



Professor Mary O'Kane AC
Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
Sydney NSW 2000

Dear Professor O'Kane

**Determination of a Section 75W Modification (MP 09_0028 MOD 3) and a State
Significant Development Application (SSD 8169)
North Byron Parklands Cultural Events Site – 126 Tweed Valley Way, Yelgun**

The above modification application and SSD application are referred to the Independent Planning Commission (the Commission) for determination.

As more than 25 public submissions were received objecting to the concept modification and SSD application:

- the Commission, as the Minister's delegate, is the approval authority for the concept modification (MP 09_0028 MOD 3)
- the Commission is the consent authority for the SSD application (SSD 8169).

The Department's assessment of the applications is contained within the Department's file 16/16117-1, as enclosed.

Should you have any further enquiries about this matter, please contact Chris Ritchie, Director Industry Assessments, at the Department on (02) 9274 6413.

Yours sincerely

Marcus Ray
**Deputy Secretary
Planning Services**

19/11/2018



North Byron Parklands Cultural Events Site

State Significant
Development and
Modification Assessment

SSD 8169

MP 09_0028 MOD 3 (Concept Plan)

SPLENDOUR
GRASS

A large, mature tree with a thick trunk and dense green foliage stands on a grassy hill. In the foreground, a field of dry grass is marked with colorful letters on stakes, spelling out "SPLENDOUR" in the top row and "GRASS" in the bottom row. The letters are in various colors: green, orange, blue, red, yellow, and pink.

November 2018

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Cover photo

Entrance to Splendour in the Grass 2018 (Department of Planning and Environment 2018)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Billinudgel Property Pty Ltd
AS	Australian Standard
BCA	Building Code of Australia
BSC	Byron Shire Council
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Commission	Independent Planning Commission
Consent	Development Consent
Construction	The demolition of buildings or works, carrying out of works, including earthworks, erection of buildings and other infrastructure
DA	Development Application
DCP	Development Control Plan
Demolition	The removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development as described in the EIS and RTS for the construction and operation of the North Byron Parklands Cultural Events Site
DICLW	NSW Department of Industry – Crown Lands and Water
DPI	NSW Department of Primary Industries
DTS	Deemed to satisfy
EIS	Environmental Impact Statement titled <i>North Byron Parklands Cultural Events Site</i> prepared by PJEP Environmental Planning dated December 2017
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Falls Festival	Falls Festival Byron
FTE	Full-time equivalent
ha	hectares
km	kilometres
KPI	Key performance indicator
L&E Court	Land and Environment Court of NSW
LEP	Local Environmental Plan

Abbreviation	Definition
LGA	Local government area
Minister	Minister for Planning
MNES	Matter of national environmental significance
NPWS	NSW National Parks and Wildlife Service
NSW	New South Wales
NSWPF	NSW Police Force
OEH	Office of Environment and Heritage
Planning Secretary	Planning Secretary of the Department of Planning and Environment
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
QLD	Queensland
RFS	NSW Rural Fire Service
RMS	NSW Roads and Maritime Services
RTS	Response to Submissions titled <i>North Byron Parklands Cultural Events Site: Response to Submissions</i> prepared by PJEP Environmental Planning dated July 2018
RTS Addendum	Addendum to the Response to Submissions titled <i>North Byron Parklands Cultural Events Site: Response to Submissions Addendum</i> prepared by PJEP Environmental Planning dated September 2018
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Sensitive receiver	A location where people are likely to work or reside, this may include a dwelling, school, hospital, office or public recreational area
Site	126 Tweed Valley Way, Yelgun
SITG	Splendour in the Grass
SoCs	Statement of Commitments
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
ST&OP Regulation	Environmental Planning & Assessment (Savings, Transitional and Other Provisions) Regulation 2017
TSC	Tweed Shire Council



Executive Summary

This report details the Department of Planning and Environment's (the Department) assessment of a State significant development application (SSD 8169) for the permanent and ongoing use of the North Byron Parklands Cultural Events Site. This report also details the assessment of a section 75W modification request to modify the existing concept plan approval (MP 09_0028 MOD 3) to facilitate the SSD application.

Billinudgel Property Pty Ltd (the Applicant) proposes the ongoing use of the site for cultural events, and the construction and operation of additional infrastructure to support these events. The site is located on the NSW far north coast, approximately 22 kilometres (km) north of Byron Bay and 35 km south of Tweed Heads.

Since 2013, the site has hosted two annual international music and arts festivals under a trial project approval (MP 09_0028), namely Splendour in the Grass (SITG) and the Falls Festival Byron Bay (Falls Festival). SITG is held exclusively at North Byron Parklands over three days in July, with a maximum capacity of 35,000 patrons. Falls Festival is held at the site over three days between 31 December and 2 January, with a maximum capacity of 25,000 patrons. The site caters for overnight camping at these events with approved capacity for up to 25,000 campers.

Approval History

SITG has been held every year since 2001, with the first nine festivals held at Belongil Fields, near Byron Bay. In 2008, the Applicant and the event operators of SITG identified the need for a dedicated site for SITG in the Byron Shire. On 6 August 2008, Byron Shire Council (BSC) granted consent for a temporary place of assembly with camping and associated infrastructure at the site. However, following a successful challenge in the Land and Environment Court, the approval was deemed invalid and of no effect.

In 2009, the Applicant lodged a concept and project application with the Department and sought permanent approval to host outdoor events for up to 50,000 patrons per event. On 24 April 2012, the then Planning Assessment Commission (the Commission) gave concept and project approval for the cultural events site for up to 35,000 patrons for SITG and 25,000 patrons for Falls Festival. Based on the concerns of the public authorities and community at the time, the Commission concluded a 5-year trial period for outdoor events up to the end of 2017 would be appropriate to confirm the operational and environmental management plans are effective, and to ensure potential environmental impacts are properly managed and minimised.

The approval also restricted an annual increase in the event crowd size of 2,500 increments. Before increasing the event size, the project approval required the Applicant to prepare an annual Performance Report to demonstrate the success of the trial events, against criteria established for noise, traffic, flora and fauna and community issues.

In September 2017, the project approval was extended by 20 months to allow additional trial events until 31 August 2019.

Trial Period

Under the 2012 project approval, the Applicant has held 11 major events at the site, including six large trial events (SITG), five medium trial events (Fall Festival), and three minor/community events. The initial trial events resulted in some traffic congestion issues in and around the site and numerous noise complaints from nearby residents.

A process of continuous improvement throughout the trial period has allowed the Applicant to monitor, review and refine its management and mitigation measures. As required by the project approval, the Applicant also

established a Regulatory Working Group (RWG) comprising representatives from key public authorities and the local community. The role of the RWG is to oversee the performance of the trial period and provide recommendations to improve the carrying out of events at the site.

The Department's noise specialist and Compliance Unit have regularly inspected the site during events to monitor compliance with the project approval. The Applicant consulted with the Department to test, adapt and refine its noise management regime. This includes developing an acoustic monitoring program and alternative noise criteria to regulate bass frequency sound levels, which has resulted in an overall improvement in noise and fewer noise complaints during subsequent trial events.

Traffic congestion was also an issue on the first day of the 2016 SITG event due to the increased use of taxi and ride-share (Uber) vehicles to access the site. The Applicant developed traffic control responses to this issue in consultation with RMS and the NSW Police Force (NSWPF) which resolved the issues the following day. Due to this issue, the Department did not permit the Applicant to increase the size of the following event (SITG 2017). The Applicant has improved its performance and recently carried out SITG 2018 at the maximum capacity of 35,000 patrons. All Key Performance Indicators (KPIs) under the project approval were met during SITG 2018.

The trial events have given the Applicant the opportunity to develop and continually refine its management and mitigation measures. Throughout the course of the trial period, the Applicant has developed adaptive and innovative noise management procedures to minimise noise impacts to surrounding sensitive receivers and has demonstrated that it can manage traffic for events up to 35,000 patrons.

At the conclusion of the trial period, the concept plan approval requires a new DA be submitted for any proposed ongoing and permanent operation of the site for outdoor events under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Accordingly, the Applicant has submitted an SSD application (in conjunction with the modification to the concept approval) for the ongoing and permanent use of the site.

Current Proposal

The Applicant is now seeking development consent for the ongoing use of the site for cultural, educational and outdoor events for up to 20 event days per year (consistent with the original project approval), which includes:

- two large events per year (i.e. SITG and Falls Festival) over a maximum of five event days each, for up to:
 - 35,000 patrons per event day at SITG, increasing to 42,500 patrons and then 50,000 patrons, subject to meeting key performance indicators (KPI)
 - 35,000 patrons per event day at Falls Festival
 - 30,000 camping patrons at these events, arriving the day before and departing the day after the event
- three medium event days per year, which would run either on separate event days (i.e. a one-off music concert) or over three consecutive event days (i.e. multi-day music festival) with up to 25,000 patrons per event day
- five small (5,000 patrons) and two minor (1,500 patrons) one-day community events
- the construction and operation of additional site infrastructure to support outdoor events held at the site, including an event administration building, conference centre, event amenities, and on-site road and transport infrastructure.

A concurrent section 75W modification request (MP 09_0028 MOD 3) has also been lodged to amend the terms of the existing concept plan approval to reflect the types of permanent cultural events that would be held at the site.

The proposed development has a capital investment value (CIV) of \$42 million and is expected to generate 150 construction jobs and 561 full time equivalent (FTE) operational jobs when fully constructed.

Statutory Context

The proposed development is State significant development pursuant to section 4.36 (development declared SSD) of the EP&A Act as it would involve the construction of a cultural, recreation and tourist facility with a CIV over \$30 million, which meets the criteria set out in clause 13(1)(e) of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The Independent Planning Commission (the Commission) is the consent authority for the development as Byron Shire Council (BSC) and Tweed Shire Council (TSC) objected to the proposal and more than 25 public submissions objected. No political donations were made by the Applicant in the last two years.

Engagement

The Department exhibited the DA, modification request and accompanying EIS for the development between Friday 15 December 2017 and Friday 16 February 2018. The Department received a total of 7,204 submissions during the exhibition period, including eight from public authorities, 24 from community organisations and 7,172 from the public.

Of the 7,204 submissions received, 7,057 were in support, 29 provided comments and 118 objected to the proposal including BSC and TSC. The key issues raised in the submissions include the scale of outdoor events, noise, biodiversity impacts, traffic congestion, social impacts, wastewater, lack of infrastructure, the development assessment process, patron and community safety, economic impacts, permissibility, and historical compliance with the concept and project approval.

Supporting submissions noted the increased employment opportunities and benefits to the local economy offered by the events. Other positive aspects raised included support of the live music and arts economy, benefits to the local community, the location of the proposed development and environmental management during the trial period.

Due to the significant community interest in the trial events and the proposal, the Department held two public information sessions in Mullumbimby and Ocean Shores to understand the community's views on the proposal. Local residents expressed concerns about potential traffic, social and economic impacts of the proposed development. Residents were also concerned that the region's small ratepayer base cannot support the infrastructure needed for a 50,000 patron event. During the assessment of the DA and modification request, the Department also met with representatives from BSC and the RWG as well as visiting the site and surrounding communities during SITG 2018.

Given the concerns raised in submissions and by local residents during the public information sessions, the Department sought independent advice from Hill PDA to support its assessment of the economic impacts of the project. The Department also engaged GHD to review the proposed wastewater treatment system.

The Department has considered the above issues in its assessment, along with the consistency of the proposed development with the concept approval (as amended by the concept modification).

Assessment

The Department identified the key issues for assessment are traffic and transport, noise, wastewater and the increase in festival size.

Many submissions raised concerns about traffic impacts associated with the large events, particularly congestion on Tweed Valley Way from vehicles accessing the site. Although some queuing on the surrounding network occurred during the trial events, the Applicant adopted a continuous improvement approach to address and rectify those issues.

The Department's assessment found that traffic generated during the proposed large events is unlikely to impact the operation of the Pacific Motorway. During the largest festivals, held once each year, the traffic generated at peak times will potentially reduce the performance of the Tweed Valley Way. However, the worst impacts are limited to a four-hour period on one day and the Department is satisfied that these short-term impacts can be adequately managed by the Applicant's existing and proposed traffic management measures and plans. The smaller events are unlikely to impact the performance of roads used to access the site.

The Applicant proposes to implement additional transport initiatives to minimise private car use and encourage patrons to use buses. The Applicant also proposes to upgrade site access points and internal parking and traffic configurations to improve the movement of vehicles within the site and avoid traffic overflowing onto Tweed Valley Way. Both councils support the proposed transport upgrades.

Amplified noise from the site was a key concern raised by community and regulatory stakeholders throughout the trial period. Although the ongoing festivals may cause noise exceedances at certain times at the two nearest affected residents, the Applicant has entered into noise agreements with these two residents to offset these impacts. In addition, the Applicant also has agreements with other surrounding receivers in the vicinity of the site. The predicted noise impacts of the ongoing outdoor events would also be short-term and would be limited to no more than 20 event days a year. The Department is satisfied the noise from the site can be adequately managed through monitoring and controlling the volume at the main stages and orienting stages to direct the noise away from the most affected locations.

The Applicant used the trial events to test, adapt and refine its noise management regime which has led to an overall improvement in noise during recent events. The noise criteria and management regime developed during the trial period will continue to be applied for the ongoing events. The Department has also recommended that compliance with the noise limits be required prior to any increase in the size of large events.

The Department commissioned GHD, an independent wastewater expert, to peer review the Applicant's proposed wastewater treatment design. The proposed design includes on-site storage and treatment of wastewater using septic tanks, reed beds and wood chip bioreactors, with additional chlorine dosing prior to application of the treated effluent on the site through irrigation.

Concerns were raised by BSC and GHD about the capability of the proposed system to treat the wastewater to a suitable standard for irrigation. Questions were also raised about the suitability of the site for irrigation given the areas of the site are subject to flooding and have shallow groundwater.

The Applicant subsequently revised the wastewater treatment design and adopted stringent effluent quality and application criteria for on-site irrigation. The Applicant also demonstrated that there is sufficient capacity to store and treat the wastewater prior to irrigation. The Department has recommended conditions that require the Applicant to validate the quality of the final treated wastewater, prepare a Wastewater Management Plan and undertake wastewater, groundwater and surface water monitoring. Increasing the size of the events would also be contingent on the performance of the wastewater treatment system.

The Department recognises the longstanding concerns in the local community about the impacts of the trial events on local amenity. While the Applicant has committed to continue implementing existing measures to manage litter, anti-social behaviour and access issues such as maintaining a litter response team and a community hotline, the Applicant has also committed to entering into a Planning Agreement (PA) with BSC to address some of the residual amenity impacts expressed by local residents. The PA would require the Applicant to make a one dollar contribution per festival camping patron per night (up to a maximum of \$120,000 per year), which would be managed in accordance with BSC's draft Voluntary Visitor Fund and allocated to public infrastructure projects in the surrounding region. Final details of the PA will be subject to further discussion with the broader Council.

