

19 February 2018

Customer Service | 1300 292 872 | (02) 6670 2400

Industry Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

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 12 December 2017 requesting Council's comments in relation to the proposed SSD and Concept Plan Mod 5 for the North Byron Parklands Cultural Event Site at Yelgun.

The matter was reported to Council on 15 February 2018 with the following resolution:

"RESOLVED that Council advises the NSW Department of Planning and Environment that Council objects to the State Significant Development Application and Modification 5 (Concept Plan) North Byron Parklands and forwards the attached submission to this report to the NSW Department of Planning and Environment."

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

1. Traffic

- a. The proposal is not very clear in the proposed use of the access road onto Wooyung Road. The EIS makes reference to it as the existing "Emergency Access Road", but also makes reference to it as an access road to service the Tweed Coast catchment. The Traffic Assessment associated with the SSD is clearer in terms of the proposed change of use of the access road.
- b. The proposed use of Gate E was considered by the Traffic Assessment to be less than when the access was used as an emergency access road for previous events under police direction. The methodology used to estimate traffic generation (by postcode) is not accepted by Tweed Shire Council as providing a realistic estimate of the potential traffic volume utilising Gate E for access / egress purposes. Event patrons from Brisbane could use the Gate should queue lengths at other gates become excessive and there is no guarantee that camping spaces will be allocated to Patrons from the Tweed Coast area.

- c. It is considered appropriate that traffic modelling should be carried out on the maximum patronage and attendee's model.
- d. The Traffic Assessment provides limited information on any road upgrades required to facilitate the proposed access / egress point at Gate E and the potential impact upon the Tweed Coast local road network.
- e. The proposed driveway access for Gate E is to be constructed to Council's requirements, catering for the expected peak movements, is subject to an approval from Tweed Shire Council under s138 Roads Act. It is recommended that any consent be conditioned accordingly.
- f. The Traffic Management Plans associated with the Traffic Assessment do not include the Wooyung Road entry / exit point (Gate E).
- g. The EIS does not provide any details on the proposed works associated with the access road, apart from noting that it will be constructed above the Q100. This is not considered to be necessary given that Wooyung Road is subject to flooding in the Q100 and cannot be relied upon for emergency access during times of flood. However, it is considered that additional information is required with regard to potential impact associated with the proposed upgrade of the access road to the North (Gate E). It is recommended that further detail be provided in terms of the details for the access road, culverts etc and potential flood modelling required to determine impact (if any) on the adjoining allotments as a result of the proposed access road.
- h. Further detail is required with regard to the potential "kiss and ride" options noted in the Traffic Assessment (i.e. the potential northern location at the Pottsville South Bus Stop).
- i. It is recommended that the Department give consideration to the modification of the shuttle service route through Kingscliff area so that parked patron vehicles do not impact on public parking within the CBD area. For example, Kingscliff TAFE may be amiable to patrons parking in their car park. Another alternative is the use of the Pottsville Markets site (if not in conflict with Market days).

2. Noise

- a. The proposed use is a significant intensification when compared to the trial period.
- b. The trial period was complicated by non-compliances, community concerns and ongoing mitigation after monitoring events undertaken during the trial.
- c. Event noise monitoring was undertaken during the trial on only 3 events.
- d. Maximum patronage during the trial period was only 32,500. The proposed maximum patronage is 35,000 with future expansion to 42,500 and 50,000 subject to meeting KPIs. This represents a significant intensification.
- e. The noise modelling predicts exceedances at the two closest dwellings. Local agreements between the operators and the land owners may become an issue if ownership changes.
- f. Further mitigation measures have been proposed up and above what was required for the trial period.

- g. Approval of the facility will require strict conditioning to ensure the mitigation measures are implemented and ongoing operational monitoring to demonstrate that the proponent achieves the noise criteria. This will place a significant regulatory burden in the future as the event intensifies. This is demonstrated through the continual community attention the operation has been subject to during the trial period.
- h. Based on the level of community concern, noise levels predicted when compared to the adopted noise criteria it is recommended that the Department engage a suitably qualified and experienced acoustic consultant to undertake an independent peer review.

3. Flooding / Stormwater

- a. The proponent's Flood Risk Management Plan is considered to be comprehensive. However, it should be noted that evacuation of the site is highly dependent on an early decision by management to provide adequate timeframe for the high number of patrons and staff to leave the site.
- b. Music festival campers are known to leave behind large quantities of rubbish. A storm or flood event during an event including camping presents a significant risk of gross pollutant (rubbish) discharge from the site. The Stormwater Management Plan (previous application) notes the installation of Gross Pollutant Traps to capture rubbish in small storm events. However, these are not capable of capturing gross pollutants in flood events where the entire site's camping area is flooded. It is considered that the only practical management measure to mitigate this risk is the removal of patrons and their belongings from the flooded area and removal of rubbish from the low lying areas. Whilst rubbish removal is not specifically mentioned, removal of patrons and their vehicles is captured in the management actions of the Flood Risk Management Plan. Rubbish removal is considered a secondary priority in an evacuation scenario and would only be expected to be completed where time and access permits.
- c. It is recommended that the Department considers the risk of minor flood or local storm events (overtopping drains) resulting in a high volume discharge of gross pollutants from the site during camping events. This could be mitigated by management measures including actions within the Flood Risk Management Plan and / or general waste management.
- d. The FRMP notes that the access road to the north be upgraded to be above 1:100 ARI to allow access to Wooyung Road. Further to the Traffic comments above, it should be noted that Wooyung Road has several low points, which are flood prone in 1:5 ARI events, let alone 1:100 ARI events.
- e. The FRMP identifies the campground as being impacted by 1:5 ARI events. It is considered appropriate to highlight that the northern carpark / camping area can flood to significant depth in minor flood / local storm events, which can occur with little or no warning. It is also considered appropriate to highlight that it is unclear if the proposed triggers would enable a management response to such an event. Accordingly, it is considered that the FRMP would benefit from running the management plan triggers and actions against some real historic events (timeframes of

warnings/predictions/local rainfall taken from BoM records), which would provide an indication of the plans efficacy for future events.

