

27 August 2018

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Attention: Pamela Morales

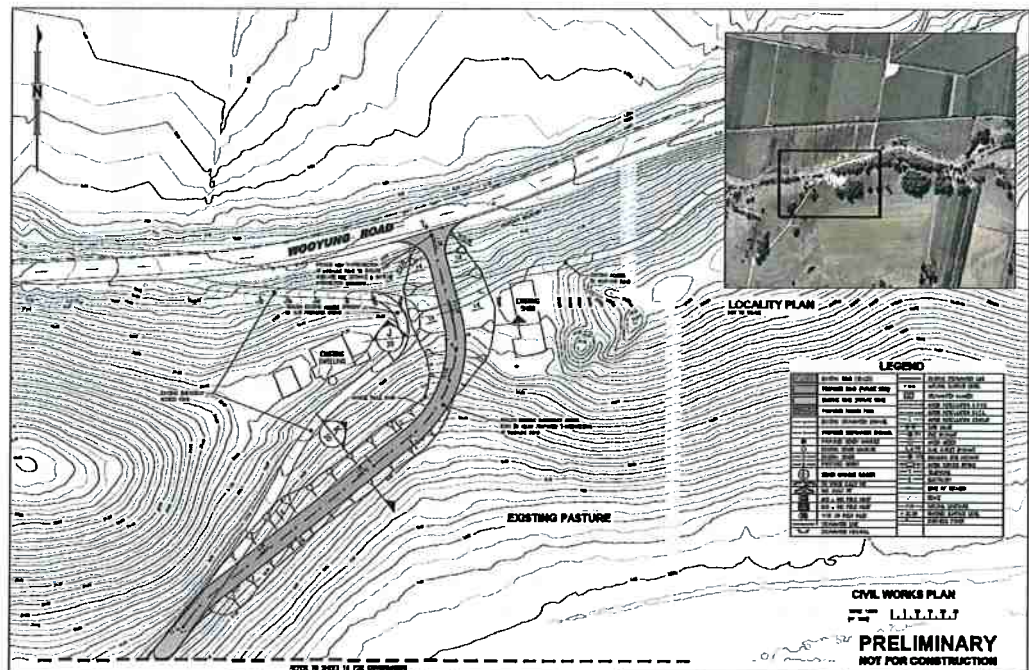
Dear Sir / Madam

**Tweed Shire Council comments on the proposed North Byron
Parklands Cultural Event Site (SSD 8169) and modification of the
Concept Plan (MP09_0028 Mod 5)**

I refer to your email of 27 July 2018 inviting Council's comments in relation to the proponent's Response to Submissions for the proposed SSD and Concept Plan Mod 5 at the North Byron Parklands Cultural Event Site, Yelgun. The following matters are raised for the Department's consideration.

1. Traffic

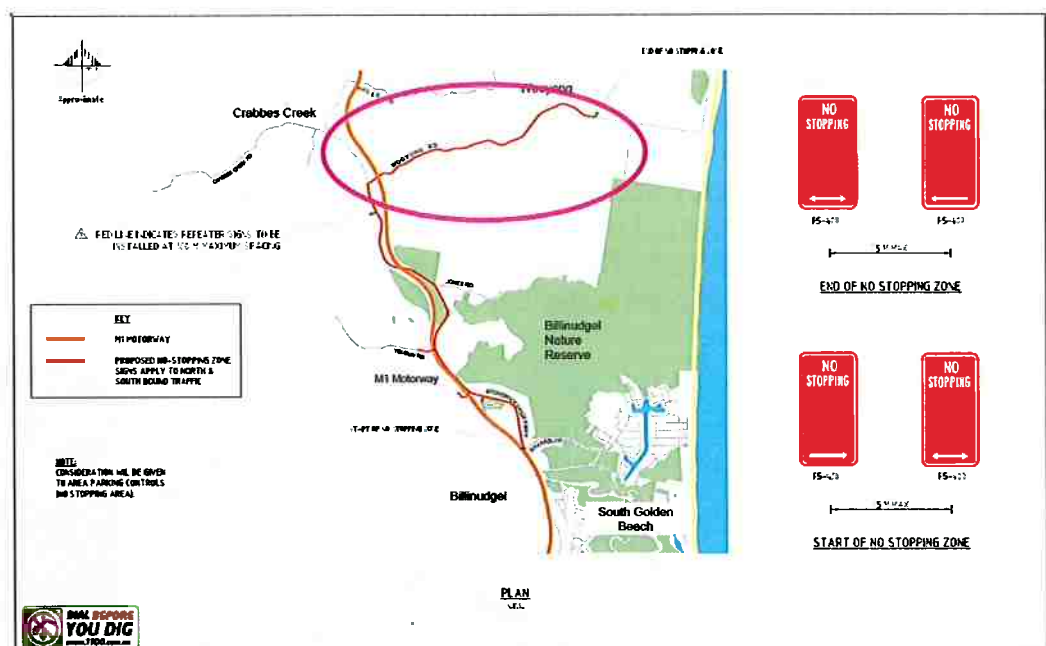
- a. Appendix C of the EIS indicates that the Gate E access is proposed to be constructed approximately 100m east of the existing access (see below). It would appear that the new access location is due to the existing emergency access being deficient in sight distance (as per the Austroads Guidelines). Limited detail has been provided for the realignment of the existing road. Further detail is requested with regard to long sections, proposed road widening (of Wooyung Road) or dimensions.