The Department acknowledges the concerns raised by the public, community groups and public authorities about the Applicant's proposal to increase the largest event to 50,000 patrons in increments of 7,500. The Department recommends continuing the precautionary approach adopted by the Commission and has recommended the increase in patrons be limited to increments of 5,000 patrons. This would give the Applicant sufficient time to demonstrate its management and mitigation measures can remain effective at each stage. The Applicant would be required to demonstrate compliance with KPIs through a Performance Evaluation Report (PER) required after each large event, which would require the Applicant to analyse monitoring data for traffic, noise and wastewater. The Applicant would need to satisfy the PER requirements and obtain the approval of the Planning Secretary, in consultation with RMS, BSC and the NSWPF, prior to any increase in event size. If these requirements are not met, the Applicant cannot expand the size of the large event.

The Department has also evaluated other issues related to the development including social impacts, public safety and crowd management and biodiversity, and concludes it can be adequately managed by the Applicant, subject to conditions.

Summary

The Department has assessed the proposal against the matters listed in Section 4.15 of the EP&A Act and the objects listed in Section 1.3 of the EP&A Act, including the principles of Ecologically Sustainable Development. The Department has assessed the application on its merits, taking into consideration the strategic plans that guide development in the area and the State Environmental Planning Policies that apply to the proposal.

The Department acknowledges the longstanding concerns of the local community about the trial events and potential impacts associated with the proposal on local amenity including traffic, noise and lack of infrastructure. Conversely, over 7,000 submissions were received in support of the application because of the employment opportunities, support of music and arts industry and benefits to the local economy offered by the events.

Throughout the trial period, the Applicant has improved the management of impacts associated with the development, particularly around traffic and noise management and public safety. The Applicant has trialled, monitored and refined a range of adaptive management and mitigation measures, which has resulted in an overall improvement in amenity and a reduction in complaints from surrounding residents. Therefore, the Applicant has demonstrated that it can adequately manage outdoor events at the site for up to 35,000 patrons.

The continuation of outdoor events at the site is consistent with the *North Coast Regional Plan 2036* as it will continue to deliver a unique tourism experience that will generate positive social benefits and additional employment opportunities for the local community.

The Department consulted with the community through the two public information sessions and meeting with the RWG, the public authorities that raised significant concerns about the proposal and the Department's appointed wastewater and economic expert. The Department also visited the site and surrounding communities during the assessment of the applications.

The Department's assessment concludes the proposed development would result in temporary and short-term impacts in relation to traffic, noise, social and biodiversity, and would be limited to the days before, during and after an event, particularly for SITG and Falls Festival. The Applicant has committed to implementing existing management plans for large and medium events that cover a range of issues including traffic, noise, fire, bushfire evacuation and flooding issues and will complement these plans with additional mitigation measures including developing crowd management plans, site upgrades to improve internal traffic flows, providing additional police resources and BSC rangers during events and entering into a planning agreement with BSC to address a number of social and amenity impacts.

The Department supports the staged increase of the large event to 50,000 patrons and recommends an alternative staging regime of 5,000 increments, rather than 7,500 increments proposed by the Applicant. The Department considers this approach is consistent with the Commission's original recommendation to adopt a precautionary approach and would give the Applicant sufficient time to demonstrate its management and mitigation measures can remain effective at each stage.

The Department's assessment concludes the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance subject to the recommended conditions of consent, including:

- implementation of the management and mitigation measures recommended in the EIS and RTS
- preparation of management plans for outdoor events to manage traffic, noise, biodiversity, social impacts, public safety, bushfire and flooding evacuation
- preparation of a wastewater management plan, ongoing wastewater, groundwater and surface water monitoring and validation of the final quality of the final treated wastewater before irrigation
- a requirement for the Applicant to enter into a planning agreement with BSC, which would go towards local infrastructure projects to offset amenity and social impacts
- provision of additional policing resources and BSC rangers during events.

The Department has concluded that with the Proponent's proposed mitigation measures, in addition to the Department's recommended conditions, the site can continue operating with minimal impact upon the environment. The site will also continue to provide significant public benefits to surrounding and regional communities through increased employment opportunities and through attracting a variety of cultural events to the site.

The Department concludes the proposal is in the public interest and the applications are approvable, subject to conditions.



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1. Introduction

1.1 The Department's Assessment

This report details the Department of Planning and Environment's (the Department) assessment of a State significant development application (SSD 8169) and a modification to the existing concept approval (MP 09_0028 MOD 3) for the North Byron Parklands Cultural Events Site. The proposed development involves the ongoing use of the site for cultural events, and the construction and operation of additional infrastructure to support these events. The Department's assessment considers all documentation submitted by Billinudgel Property Pty Ltd (the Applicant), including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), and submissions received from government authorities, stakeholders and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the North Byron Cultural Events Site has concluded that the development is in the public interest and should be approved, subject to conditions.

1.2 Development Background

Billinudgel Property Pty Ltd (the Applicant) is seeking development consent for the ongoing use of the North Byron Cultural Events Site (the site) at 126 Tweed Valley Way, Yelgun in the Byron Local Government Area (LGA). The site is located on the NSW far north coast, approximately 22 kilometres (km) north of Byron Bay and 35 km south of Tweed Heads (see **Figure 1**).

The Applicant currently operates the site under a concept plan and trial project approval (MP 09_0028), which was granted by the then Planning Assessment Commission on 24 April 2012. The project approval, as modified (see **Section 1.7.2**), is due to expire on 31 August 2019. The site currently hosts two annual international music festivals, Splendour in the Grass (SITG) in July and the Falls Festival Byron Bay (Falls Festival) in December/January. These festivals are described in further detail in **Section 1.3** below. Under MP 09_0028, the Applicant has held 11 major events at the site, including six large trial events (SITG) and five medium trial events (Fall Festival). The Applicant has also held three minor/community events at the site, comprising two cross-country events and one endurance horse riding event.

The Byron Bay region is well known for its culture and arts scene and is a popular year-round tourism destination. Other festivals in the region include the Byron Bay Blues Festival (Bluesfest), Byron Bay Writers Festival, Mullumbimby Music Festival, Sample Food Festival and Spirit Festival. Collectively, these festivals (including SITG and the Falls Festival) contribute significantly to the local and regional economy, and generate high visitor numbers to the region.

Given the trial approval is due to expire on 31 August 2019, the Applicant is now seeking development consent for the ongoing and permanent use of the site as a cultural events venue.

The proposed development involves the ongoing use of the cultural events site for cultural, educational and outdoor events and the construction and operation of additional site infrastructure, including a conference centre, administrative building, event facilities, and on-site road and transport infrastructure. The proposal includes

development on a property to the north of the site (within the Tweed LGA) for a proposed access road to Wooyung Road and off-site bushfire evacuation assembly area. A concurrent modification request (MP 09_0028 MOD 3) has been lodged to amend the terms of the existing concept approval for the site to reflect the types of permanent cultural events that would be held at the site.

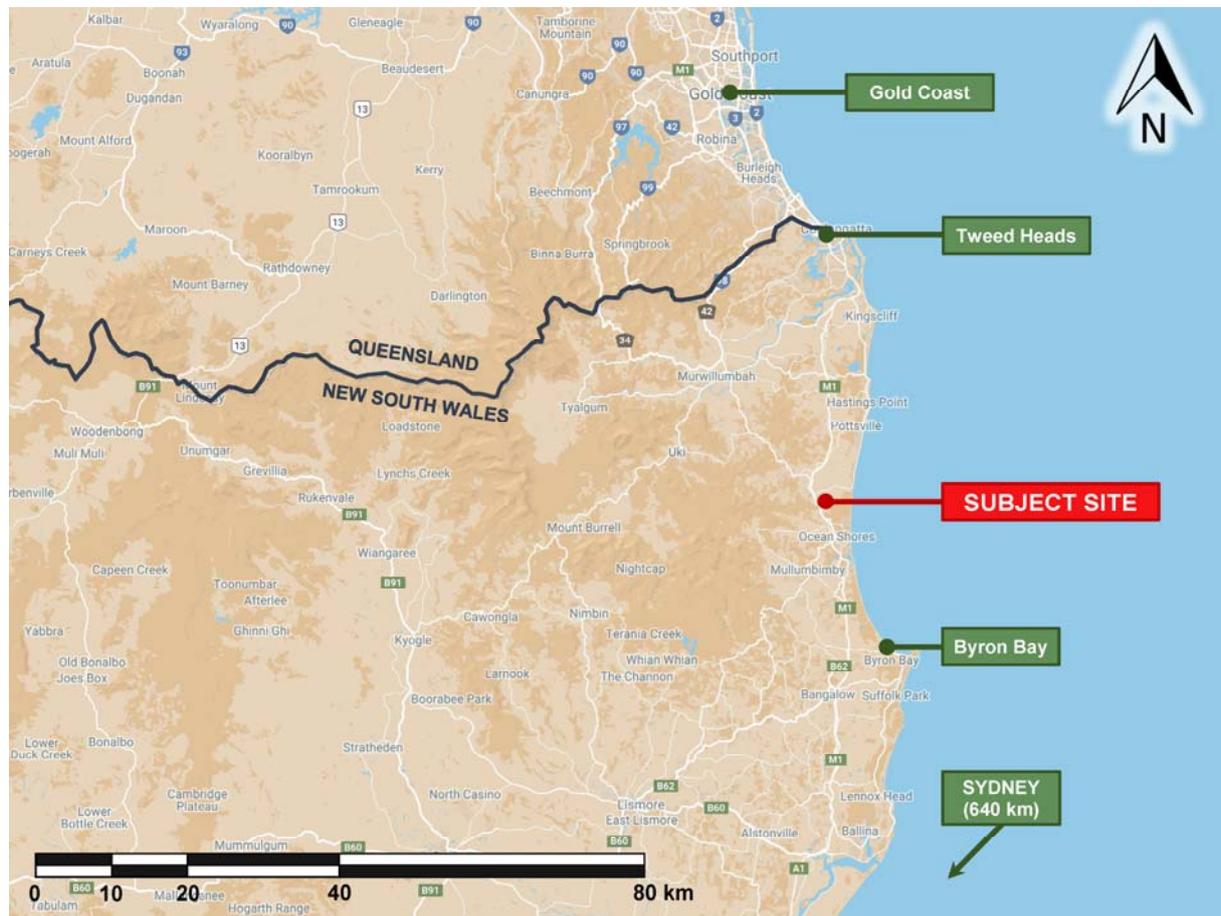


Figure 1 | Regional Context

1.3 Existing Annual Music Festivals

1.3.1 Splendour in the Grass

SITG is an annual music and arts festival held exclusively at North Byron Parklands since 2013. The festival was first established in 2001 and has been previously held at Belongil Fields in Byron Bay (2001-2009, 2012) and Woodford in Queensland (QLD) (2010-2011). SITG is traditionally held over a three-day period in the July school holidays, with a maximum capacity of 35,000 patrons. Up to 25,000 patrons camp on-site for the duration of the festival, typically arriving the day before the festival commences, and departing the day after the festival concludes.

The festival features performances from a variety of contemporary local and international artists, as well as interactive talks and workshops, art installations, market and food stalls and other performing arts. The artists and bands which perform at SITG represent a number of differing music genres including, but not limited to, indie rock, hip hop, electronic and alternative.

SITG caters to patrons of all ages, however the majority of patrons who attend each year are 18-24 years old, and typically reside in Brisbane, Sydney or Melbourne.

1.3.2 Falls Festival Byron Bay

Falls Festival is an annual music and arts festival which has been held at North Byron Parklands since 2013. The festival was first established in 1993 in Victoria, and is also held at Lorne (Victoria), Marion Bay (Tasmania) and

Fremantle (Western Australia) between late December and early January each year. The North Byron Parklands event is traditionally held over a three-day period between 31 December and 2 January, with a maximum capacity of 25,000 patrons. While the site's trial approval allows up to 25,000 patrons to camp on-site for the duration of the festival, historically each Falls Festival event has been limited to a maximum of 20,000 campers.

In a similar manner to SITG, the festival also caters to a variety of local and international artists, placing a strong emphasis upon the arts, culture and the environment. The artists and bands which perform at Falls Festival represent a number of differing music genres including, but not limited to, rock, indie, hip hop, electronic, blues and folk music.

The Byron Bay Falls Festival caters to patrons who are 18 years or older, while the majority of patrons who attend the event held at the site are 18-24 years old, and typically reside in Brisbane or Sydney.

1.4 Site Description

The North Byron Parklands Cultural Events Site is located on a 259 hectare (ha) area of land near the Pacific Motorway, approximately 2 km north of Ocean Shores and South Golden Beach (see **Figure 2**).

The site features large expanses of flat cleared land and a natural amphitheatre comprising a low lying and level central plain surrounded by steep rising hillsides on the northern, western and southern sides of the site (see **Figure 3**). Prior to the approval of the trial period, the site had historically been used for a variety of agricultural purposes, including cattle grazing, dairy farming and some cropping (banana and sugarcane).

The site is physically divided into two main areas to the north and south of Jones Road and the Marshalls Ridge Wildlife Corridor, which traverses through the central portion of the site on an east-west alignment.

The site is comprised of 14 lots owned by the Applicant, which are listed below:

- Lot 1 in DP 1145020
- Lot 46 in DP 755687
- Lot 402 in DP 755687
- Lot 403 in DP 755687
- Lot 404 in DP 755687
- Lot 410 in DP 755687
- Lot 2 in DP 848618
- Lot 12 in DP 848618
- Lot 101 in DP 856767
- Lot 30 in DP 880376
- Lot 100 in DP 1178907
- Lot 101 in DP 1178907
- Lot 101 in DP 1001878
- Lot 102 in DP 1001878
- Lot 107 in DP 1001878
- Lot 12 in 875112
- Lot 14 in 875112
- Lot 312 in DP 1163830.

The proposed development would also involve the partial use of:

- Lot 21 in DP 1169952, owned by FNC Properties Pty Ltd, for the development of a northern access road between the site and Wooyung Road
- Lot 4 in DP 821947, Lot 11 in DP 1192842 and Lot 34 in DP 755721, owned by FNC Properties Pty Ltd, for the establishment of an off-site bushfire emergency assembly area and associated asset protection zone.

