linking the northern and southern farming areas;
- Upgrading of the western 340m of Jones Road;
- A 25ha southern car parking area;
- An administration and gatehouse building; and
- Implementation of a Vegetation Management Plan and environmental repair works.

Stage 2:

- An on-site water harvesting, filtration and reticulation system; and
- An on-site wastewater treatment and management system.

A subsequent Stage 3 for the cultural centre and conference facility with associated accommodation would be the subject of a future development application.

DELEGATION TO THE COMMISSION

The Director-General of the Department of Planning and Infrastructure (the Department) referred the concept plan and project application to the Planning Assessment Commission (PAC) for determination.

In accordance with the Minister's delegation dated 14 September 2011 with effect from 1 October 2011, the PAC may determine the application as Byron Shire Council objected to the proposal, and more than 25 public submissions were received.

For this proposal, the Commission originally consisted of E Prof Kevin Sproats (chair) and Ms Gabrielle Kibble AO. Due to other work commitment, Ms Kibble stepped aside in January 2012 and nominated Ms Donna Campbell as the second member of the Commission to consider and determine the applications with E Prof Sproats.

DEPARTMENT'S ASSESSMENT REPORT

On 1 December 2011, the Commission received the Director-General's Environmental Assessment Report and documents associated with the application.

The report considered the need and justification of the proposal and the relevant legislation. It also provided an assessment of the following key issues:

- Size and frequency of outdoor events;
- Flooding and evacuation procedures;
- Traffic generation and impacts on existing road infrastructure;
- Impacts on biodiversity both within and surrounding the site;
- Noise impacts;
- Bushfire hazard; and
- Aboriginal cultural heritage.

The Assessment Report concludes that the key issues can be appropriately managed and approval should be granted subject to recommended conditions. It also considers that the proposal will provide Byron Shire with a permanent cultural events site attracting visitors to the area and generating employment, as well as providing environmental benefits arising from revegetation.

The Report attached a set of recommended conditions for approval of the concept plan and the project application for Stages 1 and 2.

In essence, the recommended approvals for outdoor events provide for:

- trialling the largest events over a minimum of 7 years, Phase 1 involving a trial of an event with a capacity of 30,000 patrons increasing up to Phase 4 with a trial event with a capacity of 50,000 patrons;
- compliance with plans of management and monitoring programs for the trial events covering issues such as traffic, transport, noise, ecological impacts, bushfires and flooding. (plans and programs to be prepared and approved);
- monitoring and reporting on environmental impacts after each trial event; and
- satisfactory environmental performance and Director- General's approval before trialling a larger capacity event in the next phase.

After the first successful trial of a particular size, the Director- General may grant approval in perpetuity for events of that size, subject to any conditions the Director- General considers appropriate.

In addition, the Department recommends approval for phasing in two smaller events per calendar year, one starting with a maximum of 15,000 patrons and the other starting with a maximum of 25,000 patrons.

CONSULTATION

The Department exhibited the Environmental Assessment (EA) proposal from October 2010. A total of 5,540 submissions from the general public were received (87% in support (mainly proforma) and 13% in objection), and there were eight submissions from Government agencies. A public meeting was held to hear submitter's concerns, as outlined under point 4 below.

Following exhibition, the proponent modified the scheme as set out in the Preferred Project Report (PPR). The modified scheme is the subject of the Director – General's Assessment Report and the PAC's determination.

Byron Shire Council objected to both the original and the modified scheme.

The Commission Members visited the site and the surrounding area on 30 January 2012. The Commission reviewed the assessment report and associated documents including public submissions received by the Department, and also met with the parties outlined below.

1. Department of Planning and Infrastructure

On 12 December 2011 the Commission met with staff from the Department of Planning and Infrastructure to discuss the recommendation, including:

- background of the proposal;
- the proponent's experience in holding large events;
- public submissions supporting and objecting to the proposal;
- benefits of the proposal;
- flooding;
- traffic;
- water and wastewater services;
- impacts on the wildlife and riparian corridor;
- noise; and
- impact on residential amenity and the local environment.