- b. If the realignment of the existing access road is approved, it is requested that a condition be applied requiring the submission and approval of a Section 138 application to Tweed Shire Council. The proposed new access onto Wooyung Road will need to be constructed to the Austroads Guides to Road Design for a BAR/BAL intersection and to Tweed Shire Council's D1 Road Design Specification.
- c. The submitted Traffic Assessment states that "...Wooyung Road is a two-lane, two-way road. Wooyung Road connects Tweed Valley Road in the west and Tweed Coast Road in the east via overpass. Wooyung Road crosses the Yelgun to Chinderah Freeway via a recently constructed bridge. It also crosses a railway line via a single lane wooden bridge with a 14 tonne load limit. The typical speed limit on the Wooyung Road is 80 km/h".

Whilst there is a 14t limit on Wooyung Road that extends onto the Tweed Coast Road to the north, it should be noted that there is no structural weight limit on the timber railway bridge. Vehicles with a gross mass greater than 14m are able to use the road if they have a legitimate delivery destination with the posted weight limit.

- d. Appendix P of the EIS incorporates a No Stopping Plan which includes Wooyung Road (highlighted below in pink). As noted previously, Tweed Shire Council does not support the installation of "No Stopping" signs on Wooyung Road, as this results in a resource issue in the enforcement of the signs. It is requested that the Traffic Control Plans be amended accordingly.



- e. The proponent's traffic modelling indicates that temporary traffic signals are required on Wooyung Road if departing patrons were allowed to turn left out of Gate E and this would adversely impact on the through traffic on Tweed Valley Way. It is considered that suitable traffic control must be provided at the intersection of Tweed Valley Way and Wooyung Road, should left turns be allowed from the site onto Wooyung Road. It is requested that a suitable condition be applied to this effect.

- f. Whilst the sight distance of the existing access (onto Wooyung Road) has been determined to be deficient, the proponent has not provided any sight distance information on the proposed new driveway/intersection access onto Wooyung Road. However, there are no concerns that appropriate sight distance could not be achieved.
- g. There are no plans or indications as to where Gate E would be installed. This detail is considered to be important, as patrons entering the site would impact on the Wooyung Road if the Gate is located too close to the intersection. It is requested that a condition be applied requiring the placement of Gate E to be located at an appropriate distance from Wooyung Road, to ensure that vehicles entering the site do not queue onto Wooyung Road.
- h. The proponent notes that they are willing to investigate “Kiss and Ride” facilities, as well as shuttle services through Kingscliff, stating that future discussions / agreements with Tweed Shire Council will be undertaken as part of the proposed Transport Management Plan. It is requested that a suitable condition be applied accordingly.

2. Noise

An assessment of the proponent's response to noise comments previously provided by Council has been undertaken, with the following recommendations provided for the Department's consideration:

- a. Confirmation that the proposed increased use of Gate E will not create traffic noise impacts to sensitive receivers.
- b. Additional modelling be undertaken against 2018 trial events to confirm compliance will be achieved for future events with an increased capacity.
- c. Consideration of independent peer review, other than that provided by the Department, to ensure the suitability of noise and vibration modelling and compliance.
- d. Strict conditioning is required to ensure the mitigation measures are implemented and ongoing operational monitoring demonstrate that the proponent achieves the noise criteria. Existing conditions (for the trial period approval) include detailed noise restrictions, noise control, hours of operation, specific noise criteria for sensitive receivers, noise management plans for each event, acoustic monitoring programs, noise mitigation measures including positioning of event stages and sound equipment, and post event noise impact and performance reports conditions. It is recommended that the same conditions be applied to any new approval issued.

3. Flooding / Stormwater

- a. It is noted that the proponent relies upon the Flood Risk Management Plan (FRMP), Stormwater Management Plan and Waste Management Plan in their approach to minimising risk associated with waste management during flood events. Reference to the “Significant Rainfall Forecasting System” and the use of GPT's for minor events is considered to be appropriate to manage the potential mobilisation of rubbish. Whilst a residual risk remains, the proposed measures are considered to mitigate

such risk to the maximum practical extent. No further comments are provided in this regard, with the exception of recommending that the removal of rubbish from low lying areas be made a secondary management action of the FRMP.