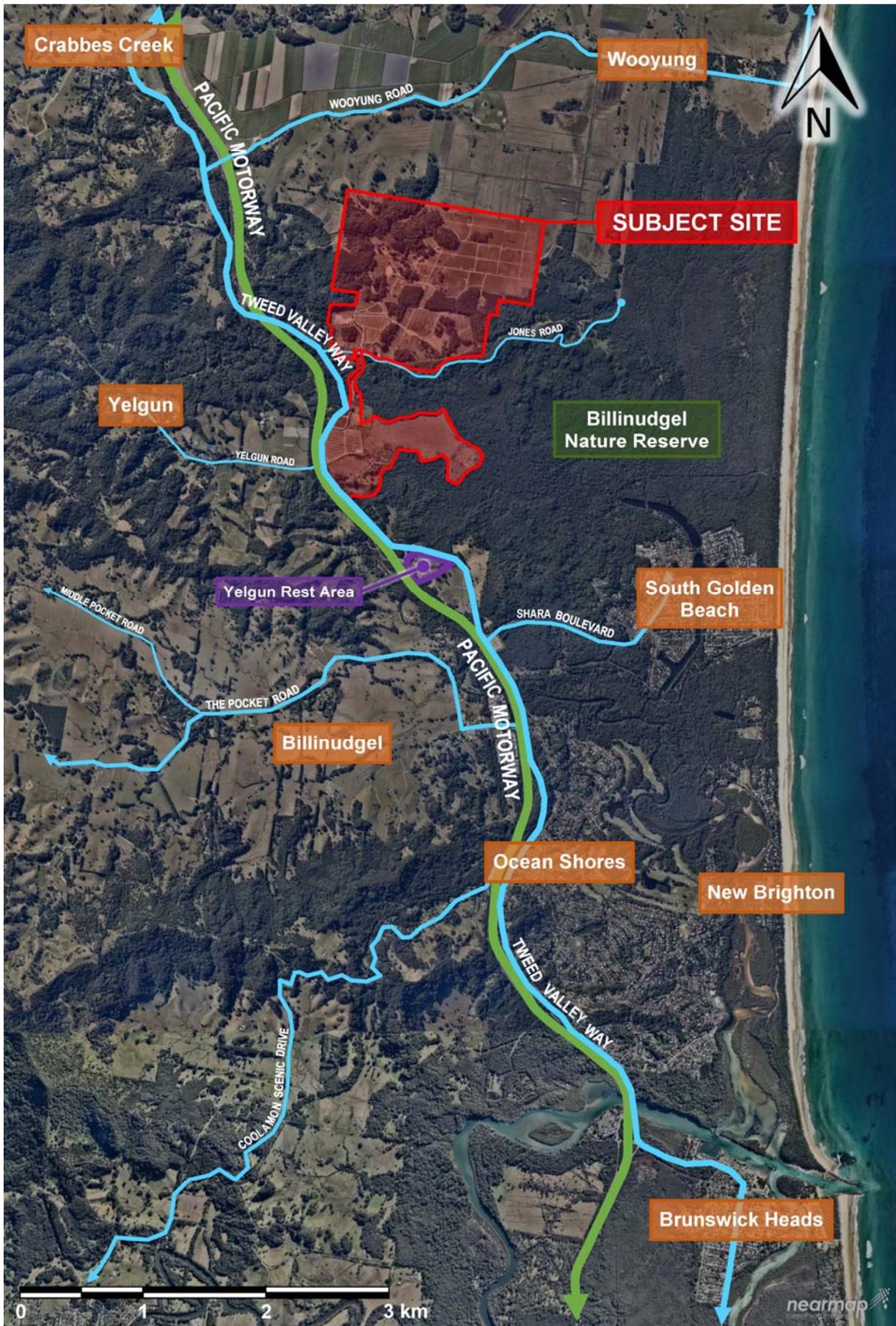


Figure 2 | Overview of the site and surrounding towns/villages

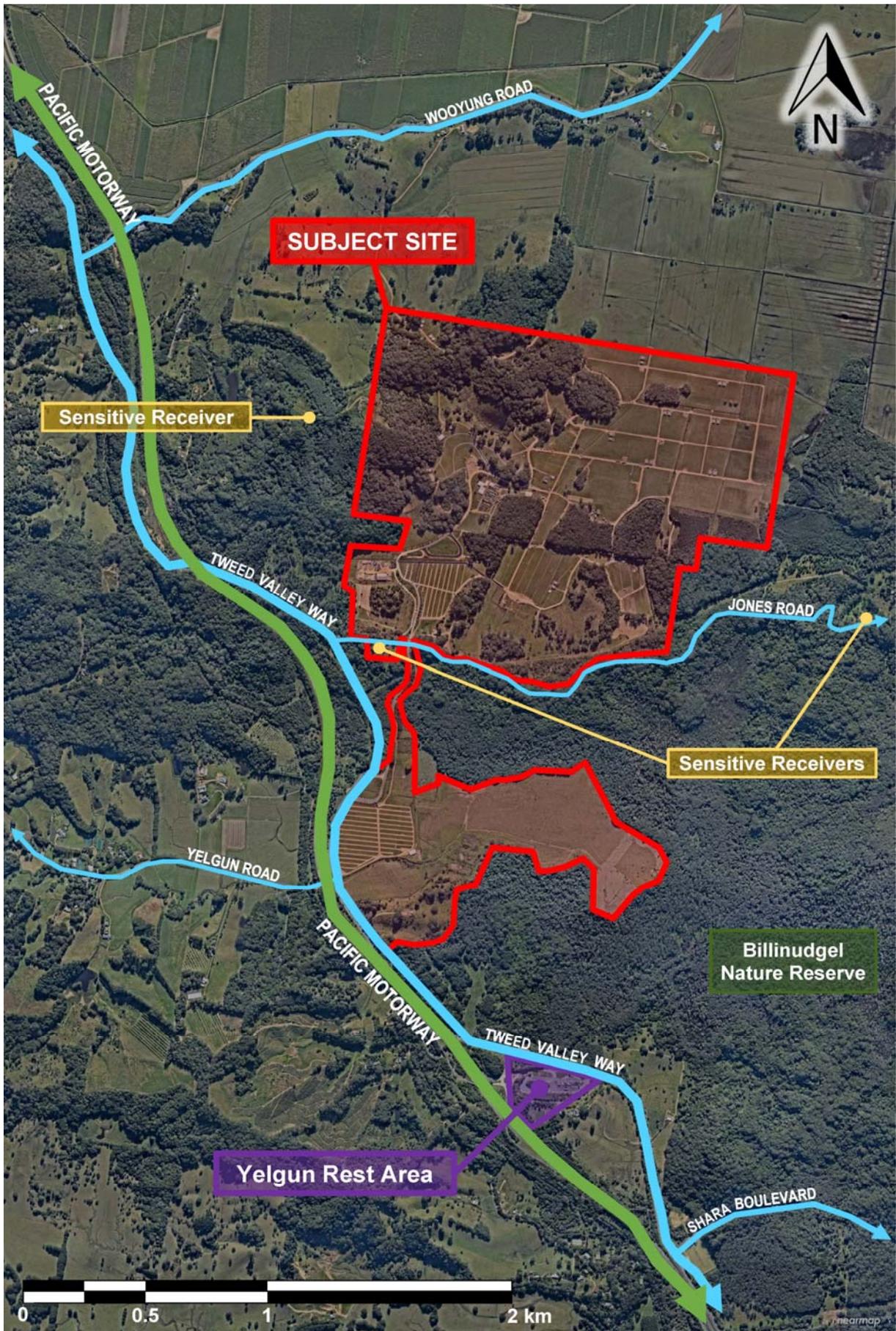


Figure 3 | Overview of the site and its immediate surrounds

1.5 Locality and Surrounding Land Uses

The site is situated in a rural-residential locality in the far north-east of the Byron LGA, adjacent to the boundary of the Tweed LGA. The nearest sensitive receivers are a cluster of rural-residential properties located approximately 1 kilometre (km) from the site on Jones Road (see **Figure 3**). The site is immediately bounded by:

- agricultural lands to the north
- Billinudgel Nature Reserve to the south and east
- Pacific Motorway and Tweed Valley Way to the west.

Local residential communities near the site include (see **Figure 2**):

- South Golden Beach (1.5 km), Ocean Shores (2 km), Billinudgel (2 km) and Brunswick Heads (6 km) to the south and south-east
- Wooyung (1.6 km) and Pottsville (6 km) to the north
- Yelgun (1.5 km), Crabbes Creek (2 km) and Middle Pocket (4.5 km) to the west.

1.6 Surrounding Road Network

The surrounding road network is shown in **Figure 2**. The site is located on the eastern side of Tweed Valley Way and the Pacific Motorway. Access to the site during events is via five entry gates located on Tweed Valley Way, Jones Road and Wooyung Road (see **Section 1.8**).

Jones Road is an unsealed single lane rural road managed by Byron Shire Council (BSC) servicing a small number of existing properties. Tweed Valley Way is a two-lane regional level road with the nearest connection to the Pacific Motorway via the Yelgun interchange. Access to the Tweed Valley Way via the Pacific Motorway can be obtained from several nearby interchanges including the Brunswick interchange to the south and the Cudgera Creek interchange to the north.

1.7 Approvals History

In 2008, the Applicant and the event operators of SITG identified the need for a purpose-built cultural event site in the Byron Shire. Since then, the Applicant has sought and obtained a number of development consents and approvals for the current site. These development consents and approvals are discussed in further detail below.

1.7.1 2008 Council Approval

On 6 August 2008, BSC granted consent for a temporary place of assembly with camping and associated infrastructure at the site. The consent permitted the 2009 SITG music festival to be held at the site over a four day "trial" period. The permitted event capacity for the trial was for a maximum of 15,000 patrons per day and 7,500 campers.

However, the validity of the consent was challenged in the Land and Environment Court of NSW (L&E Court) on the basis that the proposal was a prohibited land use and as such, considered that BSC's approval extended beyond its power to grant. The L&E Court subsequently ruled that BSC had granted consent to a prohibited development, which was characterised as a 'place of assembly' and was prohibited on part of the land on which the development was to be carried out under the Byron Local Environmental Plan 1988. Subsequently, the approval was deemed invalid and of no effect and the SITG music festival was held at alternative locations for the next three years (Belongil Fields, NSW in 2009; Woodford, QLD in 2010 and 2011).

1.7.2 2012 Concept and Project Approval (MP 09_0028) – Trial Period

In 2009, a concept and project application was made to the Department for a cultural events site at North Byron Parklands, under the former Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application sought approval to host outdoor events for up to a maximum of 50,000 patrons per event.

On 24 April 2012, the then Planning Assessment Commission (the Commission) gave concept and project approval for the cultural events site. Taking into consideration the concerns of the community, the Commission concluded a trial period for outdoor events up to the end of 2017 would be appropriate, to confirm that the operational and environmental management plans are effective, and to ensure potential environmental impacts are properly managed and minimised. As such, a 5-year trial period for outdoor events was approved, which permitted the following:

- outdoor events for a trial period of 5 years, up to the end of 2017
- three trial events per year, with capacity gradually increasing over the trial period, including:
 - o one large trial event per year with up to a maximum of 35,000 patrons (SITG)
 - o one medium trial event per year with up to a maximum of 25,000 patrons (Falls Festival)
 - o one small trial event per year with up to a maximum of 15,000 patrons
- a total of 10 event days per calendar year.

Since the original determination, both the concept plan and project approval have been modified several times to make minor typographical amendments to the approvals, to amend the project’s noise criteria and introduce minor community events, and to extend the length of the trial period (see **Table 1** and **Table 2** below).

Table 1 | Summary of previous modifications to the Concept Plan

MOD Number	Summary of Modifications	Approval Date
MOD 1	The modification included amendments to the development’s noise criteria, approval for up to 10 minor community event days each year, and administrative amendments to a number of terms to remove ambiguity and duplication.	22 April 2016
MOD 2	The modification permitted the extension of the trial period by an additional 20 months, until 31 August 2019.	12 September 2017

Table 2 | Summary of previous modifications to the Project Approval

MOD Number	Summary of Modifications	Approval Date
MOD 1	The modification permitted minor typographical amendments to terms B4 and E18 of the Project Approval, which relate to traffic management and the erection of temporary human exclusion fencing.	3 December 2012
MOD 2	The modification permitted a minor typographical amendment to Term C32 of the Project Approval, which relates to the installation of flood monitoring equipment.	29 January 2013
MOD 3	The modification included amendments to the development’s noise criteria, approval for up to 10 minor community event days each year, and administrative amendments to a number of terms to remove ambiguity and duplication.	22 April 2016
MOD 4	The modification permitted the extension of the trial period by an additional 20 months, until 31 August 2019.	12 September 2017

1.8 Existing Infrastructure

To support the use of the site for outdoor, cultural or educational events, both the concept and project approval granted a range of infrastructure works to be developed in three separate stages. These stages are discussed in further detail below.

1.8.1 Stage One

Stage One of the cultural events site approval provided for the construction and use of the following:

- a spine road connecting the northern and southern sections of the site
- an underpass beneath Jones Road to minimise the potential for conflict between event and local traffic
- five entry gates, including:
 - Gate A (off Jones Road), used by service vehicles, artists and buses during trial events
 - Gate B (off Tweed Valley Way), used by public transport vehicles
 - Gate C (off Tweed Valley Way), used by patrons
 - Gate D (off Tweed Valley Way), used by patrons during large trial events
 - Gate E (off Wooyung Road), used by emergency vehicles during trial events
- a two-way emergency access road between the spine road and Gate E
- upgrade and sealing of the western end of Jones Road, between Tweed Valley Way and Gate A
- event parking areas, laneways, pedestrian walkways and a shuttle bus turnaround area
- a resource recovery centre
- stormwater management and drainage works
- entry treatment works and signage.

The Applicant has constructed the infrastructure works associated with Stage One generally in accordance with the concept plan and project approval.

1.8.2 Stage Two

Stage Two of the cultural events site approval provided for the construction and use of the following:

- an administration building
- a gatehouse building
- a water treatment plant
- a wastewater treatment plant.

The concept plan requires the Applicant to complete the Stage Two works by 31 August 2019. The Applicant has not yet commenced construction of the administration building, gatehouse building, water treatment plan (see **Section 1.8.2.1** below), or wastewater treatment plant (see **Section 1.8.2.2** below).

The Applicant proposes to construct the administration building in a different location to that which was approved under the concept plan and project approval, and is therefore seeking the relocation of this building as part of the proposed development (see **Section 2.3**). The Applicant has also advised it does not intend to construct the gatehouse building in the immediate future, as the need for this building has not been demonstrated during the trial period.

1.8.2.1 Water Treatment Plant

During Stage One, potable water was sourced from BSC's water supply and trucked to the site. During Stage Two, the Applicant originally intended to construct a permanent water treatment facility, comprising:

- a water storage dam
- a water treatment plant

- a pump system between the existing farm dam, the water storage dam and the water treatment plant
- a gravity-fed reticulated water supply network.

Since the concept and project approval was granted, the Applicant has explored alternative potable water and wastewater treatment systems. Consequently, in 2014 the Applicant obtained approval from BSC for the construction and operation of an alternative water treatment system, comprising:

- collection and storage of rainwater from roofs
- treatment and re-use of rainwater
- supplementary town water trucked to the site.

The proposed development would upgrade and expand the existing potable water supply system, which would minimise the Applicant's reliance on the town water supply through the collection and treatment of rainwater (see **Section 6.5**).

1.8.2.2 Wastewater Treatment Plant

During Stage One, wastewater generated on-site was collected and stored at the site before being transported via licensed service vehicles to an off-site treatment facility. During Stage Two, the Applicant originally intended to construct a permanent wastewater treatment facility, comprising:

- a sewerage treatment plant
- ancillary sewerage infrastructure
- a pump station
- effluent holding dams
- effluent polishing wetlands
- dedicated effluent irrigation areas.

Since the concept and project approval was granted, the Applicant has explored alternative potable water and wastewater treatment systems. Consequently, in 2014 the Applicant obtained approval from BSC for the construction and operation of an alternative wastewater management system, comprising:

- installation of 246 waterless composting toilets and 192 low-flow showers in 10 amenities blocks across the site
- treatment and on-site disposal of shower greywater, urinal water and compost leachate via a sand filter bed system
- transportation and off-site disposal of portable toilet wastewater, kitchen sullage, and laundry and shower greywater
- composting and burial of solid waste.