A subsequent meeting was held with the Department of Planning and Infrastructure on 27 March 2012 to discuss the Commission's concerns regarding the road network, the number of patrons, and the timing/frequency of events.

2. Byron Shire Council

On 31 January 2012, the Commission met with representatives of Byron Shire Council to discuss the Director- General's recommendation.

The meeting focussed on the Council's key concerns, namely,

- lack of demonstrated need;
- inconsistency with local plan policy;
- uncertainty of impacts;
- traffic;
- flooding;
- off-site impacts (illegal camping, waste, and anti-social behaviour); and
- ecology.

The Council raised concern that the significant numbers proposed and intensity of use may result in significant impacts on both local residents and the general community. The Council was also concerned about significant impacts on the wildlife corridor and broader ecology that would be difficult to measure and predict. If the Commission were to consider granting an approval, the Council would seek a maximum of 20,000 people and a two to three year trial to allow assessment of impacts.

3. The Proponent

The proponent and its representatives met with the Commission on 31 January 2012. In the meeting the following was discussed:

- the proponent's reason for selecting this site;
- demand for the cultural events use;
- background to the application;
- the history of Splendour;
- event management measures and improvements;
- cost and timing of provision of the water treatment plant and sewage treatment plant;
- preferred structure of two regulatory working groups (one technical and one liaison); and
- proposed ecology improvements, noting the wildlife corridor is fragmented by the highway and prior agricultural use.

Following the public meeting mentioned below, and further meetings with the Department and the RMS, the Commission met the proponent and its representatives again on 2 April 2012 to discuss the Commission's concerns. The proponent outlined the event management measures that could be employed to minimise impacts on the road network (e.g. ticketing, staggering camping arrivals/departures, provision of light entertainment before and after main stage events).

The proponent also described possible future events, and confirmed their operational requirement of at least three events (each with over 10,000 patrons) per annum. The proponent indicated the likely number of patrons at each of those events, and the range of times in which they were seeking approval to hold the events.

The meeting also discussed the possibility of a requirement for a future project approval under Part 4 of the EP&A Act following the trial period. The proponent considered that this was unnecessary and noted that this view was shared by the Department. The proponent expressed concern that such a requirement would cause uncertainty and unnecessary delays given their experience of the application process for the current applications.

4. Public Meeting

The Commission advertised its intention to hold a PAC meeting to hear views on the assessment report and recommendation. Notice of the meeting was advertised in the Byron Shire Echo, the Byron Shire News and the Tweed Border Mail. The Commission also wrote to those who had made written submissions on the proposal to the Department of Planning and Infrastructure.

The PAC Meeting was held over two days, being Wednesday 1 February 2012 at the Byron Bay Community Centre, 69 Jonson Street, Byron Bay and Thursday 2 February 2012 at the Ocean Shores Public School Hall, Shara Boulevard, Ocean Shores.

Over one hundred people spoke at the public meetings over the two days (see Appendix 1). In some cases additional written material was submitted. To assist the Commission all submissions received were summarised into 277 issues. These were then coded into categories and sub-categories. These issues, broadly summarised below, were carefully considered together with all other material.

Objecting

- Justification and location:
 - o wrong location for the proposal;
 - o no demonstrated demand;
 - o economic and social costs and benefits;
 - o inconsistencies with Council policy and the North Coast Regional Strategy; and
 - o inappropriate development in a rural area.
- Assessment process:
 - o proposal should not be a Part 3A project as it is not of State significance;
 - o disingenuous and inadequate consultation; and
 - o inadequacy of environmental assessment.
- Operational issues:
 - o traffic, parking and lack of availability of public transport;
 - o noise;
 - o off-site camping and parking;
 - o community impacts including litter, safety and security, emergency access, holiday letting;
 - o environmental and heritage issues;
 - o flooding; and
 - o bushfire.
- Performance monitoring and evaluation:
 - o independent monitoring required;
 - o key performance indicators should be prepared by independent body; and
 - o management plans should be considered as part of the assessment.
- Other issues:
 - o no Section 94 contributions and burden on ratepayers; and
 - o impact on land values.

