

Council Reference:  
Your Reference: MP09-0028 MOD 4



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21 April 2017

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Modification Assessments – Planning Services  
Department of Planning & Environment  
GPO Box 39  
**SYDNEY NSW 2001**

**Attention: Rebecca Sommer**

Dear Sir/Madam

**Tweed Shire Council comments on the proposed modification of  
the Concept Plan and Project Approval for the Cultural Events  
Site at North Byron Parklands (MP09\_0028 Mod 4)**

I refer to your email of 20 March 2017 requesting Council's comments in relation to the proposed 20 month extension to the trial period for outdoor events of up to 35,000 people at North Byron Parklands.

The following matters are raised for the Department's consideration.

Noise

The proposed modification seeks an extension of the trial period including the modified noise conditions approved for MOD 3. There have been historical compliance issues relating to noise.

It appears that noise continues to be the main issue raised by nearby receptors during events.

If the modification to extend the trial period is approved, Council considers it important that the event be subject to a continuing regulatory focus by the Department of Planning.

Any future applications to use the site on a permanent basis should be strongly supported by further noise studies that demonstrate that the current conditions of consent and noise limits are adequate to protect the amenity at surrounding receptors.

Traffic

As noted in Council's SEAR's comments for the SSD, although the proponent has stated that report that they have adapted measures at each event so that it now runs smoothly, concerns are raised with regard to public transport being inadequate, particularly for those patrons trying to access the site via the Tweed Coast.

Feedback from the community has been such that whilst buses did run through the Tweed Coast towns, they were full before reaching Pottsville, leaving many patrons stranded and relying on taxis and other means, such as walking, to get to the site. Local taxi operators have also raised similar safety with Council.

In addition to the above and to the proposed traffic management measures stated in the Mod documentation, it is considered that the event organisers and the

Departmental officer taking carriage of the approval need to be much more visible to Council and other stakeholders, as it has been difficult to make enquiries and lodge complaints with regard to issues arising from the events in the past.

### Flooding

The safety of patrons is raised as a concern with regard to the evacuation of over 30,000 people from the site during a flood event. Photos are provided below which indicate the level of inundation during the recent floods (31 March 2017) affecting the region.



**Photo 1 – Wooyung Road north west of the site looking north east (31 March 2017)**



**Photo 2 – Taken from a property on Wooyung Road looking south to the NBP camping area (31 March 2017)**



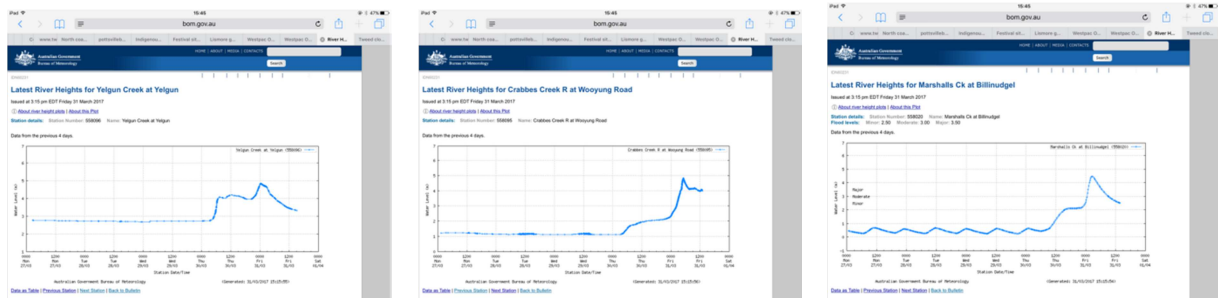


**Photo 3 – Wooyung Road looking east to the junction of Ti-Tree Road (31 March 2017).** Note – the water tank behind the vegetation at the edge of road has been washed more than 500m from the NBP camping ground.



**Photo 3 – Wooyung Road looking south towards toilets, Quaker hay shed and camping area (31 March 2017)**

Taking into account previous concerns raised by NSW Police (with regard to the inability to evacuate the site within 8 hours), and the rapid rise of the floodwater as evidenced by the stream gauges (shown below in Figure 1), concerns are raised with regard to the proponent's responsibility to ensure the safety of patrons, should a cultural event occur at the same time as a large flooding event. Concerns are also raised as to whether an extension on this site is in the public interest, given the perceived inability to provide safe evacuation from the site during a flood.



**Figure 1 – Stream Gauges for Yelgun Creek, Wooyung Creek and Marshalls Creek (31 March 2017)**

Noted below are additional photos of the subject site, which indicate level impact of arising from heavy rain (not a major flood) upon the site, which must be taken into consideration in terms of the ability of the proponent to safely and efficiently evacuate patrons from the site.



**Photo 4 - Looking across to North Byron Parklands camping area taken from residence on Wooyung Rd (May 2009)**





**Photo 5 – Flooding impacts (June 2016)**



**Photo 6 – Flooding impacts showing toilet facilities of campground (June 2016)**

Ability to Extend Trial Period

Given the recent Land and Environment Court ruling (*Billinudgel Property Pty Ltd v Minister for Planning [2016] NSWLEC 139*) consideration needs to be given to powers of the Minister in terms of his ability to modify the consent by way of further extending the trial period by 20 months.\*

*\* Please note that an alternate site is available at the approved Bluesfest site in the Byron Shire that was not available at the time of granting this trial approval and as such an interim solution is available for the upcoming festivals while the department make an assessment of the SSD Application.*

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

**Vince Connell**  
**DIRECTOR PLANNING AND REGULATION**