The proposed development would upgrade and expand the existing on-site sewage management system, to facilitate the treatment and on-site disposal of all wastewater generated by the development, excluding kitchen waste (see **Section 6.5**).

1.8.3 Stage Three

Stage Three of the cultural events site approval provided concept approval for a cultural centre and conference centre, which would require separate development consent prior to their construction. No development consent has been granted for the construction of these buildings.

The Applicant has undertaken additional consultation with local Aboriginal stakeholders, who have advised a new cultural centre is not currently required in the locality. Consequently, the construction and operation of this facility has not been included in the SSD application that is subject of this report.

Under the current concept approval, the conference centre would be located in the north-western corner of the site and cater for up to 180 persons per day. Concept approval is also granted for ancillary accommodation, for up to 60 guests per night. The proposed development would involve the construction and operation of the conference centre at its approved capacity, and ancillary accommodation for up to 120 guests per night (see **Section 2.3**).

1.9 Environmental Performance

In its determination of the concept and project approval application (MP 09_0028), the Commission noted the trial period would provide the Applicant with an opportunity to confirm its operational and environmental management plans are effective, and to ensure potential environmental impacts associated with the development are properly managed and minimised. While the first trial events held at the site experienced some issues in relation to traffic and noise, over time, the Applicant has improved and refined its management plans and operational procedures to ensure compliance with the terms of the concept and project approval.

Each year, the Applicant is required to prepare a Performance Report to evaluate and report on compliance with the project approval and the environmental criteria in the approved management plans. The Applicant is also required to establish and maintain a Regulatory Working Group (RWG) comprising representatives from relevant public authorities and the local community. The role of the RWG is to oversee the performance of the trial period, and provide recommendations to improve the carrying out of events at the site.

The first Performance Report prepared during the trial period (covering SITG 2013 and Falls Festival 2013/14) identified several areas which required ongoing management and improvements, particularly in relation to traffic management and noise. In response, the Department sent three officers to the SITG 2014 event, to undertake a detailed compliance audit and to monitor noise levels in the locality. Overall, the audit indicated the management practices employed during the event were satisfactory, but identified several non-compliances in relation to noise.

The audit subsequently recommended the Applicant review the acoustic data collected during the event, and utilise these findings to improve noise management for subsequent trial events. Following the finalisation of the compliance audit, the Applicant developed an acoustic monitoring program and alternate noise objectives, which culminated in a modification to the project approval (MP 09_0028 MOD 3) to reflect these noise objectives (see **Section 6.4**).

Throughout the trial period, the Department has also investigated a number of potential non-compliances in relation to patron number restrictions, erection of temporary structures, bonfire management and the location of camping areas. Where non-compliances have been identified, the Applicant has amended its environmental management framework accordingly to ensure compliance for future outdoor events. The Applicant recently carried out SITG 2018 at the maximum capacity of 35,000 patrons, and all KPIs under the project approval were met during the event.

Under the concept approval, the performance of previous outdoor events held at the site must be addressed as part of any development application under Part 4 of the EP&A Act for future outdoor events. Consequently, the Department has evaluated the performance of previous outdoor events held at the site, including the Applicant's Performance Reports and previous compliance with the concept and project approval, as part of its assessment of the SSD application (see **Section 6** and **Section 7** of this report).



2. Project

2.1 Description of the Development

The Applicant is seeking development consent for the ongoing and permanent use of 126 Tweed Valley Way, Yelgun as a cultural events site. The main components of the proposed modification to the concept approval are summarised in **Table 3**, while the main components of the SSD application are summarised in **Table 4**. The proposed development is also shown in **Figure 4** and **Figure 5**, and described in full in the Environmental Impact Statement (EIS) included in **Appendix B**.

Table 3 | Main components of the proposed modification to the concept approval

Aspect	Description
<i>Land</i>	<ul style="list-style-type: none">• Update to reflect the current legal description of the site.
<i>Definitions</i>	<ul style="list-style-type: none">• Update to reflect new terms added to the concept approval and remove definitions which are no longer relevant.
<i>Term A1 – Concept plan approval</i>	<ul style="list-style-type: none">• Update to:<ul style="list-style-type: none">○ clarify the elements of the development which are covered by the concept approval○ increase the accommodation capacity of the conference centre (from 60 to 120 guests).
<i>Term A2 – Project in accordance with documentation</i>	<ul style="list-style-type: none">• Require the concept approval to be carried out in accordance with the Applicant’s EIS and Response to Submissions report, which relate to the current SSD application and section 75W modification application.
<i>Term A3 – Project in accordance with plans</i>	<ul style="list-style-type: none">• Require the concept approval be carried out in accordance with the updated:<ul style="list-style-type: none">○ Land Use Structure Plan○ Ecological Structure Plan.
<i>Term A4 – Consistency of future development</i>	<ul style="list-style-type: none">• Update to reference the Applicant’s updated Management and Mitigation Measures.
<i>Term B4 – Outdoor events after 31 August 2019</i>	<ul style="list-style-type: none">• Delete from the concept approval, as these requirements are duplicated in Term C1.
<i>Term C1 – Outdoor events after 31 August 2019</i>	<ul style="list-style-type: none">• Update to outline that concept approval is granted for future outdoor events with a capacity of up to 50,000 patrons per event day.• Update to reference previous outdoor events held at the site, rather than the trial period.• Delete the reference to the Stage Two infrastructure works.
<i>Statement of Commitments (SoCs)</i>	<ul style="list-style-type: none">• Delete and replace SoCs with the Applicant’s updated Management and Mitigation Measures.

Table 4 | Main components of the SSD application

Aspect	Description
<i>Development Summary</i>	The development is for the ongoing use of the site as a cultural events venue for cultural, educational and outdoor events and includes the continued use of existing site infrastructure and the development of additional infrastructure to support the cultural events site.
<i>Outdoor Events</i>	The proposed development would involve four types of outdoor events, including: <ul style="list-style-type: none"> two large events per year (i.e. SITG and Falls Festival) over a maximum of five event days each for up to: <ul style="list-style-type: none"> SITG – 50,000 patrons per event day Falls Festival – 35,000 patrons per event day three medium event days per year (for other music concerts or cultural events), for up to 25,000 patrons per event day five small community event days for up to 5,000 patrons per event day two minor community event days for up to 1,500 patrons per event day.
<i>Event Camping</i>	Temporary camping associated with outdoor events would occur on event days and one day prior to and one day after event days (up to seven camping days for a five-day event), with capacity for up to 30,000 campers a day (or the patron capacity of the outdoor event, whichever is less).
<i>Event Days Per Annum</i>	Up to 20 event days per annum including: <ul style="list-style-type: none"> large events: maximum of ten event days medium events: maximum of three event days small and minor community events: maximum of seven event days.
<i>Progressive Growth of One Large Outdoor Event (SITG)</i>	Progressive growth of one large event (SITG) to 42,500 patrons in the first year and then 50,000 patrons the following year and ongoing, subject to meeting KPIs.
<i>Event Bump-in and Bump-out</i>	Bump-in and bump-out periods for assembling and dismantling temporary infrastructure associated with outdoor events, comprising a: <ul style="list-style-type: none"> bump-in period of up to 21 working days prior to event days bump-out period of up to 14 working days following event days.
<i>Conference Centre and Administration Building</i>	Construction and operation of a conference centre and associated infrastructure including: <ul style="list-style-type: none"> main conference centre building with capacity for up to 180 attendees a day accommodation cabins for up to 120 guests a day administration building to be integrated with the conference centre amenities and storage building, day spa building and jetty.
<i>Proposed Temporary Infrastructure</i>	Temporary event infrastructure comprising performance tents, stages and event spaces, temporary camping facilities, stalls, food outlets, bars, toilet and shower facilities.
<i>Upgrades to Existing Event Area</i>	Event area facilities and works including: <ul style="list-style-type: none"> construction of a permanent ‘golden view’ bar at the main amphitheatre regrading/terracing of the main amphitheatre drainage improvement works potable water supply infrastructure electrical and communication infrastructure for the conference centre and administration building additional security fencing.

Aspect	Description
On-site Road and Transport Facilities	<p>On-site road works include:</p> <ul style="list-style-type: none"> • construction of the south-east car park, roundabouts and southern pick-up and drop-off zones • expansion of the transport hub • upgrades to Gate A to improve public transport accessibility • widening and sealing of spine road • rebuilding and sealing of event laneway • construction of additional on-site bus-stops.
Upgrades to Access Road and Wooyung Road Intersection	<p>Upgrades to the access road and Wooyung Road intersection including:</p> <ul style="list-style-type: none"> • sealing of the northern access road to Gate E • relocation and upgrading of the Wooyung Road/Gate E intersection.
Sewerage Infrastructure and Treatment	<p>Expansion and upgrade to the site's existing sewerage management system to include additional sewerage infrastructure including:</p> <ul style="list-style-type: none"> • additional amenities blocks • composting toilets within the conference centre • reticulation system connecting the amenities blocks, conference centre and associated building to the treatment and disposal infrastructure • installation of additional wastewater holding tanks in the north-western area • installation of a secondary wastewater treatment system using a reed bed system, bioreactor and chlorine disinfection • on-site composting of solid waste and re-use for tree planting and revegetation • application of treated effluent on-site by surface spray irrigation.
Vegetation Enhancement	<p>Completion and maintenance of habitat restoration and vegetation management works</p>
Construction Hours	<p>Construction of permanent on-site infrastructure would occur during the following times:</p> <ul style="list-style-type: none"> • 7:00 am to 6:00 pm Monday to Friday • 8:00 am to 1:00 pm Saturdays • No work on Sundays or public holidays.
Hours of Operation During Events	<p>The cultural events site would operate up to 24 hours a day on event days and during the camper bump-in and bump-out periods.</p> <p>The camping area would operate 24 hours a day during outdoor events. Other activities, including live music performances, festival bars and dance floors, would be restricted to minimise noise and other impacts on surrounding residents (see Section 6.4 of this report).</p>
Capital investment value	<p>\$42 million</p>
Employment	<p>150 construction jobs and 561 full-time equivalent (FTE) operational jobs.</p>