Supporting

- Reinforce tourism role, support local businesses, and generate employment in Byron Shire;
- Social and economic benefits including broadening the economic base to include a centre for art and associated industries to create/generate activities/employment for young people and those in music and the arts;
- Provide an activity and focus for young people in the community;
- Issues have been addressed in the assessment process;
- Benefits arising from vegetation management and regeneration of the site;
- Council's proposed events policy is restrictive and uncompetitive for small operators;
- There are sufficient buses available to be contracted to service Parklands;
- Splendour has proven that it can manage a big event; and
- Residents of Woodford have not complained about Splendour, with not a single complaint received last year.

5. Roads and Maritime Services

The Department's recommendations and the Commission's concerns were discussed with the Roads and Maritime Service on 29 March 2012, including:

- the RMS's experience of impacts arising from different types of events and the influence of the number of day patrons, number of campers, management measures and timing;
- the Yelgun interchange, Tweed Valley Way and the Pacific Highway capacity and characteristics;
- comparison of the site with other event sites;
- times of the year when events would not be supported by the RMS;
- process of collecting and supplying event traffic data to the RMS; and

- impact of the proposal on the Yelgun rest area and its relationship within the national truck rest area network.

COMMISSION'S COMMENTS

The Commission reviewed the Department's report, background documentation, written submissions, and heard those who spoke at the public meeting.

From this process it is evident to the Commission that there is strong local opposition to the proposed outdoor events and in particular, their scale and frequency and their potential impacts on the community.

The Commission also acknowledges supporters of the proposal, and aspirations to enhance Byron as a centre for art and music. The proposed use and events would generate employment and support Byron's tourism, art and music industries.

Below are the key issues arising from the Commission's review.

1. Legal Context

The zoning and permissibility of the proposed use on the site is set out in section 3.4 of the Director-General's Report. The Commission notes that the Land and Environment Court has considered the permissibility of the proposed use in relation to an approval granted by the Council for a trial event on the same site.

A trial outdoor event was approved by Council under Part 4 of the EP&A Act. The Court found that whilst that proposal was generally permitted on the site, construction and use of the proposed spine road was prohibited as it passed through a 7(k) Habitat Zone. The result of the Court's decision is that while Council could approve a road to pass through that Zone for agricultural purposes it could not do so for the proposed use. The Court rejected the proponent's argument that the spine road would largely be used for agricultural purposes and therefore be permissible.

The proposal before the Commission also proposes a spine road but differs from the proposal before the Court in that it must be assessed under Part 3A of the EP & A Act instead of Part 4. Under Part 3A, the prohibition on a road passing through the 7(k) Zone no longer applies. However, as noted in the Director-General's Report, the Commission may take the zoning into account (though it is not required to) when considering the merits of the proposal. The Commission supports this approach and has given careful consideration to the ecological impacts of the proposal on existing vegetation. This is discussed below.

2. Justification

The Department has addressed the justification for the project in section 2.3 of its report.

Submissions referred to there being no demonstrated 'need' for this proposed venue, as there are other local sites available to hold outdoor festivals including the Bluesfest site at Tyagarah, the new Council sports ground facility in Byron Bay and also Belongil.

However, the Commission notes that these venues have an approximate current capacity of 20,000, 6,000 and 17,000-20,000 respectively. This is significantly less than the 50,000 capacity sought for this project. Further, the project is designed to cater for a broader range of activities than just outdoor events.

3. Traffic

Congestion, access and safety impacts on the local, regional, and national road network are a constraint on the size and operation of events able to be accommodated on this site. The efficiency of the road network is affected by factors including road capacity and demand.

The proponent's view is that event operational measures can reduce the number of vehicles on the roads at any one time, minimising impacts on the road network. Measures include provision of 'drop-off' areas, timing of events, ticketing controls, use of buses, car-share incentives, ratio of campers to day patrons, and effective monitoring and enforcement.

The Assessment Report supports this position, and recommends conditions of approval requiring the proponent to submit traffic and transport plans of management prior to any moderate or major event and to collect traffic data and establishing maximum permissible impacts on the road network (e.g. queue lengths).