- f. The FRMP refers to a new dedicated egress exit to Wooyung Road but does not mention that this egress point has been used for patron bump out every large event on site to date except for the most recent Splendour (SITG). It is considered appropriate to highlight that the use of this exit as a patron exit has been recorded in the SSD's traffic assessment for only two of the large events but the Minutes of the Regulatory Working Group confirm it was used in the 2014 and 2015 events also.
- g. The FRMP states on page 43 that "...all below capacity events must use areas out of greatest flood risk" and that "...Camping will be kept away from the farthest edge of the north east boundary". Whilst Section 5 of the FRMP details the management of camping areas, it is requested that such management actions be included as part of a condition of consent.

4. Waste Management

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

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

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

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. There are a number of discrepancies between the Bushfire Emergency Evacuation Plan (BEEP) and the Flood Risk Management Plan (FRMP) associated with the SSD. The discrepancies relate to the proposed evacuation times for the various sizes events being proposed, as follows:

- i. The BEEP notes that evacuation time by vehicle is approximately four to five hours, yet the FRMP quotes 12.5 hours for 35,000 patrons if two exit lanes are available and 10 hours if 3 lanes are available.
 - ii. The BEEP does not appear to distinguish estimated evacuation times for a 50,000 patron event, yet the FRMP notes 14 hours for two exits and 10.5 hours if three lanes are available.
 - iii. The FRMP notes that evacuation times will be lengthened if evacuation is required by night or patrons are intoxicated / have special needs. The BEEP does not appear to allow for such considerations.
- b. There are several concerns with the proposed evacuation routes and the Primary Assembly Area to the north of the main event site, these being:
- i. The BEEP notes that safe egress to the Primary Assembly Area to the north of the camping area is less than one hour, based on pedestrian modelling. The BEEP does not appear to have taken into consideration weather conditions which would make evacuation to the assembly point unlikely (i.e. smoke impacts from a bushfire etc);
 - ii. Many of the evacuation routes for use in bushfire emergencies (including tracks through forested areas) are single lane unsealed roads. It is questioned as to whether such roads are appropriate during a bushfire event.
 - iii. The BEEP notes that if evacuation is required to an off-site assembly area by NSW Police, event management will follow instructions of the lead agency. It is not clear whether consideration has been given to an alternate off-site assembly area capable of catering for up to 50,000 patrons.
- c. The BEEP does not distinguish between large or moderate events, timing of event, the location of patrons etc.
- d. There appears to be discrepancies between the BEEP and the Environmental Health and Safety Management Manual (EHSMM) in terms of the appropriate NBP Standards that are applicable to events (ie the BEEP references *Evacuation – NBP Standard 009* and *Camping – NBP Standard 011*, yet neither of these standards are included in the EHSMM).
- e. It is noted that the various evacuation plans and standards are only applicable to the larger events. It is considered appropriate that such standards and evacuation measures be applied to all events regardless of size and it is requested that such a condition of consent be applied.
- f. The BEEP notes that evacuation must be carried out in accordance with the FRMP 2011, instead of the FRMP 2017 associated with the current SSD.
- g. Concern is raised with regard to the vegetation within the northern camping area (forested area) and the need for a defendable zone.
- h. The Bushfire Assessment report incorporates several northern adjoining allotments (Lot 11 DP1192842 and Lot 4 DP821947) for use as the Primary Assembly Area. Concern is raised with regard to the need for a potential alternate assembly area should owners consent no longer be granted for Lot 11 and Lot 4.

9. Patron Numbers

- a. The total number of people attending the events is a concern in terms of overall management of the various events and considerations for emergency evacuation etc. The trial events were limited to 35,000 patrons per day for large events (with a patron meaning "...*anyone who holds a ticket to attend an outdoor event*").
- b. It is noted that the SSD defines patrons as "...*a member of the general public who **purchases** a ticket to attend an outdoor event and attends the event on any given day*". As such patron numbers at proposed events will not include other people on site such as performers, volunteers and workers.
- c. Although the SSD does acknowledge additional people for events (i.e. maximum 57,850 people on site for a 50,000 patron event), it is unclear as to whether the assessment and associated management plans / reports have taken into consideration that additional people will be on site and factored these increased figures into traffic assessments or flooding / evacuation planning. In addition, it is unclear as to whether free ticket holders have been included into any assessment, given they are technically not purchasing a ticket and therefore not considered as a "patron", nor are they identified in the SSD as potential "other people" on site for events.

10. General Comment

Although not highlighted on the formal application form, it is noted that the SSD now incorporates Lot 21 DP1169952 to facilitate the northern access road to Wooyung Road, with owners consent provided for Lot 21. It is also noted that Lot 11 DP119284 is also included in the SSD for the purposes of the Primary Assembly Area. It does not appear that owners consent has been provided for Lot 11. In addition, it appears that the Primary Assembly Area includes part of Lot 4 DP821947 (refer to Appendix T – Bushfire Assessment), yet Lot 4 does not appear to be part of the application (nor is owners consent provided).

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

Yours faithfully



Vince Connell
DIRECTOR PLANNING AND REGULATION