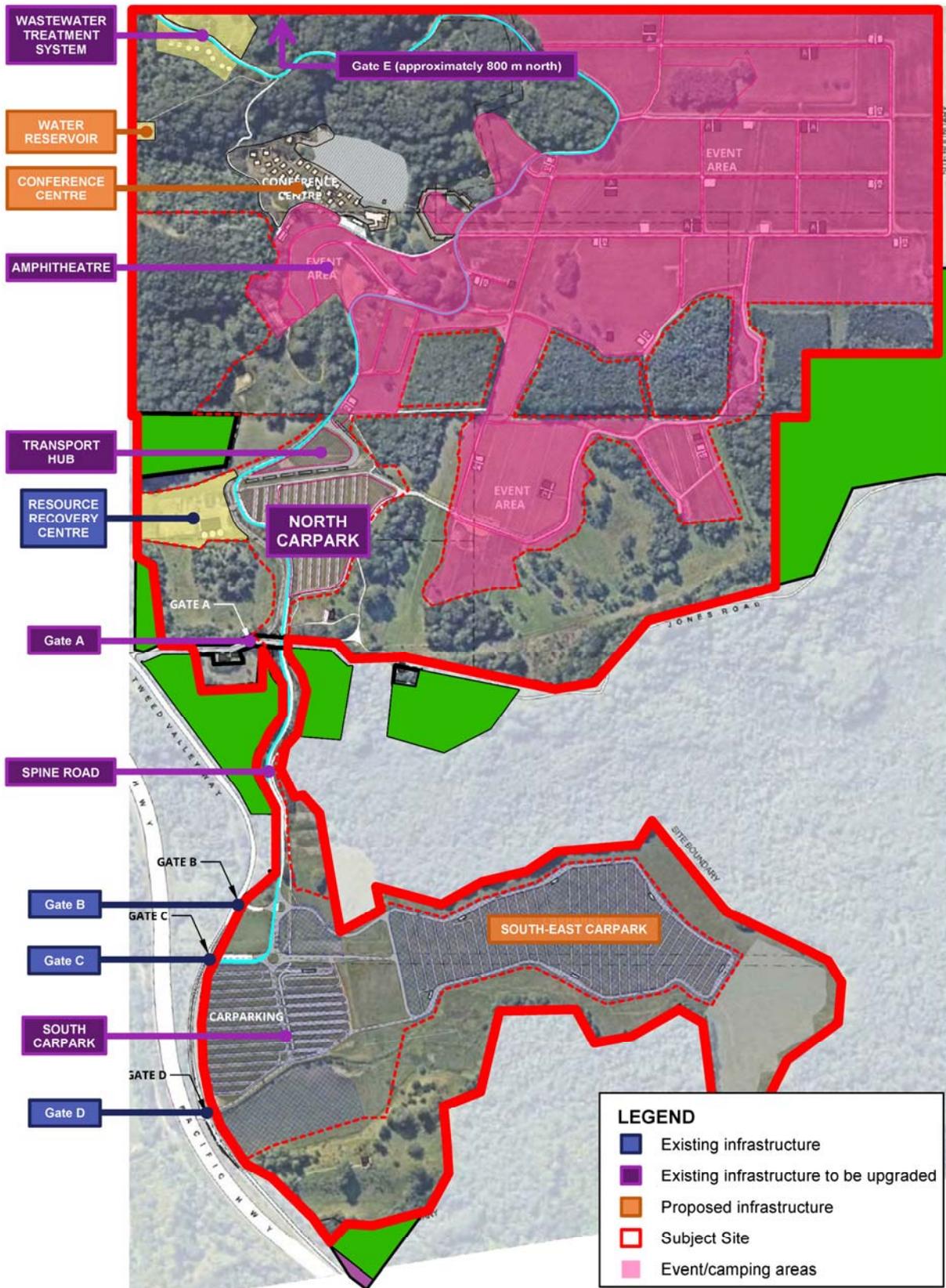


Figure 4 | Proposed land use structure plan

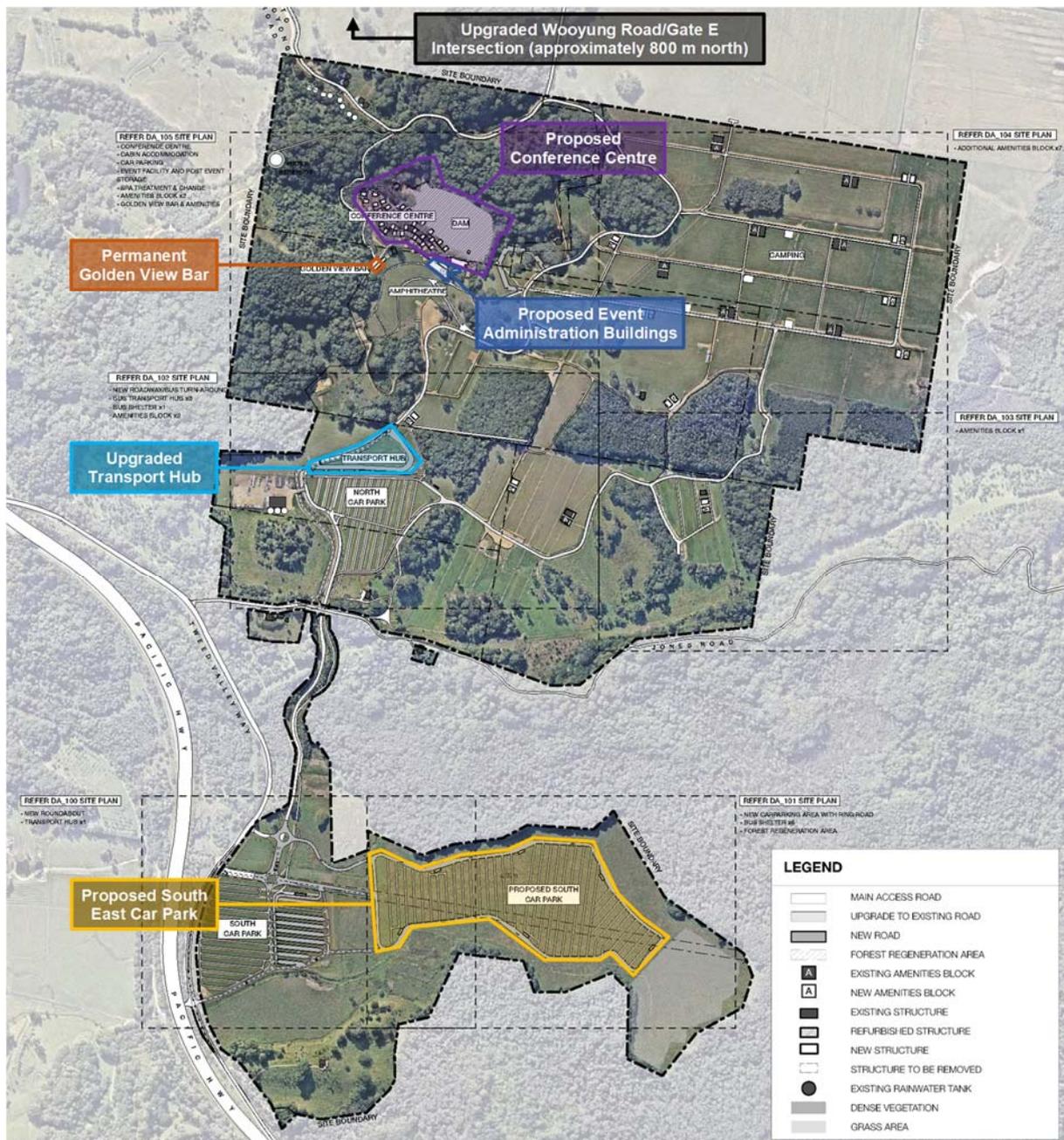


Figure 5 | Overview of the proposed development, including key infrastructure upgrades

2.2 Infrastructure and Staging

The proposed development would involve the continued use of existing infrastructure constructed under the concept and project approval, and the construction and operation of additional infrastructure to support the ongoing use of the site as a cultural events venue. The additional infrastructure proposed by the Applicant has been detailed in **Table 4** above, and can be broadly categorised as:

- upgrades to the existing event area
- upgrades to on-site road and transport facilities
- upgrades to the northern access road and the Wooyung Road/Gate E intersection
- upgrades to sewage infrastructure and treatment.

The Applicant is proposing to stage the construction of these infrastructure upgrades, to align with the progressive expansion of the large event (SITG) to 50,000 patrons, and to allow for certain works to be undertaken when funding permits. The proposed staging plan is provided in **Table 5** below.

Table 5 | Applicant's proposed staging plan

Infrastructure	To be constructed prior to reaching:			
	35,000 Patrons	42,500 Patrons	50,000 Patrons	Non-specific ¹
<i>Conference centre and associated accommodation</i>				
<i>Administration building</i>				
Event area facilities and works				
<i>Regrading/terracing of the main amphitheatre</i>				
<i>Drainage improvement works</i>				
<i>Potable water supply infrastructure</i>				
<i>Sewerage infrastructure and additional amenities</i>				
<i>Electrical and communications infrastructure</i>				
<i>Security fencing</i>				
On-site road and transport facilities and works				
<i>Construction of the southeast car park</i>				
<i>Construction of roundabouts</i>				
<i>Construction of southern pick-up and drop-off zones</i>				
<i>Expansion of the transport hub</i>				
<i>Gate A works to improve public transport accessibility</i>				
<i>Spine road upgrades (widening and sealing)</i>				
<i>Event laneway upgrades (rebuilding and sealing)</i>				
<i>Construction of additional on-site bus stops</i>				
Off-site road and transport facilities and works				
<i>Upgrade of the northern access road to Wooyung Road</i>				
<i>Upgrade intersection of northern access road and Wooyung Road</i>				

¹ Non-specific works would be constructed progressively as funding permits

2.3 Conference Centre and Event Administration Building

The proposed development would involve the construction and operation of a conference centre with associated accommodation and an event administration building in the north-western corner of the site.

The proposed conference centre would operate year-round and cater for up to 180 patrons per day. Functions that are proposed to be held at the conference centre include corporate functions, conferences, celebrations or health and wellbeing retreats. Accommodation would also be provided for up to 120 guests in 30 on-site cabins. The cabins would be used by guests attending functions at the conference centre, or outdoor event staff during event days.

The proposed administration building would be integrated with the conference centre, and provide office space, amenities, meeting rooms and storage for event staff and management. An overview of the conference centre and the event administration building is provided in **Figure 6** below.

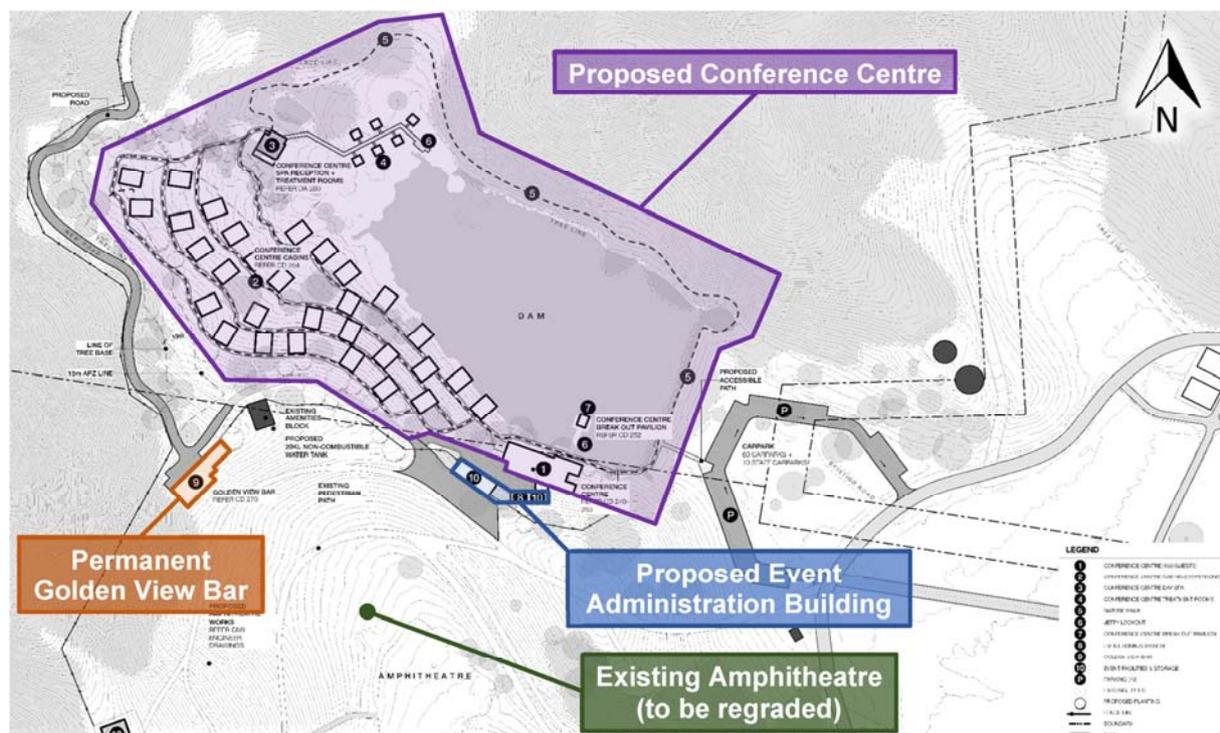


Figure 6 | Overview of the proposed conference centre and event administration building

2.4 Applicant's Need and Justification for the Development

While the trial period has provided the Applicant with the opportunity to develop and refine its environmental management framework, the lack of a permanent approval and the current patron limit has resulted in uncertainty regarding the future of the site, and limited the Applicant's ability to invest in long-term infrastructure. Consequently, the Applicant is seeking the permanent and ongoing use of the site for outdoor events, and an increase in the capacity of the SITG and Falls Festival events to 50,000 patrons and 35,000 patrons, respectively.

In 2017 and 2018, tickets for the SITG event sold out approximately one hour after their respective sale periods had commenced. The proposed development would allow the Applicant to satisfy the considerable demand experienced for both the SITG and Falls Festival events, and ensure the North Coast region remains at the forefront of the international music and creative industry in Australia. The Applicant also highlighted it has continually improved its environmental performance over the course of the trial period, and developed cutting-edge, adaptive noise management procedures to minimise impacts to surrounding sensitive receivers.



3. Strategic Context

3.1 NSW State Priorities

The Premier has set 12 Priorities to improve outcomes for the people of NSW. Of the 12 priorities, creating jobs is relevant to this application.

While the Premier's target of creating 150,000 new jobs by 2019 has already been met, the proposed development would accommodate an additional 150 full-time equivalent (FTE) construction jobs and 561 FTE operational jobs in the Byron LGA once fully developed.

The NSW Government has also identified 18 State priorities in relation to the economy, infrastructure and housing, social welfare, cultural participation, services and safer communities.

The proposed development would align with the Premier's State priorities as it would:

- encourage business investment through the delivery of a world-class cultural events site on the north coast of NSW and generate higher tourist visitor numbers to the surrounding region
- improve cultural participation within the region through increased attendance at cultural and outdoor events held at the site
- represent a capital investment of \$42 million in the local and regional economy.

3.2 North Coast Regional Plan 2036

The *North Coast Regional Plan* (the Plan) sets out the NSW Government's vision for the Tweed, Kyogle, Richmond Valley, Lismore, Byron and Ballina LGAs until 2036. The Plan anticipates the population of the North Coast region will grow by 30% between now and 2036, resulting in an increased demand for dwellings and jobs. In addition, the Plan indicates tourism will continue to play a significant role into the future, having contributed approximately \$3.7 billion to the regional economy in 2016.

The key priorities of the Plan are to strengthen the region's economy and tourism opportunities, manage and protect natural resources, provide greater housing choices and employment and deliver infrastructure to support growth and communities. The proposed development supports the strategic aims of the Plan by:

- delivering a unique tourism experience that complements the North Coast region's existing reputation of being a vibrant cultural and artistic destination (Direction 8)
- contributing to the growth of the North Coast region's communities and economy by providing additional employment opportunities within close proximity of existing residential communities and key transport links (Goal 2)
- supporting the continued protection and enhancement of on-site biodiversity values and the adjacent Billinudgel Nature Reserve (Direction 2).



4. Statutory Context

4.1 Modification of the Concept Approval

The concept and project approvals were originally approved under Part 3A (now repealed) of the EP&A Act. This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the Environmental Planning & Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (ST&OP Regulation), which came into effect on 1 March 2018.

Under the ST&OP Regulation, projects which are the subject of existing Part 3A approvals remain transitional Part 3A projects until they are transitioned to SSD (clause 3(1)-(2), Schedule 2). A Part 3A concept approval may be modified under section 75W of the EP&A Act in certain circumstances if the request was made before the 'cut-off date' of 1 March 2018.

As the request to modify the concept approval was submitted before 1 March 2018, the provisions of clause 3 of Schedule 2 to the ST&OP Regulation apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) can be satisfied that the concept approval may be modified under section 75W of the EP&A Act.

4.2 State Significant Development

The proposed development is SSD pursuant to section 4.36 (development declared SSD) of the EP&A Act as it would involve the construction of a cultural, recreation and tourist facility with a capital investment value (CIV) in excess of \$30 million (\$42 million), which meets the criteria set out in clause 13(1)(e) of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.3 Consent Authority

In accordance with Clause 8A of the SRD SEPP, section 4.5 of the EP&A Act and the Minister's delegation, the Independent Planning Commission (the Commission) is the consent authority for the SSD application and the approval authority for the section 75W modification application, as:

- both BSC and Tweed Shire Council (TSC) duly made an objection in accordance with the EP&A Act
- there are more than 25 public submissions by way of objection in accordance with the EP&A Act.

The Department has therefore referred both applications to the Commission for determination.

4.4 Permissibility

Under the terms of the existing concept plan (MP 09_0028, as modified), concept approval is granted for the following uses:

- outdoor, cultural or educational events with ancillary event camping and car parking
- temporary event infrastructure
- a cultural centre
- a conference centre and associated accommodation
- an administration building
- a spine road
- a water treatment system

- a wastewater treatment system
- a comprehensive vegetation management plan.

Under Schedule 2, clause 3B of the ST&OP Regulation, development on land to which a concept plan has been approved under former Part 3A of the EP&A Act is taken to be permissible with development consent under Part 4 of the EP&A Act, despite anything to the contrary in an environmental planning instrument.

Consequently, the proposed development is permissible with development consent and the Commission may determine the carrying out of the development.

4.5 Other Approvals

Under section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the EPA advised the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act). Consequently, an Environment Protection Licence is not required.

TSC advised in its submission that the proposed works to the Wooyung Road/Gate E intersection would require consent from TSC under section 138 of the *Roads Act 1993*. The Department has incorporated this requirement into the recommended conditions.

In its submission, BSC advised the upgraded on-site sewerage management system would require a section 68 (s68) approval from BSC under the *Local Government Act 1993*. The Applicant may also be required to obtain s68 approvals for several other activities proposed as part of the development, including water supply and stormwater drainage works. Accordingly, the Department has incorporated the requirements of s68 of the *Local Government Act 1993* into the recommended conditions.

The Applicant would also be required to obtain a 'limited licence' for any outdoor events where alcohol would be sold, and an 'on-premises licence' to allow for the sale of alcohol for consumption at the conference centre. These licences would be obtained through a separate process from the Department of Industry – Liquor and Gaming, in accordance with the relevant requirements of the *Liquor Act 2007* and the Liquor Regulation 2018.

4.6 Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix D**. In summary, the Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

4.7 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Coastal Management) 2018 (CMSEPP)
- State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14)
- State Environmental Planning Policy No. 26 – Littoral Rainforests (SEPP 26)

- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)
- Byron Local Environmental Plan 2014 (Byron LEP 2014)
- Byron Local Environmental Plan 1988 (Byron LEP 1988)
- Tweed Local Environmental Plan 2014 (Tweed LEP 2014).

Development Control Plans (DCPs) do not apply to SSD under clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Tweed DCP 2008, the Byron DCP 2010 and the Byron DCP 2014 in its assessment of the development in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix E**. The Department is satisfied the proposed development generally complies with the relevant provisions of these EPIs.