Correspondence from the Roads and Maritime Service (RMS) recommends a trial being carried out with a maximum of 30,000-35,000 patrons, with approximately 50% of these being campers. Discussion with the RMS also confirmed the Yelgun Interchange has a maximum capacity of 700 vehicles per hour, and prior RMS advice had suggested that in the absence of data on the effectiveness of demand management measures it would estimate that the Yelgun Interchange could cater for a maximum of 11,000 day patrons.

The RMS recommends a trial and monitor approach having regard to the serious consequences should the proposed traffic management plan fail. The Commission supports a cautious approach, particularly given the difficulty of predicting the effectiveness of proposed plans of management.

The Commission notes that the RMS has recommended performance criteria for the Yelgun interchange and the Tweed Valley Way and the Department has incorporated this in its recommended concept approval.

Concern was raised in the public submissions with regard to the potential impact of unauthorised parking and camping in the Yelgun Rest Area, The Commission agrees this should be addressed in the Traffic Management Plan and Monitoring Program.

4. Ecology

Numerous submissions raised concern about potential impacts on the ecology of the site and surrounds. Particularly vulnerable areas were identified as the Marshalls Ridge wildlife corridor, the SEPP 14 wetlands and the Billinudgel Nature Reserve. Different opinions were voiced about the integrity and continuity of the wildlife corridor, and whether a viable koala population remains on the eastern side of the Highway.

The NSW Office of Environment and Heritage (OEH) raised concern that the proposed event frequency with associated noise, lighting and general disturbance would impact on fauna behaviour and that any approval should be on a trial and monitor approach.

It is clear to the Commission that it is very difficult to forecast cumulative impacts of events of this kind on the ecology of the area. Monitoring of these impacts, and accurately assessing and quantifying any cumulative effects after just one trial event as recommended by the Department would not provide sufficient information to confirm the effectiveness of the management strategy.

The Commission agrees with the OEH's recommendation that a trial and monitor approach is appropriate to determine the effectiveness of management plans on the flora and fauna, and specifically on koalas.

5. Noise

The concern about noise impact is not only a concern about residential amenity but also the impacts on fauna and festival-goers. Of particular concern is the recommendation to allow loud music to continue until 3am in the morning, given the frequency of these outdoor events in a rural area where the background noise is generally lower than in an urban area.

In considering the potential noise impact, the Commission noted that noise management relies on the proponent's Updated Statement of Commitments (SoC) (Table 12.1 in Parklands's Reply to Submissions) and a noise management plan to be prepared and approved by the Director General. C14 of the SoC deals with Noise Management. Paragraphs 9 and 11 set out the noise levels and objectives:

- 9 Noise levels shall initially not exceed 102dB(A) at all front of house mixing desks until sound checks confirm that compliance with the noise criteria stipulated in the Noise Management Plan for North Byron Parklands is achieved (note, the 102dB(A) level is for main stages when measured 5 metres away from its respective speak systems. For dance areas, bars and cafes the level is 98 dB(A) when measured 5 metres away from its respective speak systems;
- 11 Achieve the following noise management objectives at residential receptors:
 - Control L_{Aeq} levels;
 - Control the bass frequencies by control of the dB(C) max levels; and
 - After midnight achieve a 55dB(A) level outside bedroom windows.

The Commission also noted the acoustic criteria contained in a technical paper D1 titled Noise Impact Assessment – Event. It was reproduced in the Department's assessment report (page 63).

The discussion in this section focused on events with over 3000 patrons.

The Commission found the SoC noise objectives and recommended noise criteria raised questions. First, the Noise Impact Assessment report discussed various overseas and Australia noise control practices including the noise level controls applicable to major events in various venues in Metro Sydney. The two key noise control criteria for events held in Sydney are $dB L_{Amax}$ and $dB L_{Cmax}$. The noise limits range from 55 $dB L_{Amax}$ to 80 $dB L_{Amax}$ and from 70 $dB L_{Cmax}$ to 100 $dB L_{Cmax}$. It is not clear why the L_{Amax} and L_{Cmax} criteria are not appropriate for the proposed events on this site.