- b. The proponent's modelling of the FRMP against the data associated with ex-tropical cyclone Debbie (March 2017) is noted. The review determined that a decision to cancel / evacuate would have been made four days before the flood. This provides some confidence in the efficacy of the FRMP for major, regional events.

However, it is unclear what trigger would have resulted in the cancellation of an event "...4 days before the forecast event", as the FRMP alert matrices for the week before an event (page 35) show cancellation only for >500mm in the four day forecast or a direction from SES. It is recommended that further clarification be provided in this regard given that the forecast was for up to 300mm, as noted by the proponent.

- c. Council's previous comments noted that the FRMP states that "...all below capacity events must use areas out of greatest risk" and that "...Camping will be kept away from the farthest edge of the north east boundary". Council's previous recommendation that the management actions of the FRMP be included as a condition of consent was noted by the proponent. Accordingly, it is recommended that a condition of consent be applied requiring that the most frequently flooded areas are the last to be used (i.e. only in capacity events).
- d. The proponent has noted that the access road (associated with Gate E) was built in 2013 and is entirely above the 1 in 100 year flood level. The construction of roads required development consent in 2013, pursuant to Tweed LEP 2000. It should be noted that Council has no record of an approval for a road over this allotment. Being above the Q100, its effect on regional flooding is not of concern. However, it could potentially affect local drainage of the upstream grazing land. The proponent has noted that the existing drainage infrastructure has been maintained, but detail has not been provided in this regard. It is considered appropriate that sufficient engineering details of this infrastructure be provided, demonstrating that the infrastructure associated with the access road is appropriate for the drainage of upstream areas.

4. Waste Management

As noted previously, Tweed Shire Council raises no concerns with the proposal in terms of waste management, subject to appropriate measures being in place to minimise any potential stormwater / waste management impacts during local storm events.

5. Potable Water Supply

As noted previously, Tweed Shire Council raises no concerns with the proposed water supply system, noting that the requirements for safe potable water supply are regulated by NSW Health under the Public Health Act 2010. The Public Health Act 2010 and the Public Health Regulation 2012 require drinking water suppliers to develop and adhere to a 'quality assurance program' (or drinking water management system). It is considered that this requirement would apply to the proposed development.

6. Wastewater Treatment

As noted previously, Tweed Shire Council raises no concerns with the proposed wastewater treatment, noting that the appropriate regulatory authority for the assessment of wastewater will be the Byron Shire Council and NSW Health. Tweed Shire Council's interest relates to ensuring waste water disposal does not result in offsite impacts to the land or adjacent water courses. With the appropriate assessment and approvals undertaken by both the Byron Shire Council and NSW Health against appropriate performance standards specified under the Local Government (General) Regulation 2005 and AS/NZS1547:2012 the potential for offsite impacts is considered minimal.

7. Incidents / Emergencies

As noted previously, Tweed Shire Council raises no concerns with regard to the proposed management strategies for all incidents and emergencies on site, noting that detailed comment in this regard would be provided by other agencies.

8. Bushfire Emergency Evacuation

- a. It is noted that the proponent has developed comprehensive emergency management and evacuation plans, including the Bushfire Emergency Evacuation Plan (BEEP). The proponent's explanation for differences between the evacuation times associated with the BEEP and the FRMP are noted. No further comment is provided in this regard, noting that the appropriate agencies are involved with the endorsement of the relevant Management Plans before each event.
- b. Similarly, it is noted that the BEEP incorporates emergency ingress / egress routes, the majority of which are for firefighting purposes, as opposed to evacuation routes for patrons and staff. No further comment is noted in this regard.
- c. It is also noted that legislation is in place to provide NSW Police with the ability to commandeer public assets (such as schools, halls etc) if the need arises. No further comment is provided in this regard, noting that the proponent has acknowledged that such a mass evacuation would take considerable time and resources should it be required.
- d. It is noted that the proponent proposes to prepare a single comprehensive set of management plans and monitoring programs that would apply to all events (irrelevant of their size). It is recommended that a suitable condition be applied to this effect.

9. Patron Numbers

It is noted that the 'maximum number of people on site' is the upper limit of the total number of people on the site at any one time and includes day patrons, camping patrons and additional people (staff, artists, crew etc). It is also noted that the management plans associated with the proposal have been based on this upper limit of people on the site at any one time. No further comment is provided in this regard.

10. General Comment

It is noted that the SSD application has been appropriately amended to include all properties involved with the proposal, including emergency evacuation areas. It is also noted that owners consent for all properties has been provided, with in-perpetuity agreements in place, should land ownership change in the future. No further comment is provided in this regard.

For further information regarding this matter please contact Colleen Forbes on [REDACTED]

Yours faithfully



Vince Connell
DIRECTOR PLANNING AND REGULATION