4.8 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 of the EP&A Act, the development application and any accompanying information of an SSD application must be made publicly available for at least 28 days. The application was on public exhibition from Friday 15 December 2017 until Friday 16 February 2018 (63 days). Details of the exhibition process and notifications are provided in **Section 5.1**.

4.9 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 5 of the EP&A Act. The objects of relevance to the merit assessment of this application include:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 6**).

Table 6 | Considerations Against the EP&A Act

Object	Consideration
1.3 (a)	The proposed development would provide a substantial net economic benefit to the Byron Shire, the broader Northern Rivers region and NSW, and provide employment and tourism opportunities for the locality. In addition, outdoor events held at the site would continue to make a significant contribution to the live music and arts economy in NSW. The development would not result in adverse impacts to threatened species, endangered ecological communities or critically endangered ecological communities in and around the site (see Object 1.3(e) and Section 6.7 of this report).
1.3 (b)	The proposed development is consistent with the principles of ESD (see Section 4.10 of this report).
1.3 (c)	The proposed development would promote the orderly and economic use and development of land as it would generate opportunities for local business operators and enable the site to host cultural events that attract local, state and international tourists.
1.3 (e)	The proposed development would not have an adverse impact upon threatened species, endangered ecological communities or critically endangered ecological communities in and around the site (see Section 6.7 of this report). As part of the development, the Applicant will continue its habitat restoration works and maintain adequate buffers between the site and adjacent ecological features (including the Billinudgel Nature Reserve, SEPP 14 wetlands and the Marshalls Ridge wildlife corridor).
1.3 (f)	The proposed development would not have an adverse impact on nearby indigenous and non-indigenous heritage items as discussed in Section 6.7 of this report. The site contains several stone artefact scatter sites, which would not be disturbed by the construction of the conference centre, cabins or south-east carpark. These sites have been and would continue to be fenced off and protected during outdoor events.
1.3 (g)	The site is located in an existing rural-residential locality and largely shielded from surrounding sensitive receivers by the existing topography and native vegetation. The proposed conference centre and associated accommodation, administration building, and Golden View Bar have been designed to reflect the surrounding rural character, and would be constructed of materials which are commonly used in the surrounding region. Temporary lighting used during outdoor events would be managed in accordance with Australian Standard (AS) 4282-1997 – Control of the obtrusive effects of outdoor lighting.
1.3 (h)	Permanent buildings at the site would be constructed to meet a combination of deemed to satisfy (DTS) and Performance Requirements of the Building Code of Australia and relevant construction standards to implement bushfire hazard reduction measures. The Department has recommended as a condition that any cladding used for permanent structures is to be made of non-combustible materials.
1.3 (i)	The Department has assessed the SSD application and the section 75W modification application in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government authorities (including BSC and TSC) (see Section 5 of this report). This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
1.3 (j)	The Department publicly exhibited the SSD application and the section 75W modification application as outlined in Section 5 of this report, which included notifying adjoining landowners, placing notices in the local newspapers and displaying the applications on the Department’s website and at BSC and TSC’s offices.

4.10 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle*
- (b) *inter-generational equity*
- (c) *conservation of biological diversity and ecological integrity*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As discussed in the Department's assessment in **Section 6** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats.

The development requires the removal of 300 m² of native vegetation to widen the northern access road, which falls below the trigger for offsetting in accordance with the *NSW Biodiversity Offsets Policy for Major Projects* (the Offsets Policy). The development also requires the removal of approximately 14.8 ha of exotic grassland for the construction of the south-east carpark. The removal of this grassland would also not require offsetting, as the Offsets Policy does not apply to exotic species.

As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

4.11 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'.

On 22 October 2012, the then Department of Sustainability, Environment, Water, Population and Communities advised the operation of the cultural events site during the trial period was not a controlled action, provided the development was undertaken in accordance with the conditions of approval outlined in MP 09_0028.

On 27 July 2017, the Commonwealth Department of the Environment and Energy confirmed the ongoing use of the site following the conclusion of the trial period is not a controlled action under the EPBC Act, and would not require future assessment or approval under the EPBC Act.

As such, the Applicant determined a referral to the Commonwealth Government was not required.



5. Engagement

5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), consulted with relevant local and State authorities as well as the community and affected landowners. The Department also consulted with these stakeholders during the exhibition of the EIS and throughout the assessment of the SSD application and the section 75W modification application. These consultation activities are described in detail in the following sections.

5.1.1 Consultation by the Applicant

The Applicant's consultation during the preparation of the EIS included:

- communicating with local, State and Commonwealth authorities as well as special interest groups
- a letter and newspaper advertising campaign inviting comment from local residents and businesses
- coordinating three community information sessions.

The Applicant noted approximately fifty people attended each of the community information sessions, with the feedback used to inform the preparation of the EIS and supporting documentation.

5.1.2 Consultation by the Department

The Department consulted with relevant public authorities during preparation of the SEARs.

After accepting the DA and EIS for the application, the Department:

- made it publicly available from Friday 15 December 2017 until Friday 16 February 2018:
 - on the Department's website
 - at the Department's Sydney office (Pitt Street, Sydney)
 - at all NSW Service Centres
 - at Byron Shire Council (BSC) (Station Street, Mullumbimby)
 - at Tweed Shire Council (TSC) (Tumbulgum Road, Murwillumbah),
- notified landowners around the proposed development about the exhibition period by letter
- notified relevant State and Commonwealth government authorities, BSC and TSC by letter
- advertised the exhibition in the Byron Shire Echo, the Byron Shire News and the Tweed Daily News.

A total of 7,204 submissions were received on the proposed development during the exhibition period, including:

- eight from public authorities (six State and two Councils)
- 24 from community organisations
- 24 from private businesses
- 12 from artists or management agencies
- 7,136 from the public.

Of the 7,204 submissions received, 118 objected to the development, 7,057 were in support, and 29 provided comments. A summary of the issues raised in submissions is provided below, with a copy of each submission included in **Appendix B**.

On Friday 2 February 2018 (during the exhibition period), the Department held two public information sessions to discuss the proposal, understand and listen to the community's concerns, and to answer questions regarding the proposed development. These sessions were held at the:

- Mullumbimby Farmers Market (Main Arm Road, Mullumbimby) between 7:00 am and 11:00 am
- Ocean Shores Shopping Centre (Rajah Road, Ocean Shores) between 12:30 pm and 2:00 pm.

Approximately 70 people attended the public information sessions held by the Department, and raised concerns in relation to the potential social, economic and traffic impacts of the proposed development.

During the assessment of the SSD application and section 75W modification application, the Department also:

- met with representatives from BSC to discuss the proposed development (Friday 2 February 2018)
- met with representatives from the RWG to discuss the proposed development and the performance of the trial period (Friday 23 March 2018)
- visited the site and surrounding communities during SITG 2018 (from Thursday 19 July 2018 to Saturday 21 July 2018).

5.2 Submissions

5.2.1 Public Authorities

Byron Shire Council (BSC) objected to the proposed development, highlighting the off-site impacts experienced during previous trial events, and the strain these impacts have placed upon the authority's staffing arrangements. BSC also raised concerns regarding the lack of an adequate second access route to the site, suitability of the proposed wastewater treatment system, on-site potable water quality, compliance with the provisions of the existing concept plan and all relevant EPIs, patron numbers, noise, flooding and bushfire risk.

BSC concluded the proposed increase in the size or frequency of events held at the site should not be supported by the Department, unless all required KPIs are met for two consecutive years and verified by an independent consultant.

Tweed Shire Council (TSC) also objected to the proposed development, reiterating concerns raised by BSC. TSC also requested further information in relation to the use of Gate E as a secondary access point for patrons, potential noise impacts associated with the proposed increase to 50,000 patrons for SITG, and evacuation procedures during a significant flood or bushfire event.

TSC also raised concerns regarding the accuracy of the technical reports, particularly in regard to the total number of patrons, staff and other people on-site during a large event.

The **NSW Police Force** (NSWPF) initially objected to the proposed development and expressed concerns regarding impacts to police resourcing and patron safety. Specifically, these concerns related to the NSWPF's ability to source adequate permanent staffing resources to police current and future festivals, the potential for a crowd crush event to occur within the amphitheatre, the use of illicit drugs by patrons during events, and the safety of intoxicated patrons during an emergency.

The NSWPF also advised the proposed increase in the size of events held at the site may place additional strain upon the Tweed Valley Way and Pottsville Road due to increased traffic congestion along these routes.

Roads and Maritime Services (RMS) requested clarification regarding access arrangements for minor and large-scale events, works proposed at the Wooyung Road/Gate E intersection, and traffic associated with the construction of the conference centre and other permanent facilities. RMS also requested additional traffic modelling for the Falls Festival event (given the proposed increase to 35,000 patrons for this event), and the

development of a Traffic Management Plan for the site, prepared in accordance with the *RTA Guide to Traffic and Transport Management for Special Events*.

The **Office of Environment and Heritage** (OEH) (including the NSW National Parks and Wildlife Service) raised concerns regarding flora and fauna. Specifically, the OEH raised issues regarding consistency with the *NSW Biodiversity Offsets Policy for Major Projects*, and the potential for the development to impact upon the adjacent Billinudgel Nature Reserve. The authority did not comment on the *Likelihood Assessments for Threatened Flora and Fauna* or the *Assessment of Significance* included as an appendix to the *Biodiversity Assessment*, noting these reports may change as a result of its recommendations in relation to flora and fauna.

The OEH requested additional information from the Applicant in relation to acid sulfate soils and the submitted *Koala Plan of Management*. The authority also indicated it had no issues in relation to Aboriginal cultural heritage, subject to the Applicant ensuring engagement with Aboriginal stakeholders continues throughout the life of the development.

The **NSW Rural Fire Service** (RFS) raised concerns that the conference centre and associated accommodation was not assessed against the requirements of *Planning for Bush Fire Protection 2006*. RFS also requested the Applicant prepare a draft fire management plan and detailed camping plan for the site. The authority also provided in-principle support for the proposed modification of the existing concept plan, subject to the approval of SSD 8169.

The **Department of Industry – Crown Lands and Water Division** (DICLW) requested further information from the Applicant in relation to groundwater quality and dewatering, and the potential impacts of the proposed development upon watercourses, flood flows and surrounding landholders. The DICLW also recommended the Applicant prepare a Land Use Conflict Risk Assessment for the development, in order to appropriately assess any potential risks to neighbouring agricultural activities and identify appropriate mitigation measures where necessary.

The **Environment Protection Authority** (EPA) did not provide detailed comments on the EIS, noting the authority has no statutory role in the assessment of the proposed development.

5.2.2 Community Organisations

The Department received 24 submissions from community organisations during the exhibition period. Of the submissions received from these organisations:

- 12 supported the proposed development
- six objected to the proposed development
- six provided comments.

The supporting submissions noted the benefits to local businesses and the broader community as a result of events held at the site. Many community organisations also highlighted the positive impact the development has had on tourism within the North Coast region.

The issues raised in objections were generally in relation to noise impacts, potential impacts to wildlife and the Billinudgel Nature Reserve, the role of council in managing future approvals for the site, and the permissibility of the proposed development. Other issues raised included compliance with the trial approval, on-site infrastructure, traffic, and the safety of patrons and the surrounding community.

A summary of the issues raised in objection to the development by community organisations is provided in **Table 7** and **Figure 7** below.

Table 7 | Summary of key issues raised in the nature of objection within community group submissions

	Australians for Animals	Byron Environment Centre	Conservation of North Ocean Shores	Mullumbimby Residents Association	Pottsville Community Organisation	South Golden Beach Community Association
Noise	Yes	Yes	Yes	Yes	Yes	Yes
Ecology	Yes	Yes	Yes	Yes	Yes	Yes
Lack of infrastructure	Yes	Yes	Yes	Yes	Yes	Yes
Permissibility	Yes	Yes	Yes	Yes	Yes	Yes
Festival scale	No	Yes	Yes	Yes	Yes	Yes
Council should be the approval authority	Yes	Yes	Yes	Yes	Yes	Yes
Condition breaches	Yes	Yes	Yes	Yes	Yes	Yes
Traffic	Yes	No	No	No	Yes	Yes
Social	Yes	Yes	No	No	No	Yes
Patron and community safety	Yes	No	No	No	Yes	Yes
Economic	Yes	Yes	Yes	Yes	No	No

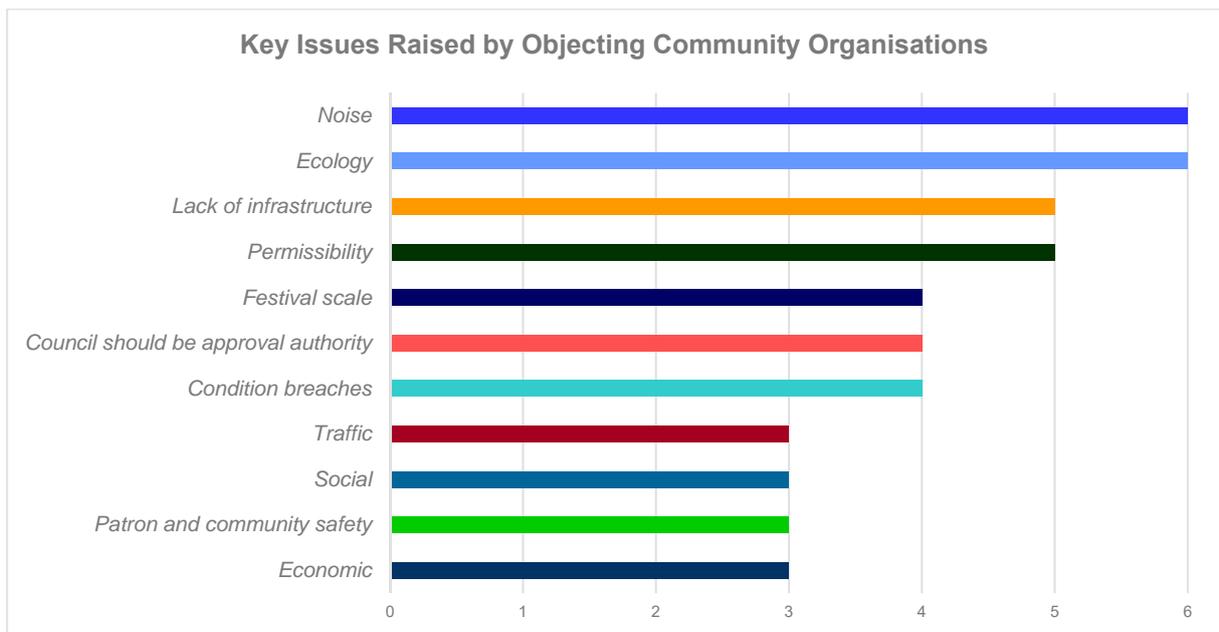


Figure 7 | Number of community organisations that raised key issues in their objection

5.2.3 Private Businesses

All 24 submissions from private businesses received during the exhibition period supported the development. The majority of these submissions were from private businesses located in the surrounding region, or those which provide their services during SITG and Falls Festival each year. These submissions emphasised the benefits provided to local businesses and the surrounding community during the trial period, and indicated their support for the employment and tourism opportunities offered by the proposed development. Several submissions also commended the Applicant for its management of the development during the trial period, and for its support of the live music and arts economy in New South Wales.