Secondly, the Commission has strong reservations with regard to the proponent's proposed noise criteria for events with over 3,000 patrons having regard to the location of the site in a predominantly rural setting and the existing noise environment.

The existing background noise levels vary significantly among the properties adjacent to the site depending on their location. The Commission does not consider a single criterion of 65 $dB L_{Aeq}$ before midnight (60 $dB L_{Aeq}$ after midnight) is appropriate for all properties that may be affected. Of particular concern, there is no time signature in these controls thus opening to dispute whether the measure should be for 15 minutes or longer duration. It appears the 60 $dB L_{Aeq}$ limit after midnight is likely to be higher than the sleep disturbance level for some residences.

Thirdly, it is not clear the 55dBA after midnight in the SoC refers to 55 $dB L_{Aeq}$ or how this 55dBA relates to the criteria in the Noise Impact Assessment report.

The Commission noted the Department's recommended conditions for the project application included a condition to control noise level after midnight at 55dBA to be achieved outside the bedroom windows of the identified sensitive receivers. In response to the Commission's question, the Department clarified that the control should be measured over a 15 minutes interval. The Department further advised that the acoustic criteria set out in the assessment report are indicative and the criteria needed to be developed on a case-by-case basis. This will be done through the development of a Noise Management Plan in consultation with Council and the Regulatory Working Group to be submitted for each event for the Director General's approval.

Although the Commission agrees with the Department's view that a flexible approach to noise management is the preferred way to enable negotiation between the proponent, Council and residents to find the best practical outcomes, the Commission is not persuaded that the recommended noise criteria (the proponent's proposed levels and the Department's 55dBA_{Aeq 15 min} after midnight) are the most appropriate in the circumstances.

The Commission noted the Bluefest approval conditions do not include a noise control level. Similarly the earlier approval for a trial for the subject site also did not have a noise limit. Both approvals were for one event (of 3 days) per annum. In response to the Commission's question, Byron Shire Council advised that it accepted a mixing desk control of 95-98dBA for the Bluefest project which was included in the noise assessment report. The control for sensitive receivers is background plus 5dBA. The event is required to comply with the requirements of the EPA Industrial Noise Policy. No amplified music is permitted after midnight.

The Department and the proponent questioned the appropriateness of using the EPA Industrial Noise Policy to bench mark the noise control levels for the subject proposal. The Commission agrees that a strict adoption of the policy is not appropriate given events will be held over 10 days in a year, rather than a constant source of noise. It is also noted that the *Noise Guide for Local Government* provides some rules of thumb in measuring noise. A 10 decibels (dB) increase in noise is perceived as twice as loud.

Following careful consideration of available information, the operational requirements and the existing noise environment in the locality, the Commission finds that noise controls should be imposed as follows:

- Between 11am and midnight, noise level measured at sensitive receivers must not exceed background plus 10dBA;
- Between midnight and 2am, noise level measured outside the bedroom window(s) at sensitive receivers must not exceed background plus 5dBA;
- All stages must be shut down at midnight;
- Amplified music from bars, cafés and dance floor, are permitted to remain until 2am, subject to the stricter noise limit;
- All amplified music must cease at 2am.

The Commission considers a noise level of background plus 10dBA before midnight is appropriate as it has regard to the existing background noise level of the sensitive receivers and balances this with the economic and social benefits to the community as a result of these events.

The Commission accepted the proponent's operational requirements that some level of music is required after midnight to allow a gradual dispersal of patrons. Therefore music from the bar and dance floor areas are permitted to remain until 2am and a noise limit of

background plus 5dBA is to be achieved as this level is likely to be below the sleep disturbance level. No amplified music is permitted after 2am.

These noise control levels are to be reviewed after the first year of trial to assess their suitability and performance. The levels could be varied if for example, the affected landowner(s) agree to a higher level, or the RWG recommends stricter or different levels that are approved by the Director General.