5.2.4 Artists and Management Agencies

All 12 submissions from artists and management agencies during the exhibition period supported the development. The majority of these submissions were made by Australian artists and bands which have previously performed at SITG and Falls Festival. These submissions were supportive of the development's contribution to the live music and arts economy in New South Wales and highlighted the opportunities previous trial events have provided to new and upcoming artists.

5.2.5 Public Submissions

The Department received 7,136 submissions from the public including 109 objections, 7,010 submissions in support and 17 submissions providing comments.

A breakdown of the submissions from the public in relation to their distance from the site is provided in **Table 8**.

Table 8 | Breakdown of submissions by distance from the site

Distance from the site	Objection	Support	Comment	Total
0-2 km	11	17	3	31
2-5 km	37	83	2	122
5+ km	61	6,910	12	6,983

5.2.5.1 Objecting Submissions

Key concerns raised in the public submissions objecting to the development include, but are not limited to:

- **festival scale** – including the number of event days, progressive increase in patrons for the large event (SITG), and the impact this would have upon local infrastructure and amenity
- **noise** – including potential impacts to surrounding sensitive receivers, the suitability of the proposed noise criteria, and the audibility of music/bass sounds during events
- **biodiversity** – including potential impacts to on-site fauna and flora, impacts upon the adjacent Billinudgel Nature Reserve, the quality of the ecological monitoring program prepared by the Applicant, and the volume of waste generated by patrons during each event
- **traffic** – including traffic impacts in the lead-up to, during and following each event, access arrangements for local residents during events, potential impacts to existing public transport routes, and the use of Wooyung Road/Gate E as a secondary access route
- **social** – including potential impacts to sense of community, local character and amenity, and the health and wellbeing of surrounding residents
- **lack of infrastructure** – including impacts to mobile reception during events, the suitability of the potable water and wastewater treatment systems, and the condition of the surrounding road network

- **Council as the approval authority** – including a perception that Council should be the approval authority following the conclusion of the trial period, and concerns BSC, TSC and the local community have no power in the decision-making process
- **patron and community safety** – including potential bushfire and flooding impacts, the effectiveness of proposed evacuation procedures, and concerns raised by NSWPF in its SEARs submission
- **economic** – including the accuracy of the economic assessment, negative impacts to local businesses and employment opportunities, and additional resourcing demands placed upon BSC, TSC and local emergency services during events
- **permissibility** – including the compatibility of the proposed development with surrounding land uses
- **condition breaches** – including concerns regarding the Applicant’s compliance with the noise criteria and traffic KPIs contained in the project approval.

A breakdown of the percentage of public objecting submissions where these matters were raised is provided in **Figure 8**. An indicative representation of the location of all objectors relative to the subject site is shown in **Figure 9**. The Department has considered and assessed the matters raised in all submissions, including objecting submissions, in **Section 6** of this report.

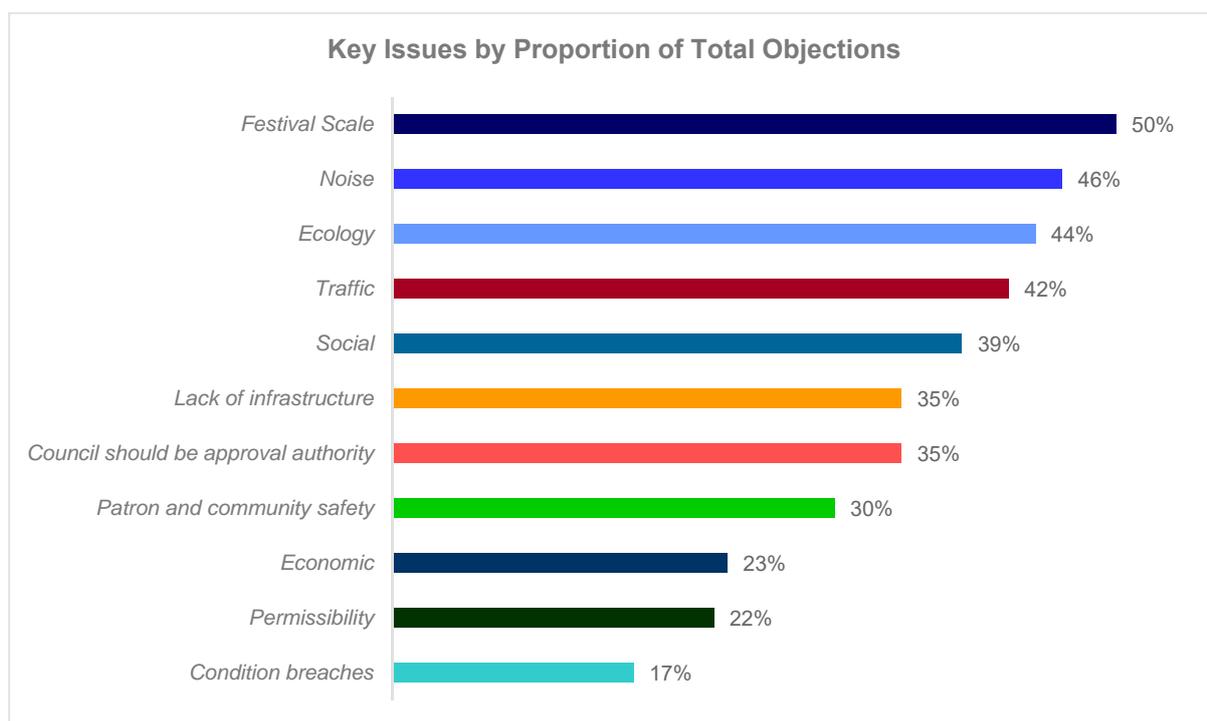


Figure 8 | Key issues identified in objecting submissions

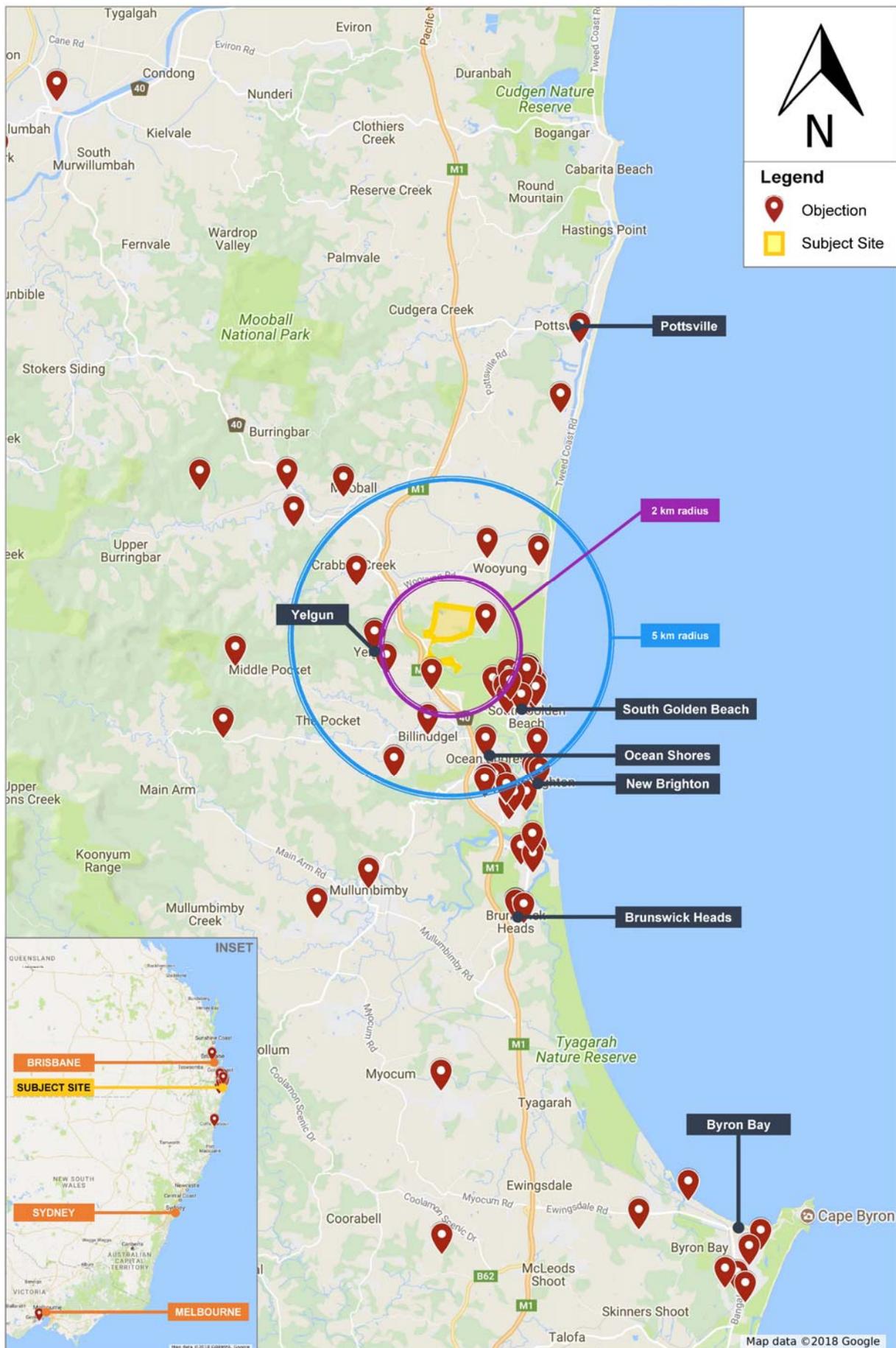


Figure 9 | An indicative representation of the location of objecting submissions

5.2.5.2 Submissions in Support

Of the 7,010 submissions in support of the development, 963 were submitted through the Department’s website and 6,047 used a pro-forma template. An indicative representation of the location of supporting submissions received through the Department’s website is shown in **Figure 11**. Approximately 40 supporting submissions were received from individuals residing in New Zealand, North America, Europe and south-east Asia.

Website Submissions in Support

The 963 submissions lodged through the Department’s website were generally supportive due to the increased employment opportunities and benefits to the local economy offered by the events. Other positive aspects raised included support of the live music and arts economy, benefits to the local community, the location of the proposed development and environmental management during the trial period. **Figure 10** depicts the main points raised within website submissions (963) in support of the development.

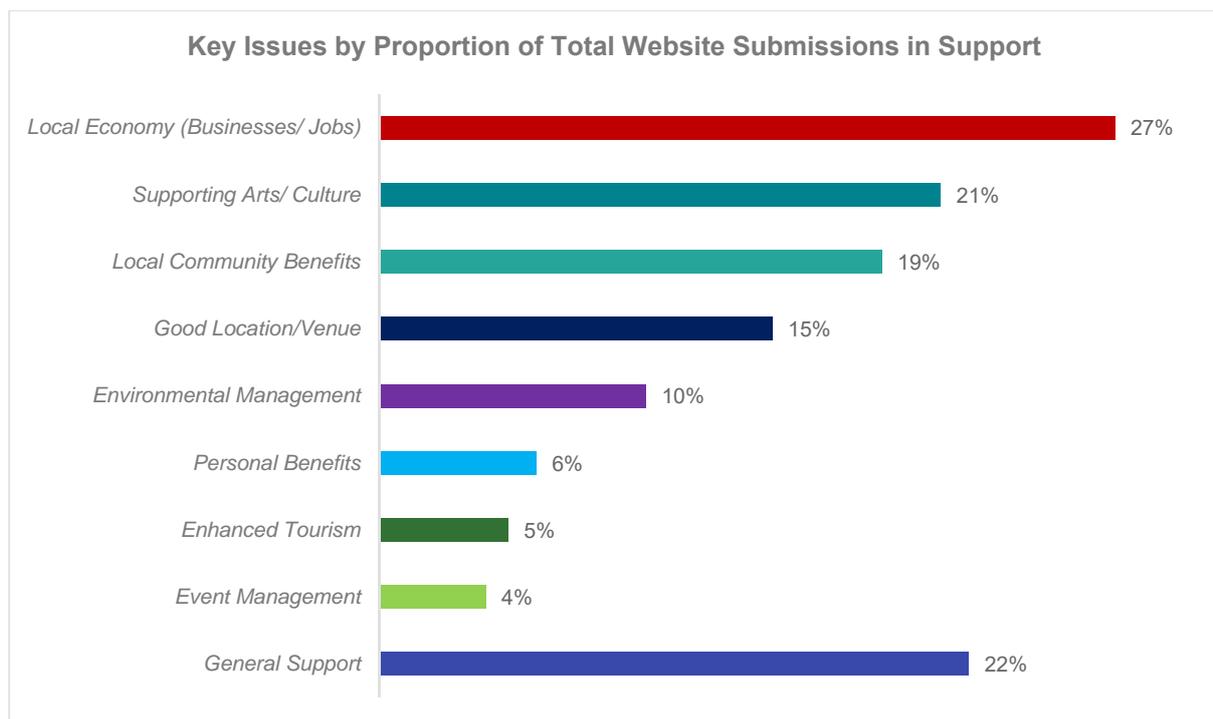


Figure 10 | Key issues identified in supporting website submissions

Pro-forma Submissions in Support

The main points raised in the 6,047 pro-forma submissions included SITG and Falls Festival’s contribution to the live music and arts economy in New South Wales, the support provided by the Applicant to the local community, and the potential economic and tourism benefits of the proposed development for the surrounding region. These submissions also highlighted the effectiveness of the Applicant’s management framework during the trial period and indicated their support for the improvements made to habitat and vegetation coverage across the site.