6. Community Impacts

Submissions raised concern about a range of community impacts such as traffic and noise which have been discussed above. However, other impacts are less quantifiable and more difficult to control off-site. These include anti-social and illegal activities including drug-taking, excessive drinking, abusive and aggressive behaviour, public urination, littering, trespass, and illegal camping. Local residents are also concerned the proposal will exacerbate a trend of houses being used for holiday letting, changing the character of the area.

While it is acknowledged that the proponent has limited direct control over off-site impacts, the number of patrons, the number of campers, and the management of events will influence the potential for off-site impacts. The Commission has noted the proponent's experience and commitment to working with proximate communities. However, the Commission also notes that any approval will run with the land and the community cannot rely solely on the experience and skills of a particular proponent.

A trial period would provide the proponent and event organisers with the opportunity to develop and refine the plans of management to ensure that outdoor events achieve a reasonable level of community acceptance. These plans of management, if effective, may be required as conditions of holding any events after the trial.

7. Section 94

Byron Shire Council and the community raised concern about the lack of any section 94 contributions. In correspondence dated 16 February 2012 and based on the Department's recommendation, the Council sought a section 94 contribution of \$843,826.87 levied at Phase 1, and a further \$435,299.66 levied at Phase 4.

Section 94 contributions are not typically applied to temporary uses. The Commission also notes that Section 94 contributions were not levied by the Council for prior approval on the application site or for Bluesfest at Tyagarah.

For the above reasons, the Commission considers it is inappropriate to impose section 94 contributions for a time limited trial. The matter can be reconsidered should the proponent lodge future development applications following the trial.

8. Bushfire and Flooding

Community concern was raised with regard to bushfire and flood risks, particularly evacuation of 50,000 people in the event of an emergency.

The Commission notes the Director-General's recommended approval provides for management plans for bushfire, flooding and emergency evacuation to be prepared and submitted for approval by the Director-General, and for a post-event review process to assess the effectiveness of the management plans.

The Commission is satisfied with this approach.

COMMISSION'S GENERAL CONCLUSIONS ON OUTDOOR EVENTS

The Commission has concluded that the site is suitable for outdoor events for cultural and educational purposes. Large outdoor events should be able to be carried out without significant impacts on the community if effective environmental management plans are implemented and performance is consistently monitored.

The Commission has noted the concerns raised by the community, Council and government agencies and agrees that a precautionary approach is warranted. Permanent approvals for large outdoor music events are rarely granted, especially for new sites. In the circumstances, the Commission believes a trial period up to the end of 2017 is appropriate to confirm that the operational and environmental management plans are effective and that impacts are properly managed and minimised.

After the trial period, the Commission considers that a new application should be lodged with Council for events to continue. In considering any future project applications, the Council must take into consideration the performance of events during the trial, the effectiveness of the management plans, the monitoring results of environmental conditions and the completion of Stage 2 works (on-site sewerage and water infrastructure).

Taking a precautionary approach, the Commission considers that the concept plan approval should cap the maximum number of patrons at 35,000 per day, rather than 50,000.

The project approval should allow three events to be trialled each year (small, medium and large) starting with a cap in the first trial of 10,000, 15,000 and 25,000 patrons, respectively. The cap should increase incrementally following each successful trial.

The Commission has accepted the recommendation for up to 25,000 campers on site to reduce daily traffic generation and potential off site impacts.

The Commission has found the recommended noise limits to be inappropriate and has modified them to minimise impact on residents and the community.

In response to concerns about lack of clarity in the role of the Regulatory Working Group, the conditions now expressly provide that it should have a role both before and after events during the trial.

COMMISSION'S DETERMINATION

The Commission has determined that use of the site for cultural, educational and outdoor events and the associated works is appropriate, and it has approved the concept plan and project applications, subject to the conditions recommended in the Director- General's report as modified below in relation to outdoor events.

The approval conditions attached to the Director- General's report have been redrafted to incorporate these changes and to clarify other provisions.

The principal modifications are as follows:

- Outdoor events are approved for a trial period of 5 years up to the end of 2017;
- Outdoor events following the trial period will require a further approval from the Council under Part 4 of the EP& A Act. Council must assess any such application in light of the

performance of events during the trial and may approve up to 35,000 patrons per event. The Stage 2 works must be completed before any events are held after the trial.

- Three events per year will be permitted during the trial generally in accordance with the Table below. A maximum of 10 event days will be permitted each year during the trial, with a day allowed either side of the event for campers to arrive and depart. No event must exceed 4 event days.

Number of trial	Large trial event	Medium trial event	Small trial event
First trial	Up to 25,000 patrons	Up to 15,000 patrons	Up to 10,000 patrons
Second trial	Up to 27,500 patrons	Up to 17,500 patrons	Up to 12,000 patrons
Third trial	Up to 30,000 patrons	Up to 20,000 patrons	Up to 13, 000 patrons
Fourth trial	Up to 32,500 patrons	Up to 22,500 patrons	Up to 14,000 patrons
Fifth trial	Up to 35,000 patrons	Up to 25,000 patrons	Up to 15,000 patrons

- Noise controls are:
 - Between 11am and midnight, noise level measured at sensitive receivers must not exceed background plus 10dBA;
 - All stages must be shut down at midnight;
 - Bar, café and dance floors may remain open until 2am, but between midnight and 2am, noise level measured outside the bedroom window(s) at sensitive receivers must not exceed background plus 5dBA;
 - All amplified music must cease at 2am.
- A noise survey must be carried out before each trial event is held to confirm the relevant background level and the information must be made available to the property owner(s) and reported in the monitoring report.
- The noise control levels are to be reviewed after the first year of trial to assess their suitability and performance. For example, the levels may be increased if the affected landowner(s) agree to a higher level, or decreased if the Regulatory Working Group so recommends.

In conclusion, the Commission agrees with the Director- General's assessment that the proposal will provide Byron Shire with a permanent cultural events site attracting visitors to the area and generating much needed employment, as well as providing environmental benefits arising from revegetation. The Commission also considers that a precautionary approach is required in the form of a 5 year trial. This will provide an opportunity for the proponent to demonstrate to the community that large outdoor events can be managed to avoid unacceptable impacts on flora and fauna, nearby residents, event goers and on the general community.



E Prof Kevin Sproats
PAC Member (Chair)



Ms Donna Campbell
PAC Member

Appendix 1

List of speakers at the PAC public meeting Held on 1-2 February 2012

Project: Concept Plan and Stages 1 & 2 Project Application Yelgun Festival site
Meeting date: Wednesday, 1st February 2012
Meeting venue: Byron Bay Community Centre

A1	Wooyung Action Group Ms Chris Cherry
A2	Bluesfest Mr Peter Noble
A3	Lennox Head Chamber of Commerce Ms Louise Owen
A4	Byron United – Chamber of Commerce in Byron Bay Mr Paul Waters
A5	Northern Rivers Tourism Mr Russell Mills
A6	Ms Jennifer Gray
A7	Professor Kerry Brown
A8	The Byron Environment Centre Mr John Lazarus
A9	Mr Dominic Finlay-Jones
A10	Ms Amica Sanday
A11	Mr Simon Davis
A12	Mr John Prendergast
A13	Mr Paul Brecht
A14	Mr Tom Mooney
A15	Ms Lyn Parche Represented by Mr Rick Slater
A16	Ms Mary Gardner
A18	Mr Andrew Benwell
A19	Ms Ros Elliott
A21	Mr Clinton Hook
A22	Ms Vivien Fantin Represented by Ms Elke van Haandel
A23	Ms Kyriaki Artis
A24	Ms Tina Petroff
A26	Byron Environmental and Conservation Organisation (BEACON) Mr Dailan Pugh
A27	Ms Jenny Coman
A29	Ms Becky Buckwell
A30	North Coast Environment Council Mr Ashley Love
A31	Ms Maggi Moss Luke
A32	Ms Michelle Grant
A33	Mr Doug Luke
A34	Mr Jeremy Sheaffe
A35	Conservation of North Ocean Shores Mr Robert Oehlman Ms Val Scanlon
A36	Mr Ian Cohen
A37	Mr Andrew Hall
A38	Ms Venessa Parry
A39	Mr Chris Walker
A40	Mr David Mullen
A41	Ms Wendy greeneberg

A42	Mr Nick Buckley
A43	Mr Greg Cook
A44	Mr Matthew Lambourne
A45	Mr Ben Kirkwood
A46	Ms Renny Tancred
A47	Mr Derek Harper
A48	Mr Pat Grier
A49	Friends of the Koala Ms Rhonda James
A50	Ms Jessica McClean
A51	Mr Paul Booth
A52	Mr Duncan Shipley-Smith
A54	Mr Peter Westheimer
A55	Mr David Milledge
A57	Ms Karin Kolbe

Project: Concept Plan and Stages 1 & 2 Project Application Yelgun Festival site
Meeting date: Thursday 2nd February 2012
Meeting venue: Ocean Shores Primary School

B2	Byron Bay Council Mr Ray Darney
B2A	Cr Basil Cameron
B3	Yelgun Valley & Middle Pocket Community Association Mr Paul Arrowsmith
B4	South Golden Beach Community Association Ms Kathy Norley Ms Angela Dunlop
B5	Ocean Shores Community Association Ms Jan Mangleson Mr Jim Mangleson Mr Jason Laskie
B6	Mr Stan Petroff
B7	Mr Paul Tisdell
A28	Mr Cameron Arnold
B10	Mr Mark Watson
B11	Mr Gary Opit
B12	Ms Carmel Daoud also representing Ms Gina Brough and Ms Savannah Daoud-Opit
B14	Ms Merrian Malouf also representing Mr Linsay Dowse, Mr Jack Malouf-Dowse and Mr Tony Stupeka
B15	Mr Mark Lycos
B16	Mr Darcy Condon
B17	Ms Michelle Begg
B18	Ms Kathy Norley
B19	Mr Ken Enstone
B20	Mr David Bleach
B21	Mr Mac Nicolson
B22	Mr Russell Eldridge
B23	Ms Brenda Shero
B24	Mr Ray Ellis
B25	Mr Tom Clark
B26	Ms Ri Fraser
B27	Ms Laura Shore
B28	Ms Beth Pitman
B29	Mr Ford Newbold
B30	Mr Charlie Hewitt
B31	Ms/r Reinhard Freise
B32	Coalition for Festival Sanity Ms Denise Nessel Mr Mark Lycos Mr Mac Nicolson
B33	Ms Val Scanlon
B34	Mr Stan Scanlon
B35	Ms Denise Nessel
B36	Mr Graham Ashcroft
B37	Ms Penny Valentine

B38	Mr Chris Coady
B39	Mr Arthur Preston
B40	Mr Richard Whitting
B41	Ms Jillian Spring
B42	Ms Trish Crossley
B42A	New Brighton village Association Mr Robert Crossley
B43	Australia Skydive Group Mr Adrian Kennedy
B44	Ms Sue Knight
B45	Mr Dennis Keeshan
B46	Ms Geraldine Lockyer
B47	Dr JB Murray
B48	Mr Gaven Ivey
B50	Mr Brett Bishop
B51	Ms Judy MacDonald
B52	Australians for Animals Ms Sue Arnold
B53	Mr Matthew Allworth
B54	Dr Norman Sanders
B55	Brunswick Heads Progress Association Ms Jill Ball
B56	Dr Lutz Gaedt
B57	Ms Anne Hay
B58	Ms Helen Luna Represented by Ms Aletha Zylstra
B59	Ms Vivien Royston
B8	Ms Helen Artup
B9	Ms Hayley Acton
B61	Mr Robert Bleakley
B62	Mr Peter Smith
B63	Ms Mardi Zylstra
B64	Ms Angela Richards
B65	Mr Kevin Squire and Ms Cindy Chow Squire
B67	Pottsville Community Association Mr Terry O'Toole
B68	Ms Linda Parlett
B69	Ms Julie Boyd
B70	Ms Kerry Innes
B71	Ms Laurie Hart
B72	Ms Lois Randall
B73	Mr John Blanch
B74	Ms Margaret Campbell

Appendix 2

Instrument of Approval Concept Plan

Appendix 3

Instrument of Approval Stages 1 and 2 Project Application