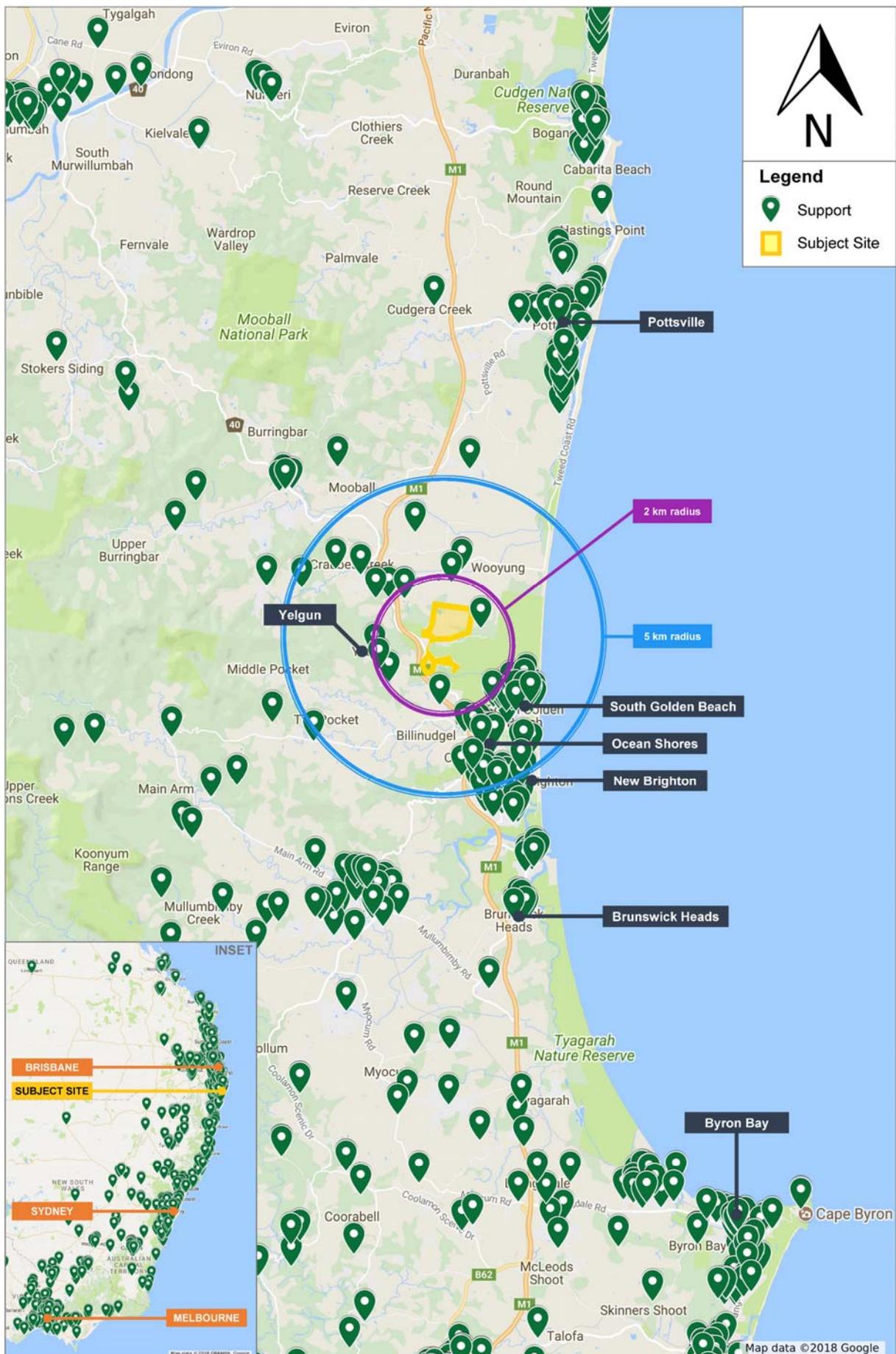


Figure 11 | An indicative representation of the location of public supporting submissions

5.3 Independent Expert Reviews

The Department sought independent advice from two organisations, HillPDA and GHD, to support its assessment of the economic impacts of the project and to review the proposed wastewater treatment system, respectively. This advice was sought because of the concerns raised by the community during the exhibition period, the technical nature of these issues, and the importance of ensuring the proposed increase in festival capacity would be managed appropriately.

HillPDA undertook an independent assessment of the economic impacts of the proposed development within the Byron LGA and the broader North Coast region. The assessment was informed by a review of the Economic Assessment (Appendix W of the EIS) for the proposed development, as well as a number of submissions received during the exhibition period relating to economic impacts. HillPDA concluded the proposed development would provide a net economic benefit to NSW and the North Coast region, and festivals held at the site would likely be supplied by local or regionally-based businesses. HillPDA recommended a social cost benefit analysis be prepared for the proposed development, in order to compare the potential social costs of the development against the economic benefits for the surrounding region. In its assessment of the proposal and in consultation with its Social Impact Assessment Specialist, the Department has considered a range of issues including social and amenity impacts (see **Section 6.5**). Consequently, the Department did not consider it necessary to undertake a social cost benefit analysis.

GHD undertook an independent review of the Wastewater Assessment (WA) (Appendix R of the EIS) to determine the suitability of the Applicant's proposed wastewater treatment system following concerns raised by the local community during the exhibition period, and BSC in its submission. Initially, GHD did not support the proposed treatment design and recommended additional modelling be undertaken to confirm the size and treatment type required. The Applicant subsequently revised its treatment design to ensure the system can meet stringent effluent quality criteria to facilitate wastewater irrigation. GHD concluded the revised treatment system could be capable of treating the wastewater to an appropriate standard for irrigation but this would require validation of the final effluent quality once the system is operational. GHD made recommendations on the effluent quality performance criteria, independent auditing of the system, and ongoing monitoring and reporting requirements of the system. The suitability of the wastewater treatment system is assessed in further detail in **Section 6.5** of this report.

Copies of the independent review reports are included in **Appendix C** of this report.

5.4 Response to Submissions and Supplementary Information

5.4.1 Response to Submissions

On 11 July 2018, the Applicant provided a Response to Submissions (RTS) on the issues raised during the exhibition of the development (see **Appendix B**).

The RTS included further refinements to the proposed wastewater treatment system and the layout of the development, concept design plans for the stormwater system in the south-east car park, and a revised summary of mitigation measures for the proposed development. A number of specialist studies/assessments were also undertaken to address concerns raised by the public authorities in their submissions, including:

- an additional flood review for the south-east car park
- a revised Biodiversity Assessment, prepared by Ecological
- an additional traffic review, prepared by WSP Australia
- a revised Wastewater Assessment, prepared by Whitehead & Associates
- a revised Potable Water Assessment, prepared by Jed Civil
- an additional bushfire review, prepared by Bushfire Certifiers
- a Crowd Management Assessment prepared by Secure Events and Assets

- an addendum to the Social Impact Assessment, prepared by Sarah George Consulting, Planners North and the Applicant.

The RTS was provided to the relevant public authorities to consider whether it adequately addressed the issues raised. A summary of their responses is provided below:

- **BSC** reiterated its concerns regarding the suitability of the proposed wastewater treatment system, and recommended the Department ensure appropriate management regimes are put in place to manage potential off-site impacts
- **TSC** requested further detail in relation to the realignment of Wooyung Road at the proposed Gate E intersection, triggers for the cancellation of an event prior to a flood, and compliance with the proposed noise criteria
- **NSWPF** noted its concerns regarding police resourcing had been addressed, but reiterated its concerns in relation to the potential for a crowd crush event to occur, and the safety of intoxicated patrons during an emergency. The NSWPF also raised concern regarding the availability of ambulances to transport patients requiring urgent hospital care during an event
- **RMS** maintained its concerns regarding the effectiveness of the Applicant's proposed transport initiatives to increase bus modal share. The RMS subsequently recommended any further increase in patrons beyond 35,000 should occur in increments of 5,000 patrons, and be subject to ongoing monitoring and management measures
- **OEH** requested the Applicant prepare a detailed management strategy addressing the impacts of the proposed development upon the adjacent Billinudgel Nature Reserve, and undertake further revisions to the Biodiversity Assessment Report and Koala Plan of Management
- **RFS** raised no objection to the proposed development, and recommended a range of conditions in relation to bushfire prevention and management
- **DICLW** reiterated its concerns regarding the potential impacts of the proposed development upon watercourses, and requested the Applicant provide vegetated buffers between structures and on-site watercourses in accordance with the Guidelines for Controlled Activities on Waterfront Land (NRAR 2018)
- **EPA** raised no further comments.

Consequently, the Department requested the Applicant provide an addendum to the RTS, addressing the issues raised by GHD and the relevant public authorities. In addition, the Department requested further clarification in relation to the:

- types and timing of medium events to be held at the site
- triggers for the construction of on-site infrastructure elements not assigned to a specific stage
- definition of the bump-in and bump-out periods
- number of construction jobs generated by the proposed development.

5.4.2 Addendum to the RTS

On 11 September 2018, the Applicant provided an Addendum to the RTS (the Addendum), responding to the outstanding concerns raised by GHD and the relevant public authorities (see **Appendix B**).

The Addendum included further refinements to the Biodiversity Assessment for the proposed development, revised civil design plans for the Wooyung Road/Gate E intersection, and clarified the triggers for the cancellation of an event prior to a flood.

The Addendum was provided to the relevant public authorities to consider whether it adequately addressed their outstanding concerns. A summary of their responses is provided below:

- **BSC** did not provide a submission regarding the Addendum
- **TSC** raised no further comments regarding the proposed development, and recommended a range of conditions in relation to traffic, noise, flooding, public consultation requirements, and the carrying out of medium events
- **NSWPF** reiterated its concern regarding the availability of ambulances to transport patients requiring urgent hospital care during an event
- **RMS** reiterated its recommendation that any increase beyond 35,000 patrons should occur in increments, and be subject to ongoing monitoring and management measures
- **OEH** raised no further comments regarding the proposed development, and recommended a range of conditions in relation to the management of potential impacts to the Billinudgel Nature Reserve and finalisation of the draft Koala Plan of Management in consultation with OEH
- **DICLW** (now the Natural Resource Access Regulator) raised no further comments, and advised the Addendum had addressed its concerns regarding the potential impacts of the proposed development upon watercourses
- **EPA** raised no further comments.

The Department made the RTS and the Addendum publicly available on its website in November 2018, following final recommendations from its independent experts. The Department has considered the issues raised in submissions, the RTS and the supplementary concerns raised, and the independent expert reports in its assessment of the development.

5.5 The Department’s consideration of the issues raised in submissions

Table 9 summaries the Department’s consideration of the key issues raised by the public and special interest groups, with reference to the relevant sections of this report where the issue is evaluated in detail.

Table 9 | Department’s consideration of key issues raised in submissions

Issue raised	Consideration
<p>Festival scale</p> <ul style="list-style-type: none"> • number of event days • progressive increase in patrons for the large event (SITG) • impact of larger events upon local infrastructure and amenity 	<ul style="list-style-type: none"> • The proposed development would involve the same number of event days each year as the existing concept and project approval (20 event days). • As discussed in Section 6.1, and noting the concerns raised by the public, community groups and public authorities around increased patron numbers, the Department has recommended continuing with the precautionary approach adopted by the Commission for the original project approval. • Consequently, the Department has proposed the staged increase of the SITG event be limited to increments of 5,000 patrons per day, which would ensure the maximum capacity of 50,000 patrons per day would only be reached after a minimum four years of successful operation. • In addition, the Department has recommended the Falls Festival event remain at 25,000 patrons initially, and be subject to a staged increase limited to increments of 5,000. • The staged approach would ensure any additional impacts are identified and continual improvements are implemented, prior to further increases in patron numbers. The Applicant will not be able to increase patron numbers until the Planning Secretary, in consultation with NSWPF, BSC and RMS, is satisfied the Applicant has demonstrated an acceptable level of performance against the KPIs.

Issue raised	Consideration
<p>Noise</p> <ul style="list-style-type: none"> impacts to surrounding sensitive receivers suitability of the proposed noise criteria audibility of music/bass sounds during events 	<ul style="list-style-type: none"> As discussed in Section 6.4, the noise impacts associated with the ongoing use of the site for outdoor events would be short-term, and restricted to a number of days of the year. The noise criteria proposed by the Applicant were originally implemented during the trial period, and would achieve a balance between what is reasonable and feasible, while maintaining an acceptable level of amenity for the community. The potential noise impacts of outdoor events would be adequately mitigated by the Applicant's use of front-of-house volume controls, and the continued implementation of its adaptive noise management measures and complaints response procedure. The Department has recommended conditions to limit noise emissions during outdoor events and requirements for the Applicant to prepare and implement a comprehensive noise management plan and monitoring program.
<p>Biodiversity</p> <ul style="list-style-type: none"> impacts to on-site flora and fauna impacts upon the adjacent Billinudgel Nature Reserve quality of the ecological monitoring program volume of waste generated by patrons during events 	<ul style="list-style-type: none"> As discussed in Section 6.7, the Department's assessment concludes the development would result in minimal impacts on the ecological features surrounding the site. The Department has recommended conditions to minimise and monitor any potential impacts upon the Billinudgel Nature Reserve, the adjacent SEPP 14 wetland and the Marshalls Ridge wildlife corridor. The Applicant would be required to consult with OEH when updating its management plans and monitoring programs, and obtain approval of these plans from the Planning Secretary. The Applicant would also continue to investigate and address ongoing waste avoidance, minimisation and management measures as part of a comprehensive Waste Management Plan for the development, to further minimise potential biodiversity impacts.
<p>Traffic</p> <ul style="list-style-type: none"> traffic impacts in the lead-up to, during and following each event access arrangements for local residents during events potential impacts to existing public transport routes use of Wooyung Road/Gate E as a secondary access route 	<ul style="list-style-type: none"> As discussed in Section 6.3, while traffic generated by the proposed development will result in some temporary impacts to the surrounding road network, these impacts would be appropriately managed by the Applicant's existing and proposed traffic management measures and plans. The Department has recommended conditions which would formalise these measures, and require the Applicant maintain access for local residents and minimise impacts to existing public transport routes during outdoor events. The Department's assessment concludes the use of Wooyung Road/Gate E as a secondary access route would likely improve traffic conditions along Tweed Valley Way and throughout the broader road network, subject to the upgrading of the Wooyung Road/Gate E intersection.
<p>Social</p> <ul style="list-style-type: none"> impacts to an individual's sense of community 	<ul style="list-style-type: none"> While there is the potential for adverse social impacts to be experienced by local residents during outdoor events, such impacts would be temporary in nature, and will be mitigated through the implementation of a Planning Agreement (PA) with BSC, Community Consultation Plan and the Applicant's existing and proposed

Issue raised	Consideration
<ul style="list-style-type: none"> impacts to local character and amenity impacts upon the health and wellbeing of surrounding residents 	<ul style="list-style-type: none"> measures to alleviate amenity impacts such as illegal camping, anti-social behaviour and littering (see Section 6.5). The Department has recommended conditions which would formalise the Applicant's mitigation measures, including the preparation of a comprehensive Community Consultation Plan, and the establishment of a PA with BSC. The Department has recommended the Event Management Plan for the development include details of the user-pays system which would put in place to ensure outdoor events do not negatively impact upon the availability of police and ambulance resources for the local community.
<p>Lack of infrastructure</p> <ul style="list-style-type: none"> impacts to mobile reception during events suitability of the potable water and wastewater treatment systems condition of the surrounding road network 	<ul style="list-style-type: none"> In 2014, the Applicant invested in the installation of fibre optic cables across the site, which is used by Telstra to provide temporary phone antennas during outdoor events. The Applicant has also entered into a long-term lease agreement to construct a permanent mobile phone tower adjacent to Jones Road. These arrangements will improve coverage for local residents throughout the year, and for patrons during outdoor events. As discussed in Section 6.5, the Department's assessment concludes the Applicant's proposed wastewater treatment system and potable water system are acceptable and can be adequately managed by the Applicant, subject to the recommended conditions of consent. As discussed in Section 6.5, the Applicant has committed to entering into a PA with BSC. The PA would allocate funds which would be used for public infrastructure projects in the area surrounding the site, and allow for improvements in the condition of the surrounding road network.
<p>Council as the approval authority</p> <ul style="list-style-type: none"> perception that Council should be the approval authority following the conclusion of the trial period concerns BSC, TSC and the local community have no power in the decision-making process 	<ul style="list-style-type: none"> As discussed in Section 4.2, the proposed development is State significant development (SSD) under clause 13(1)(e) of Schedule 1 of the SRD SEPP. Consequently, the Commission is the consent authority for the SSD application under the Minister's delegation. As discussed in Section 5, the Department has assessed the the SSD application and the section 75W modification application in consultation with, and giving due consideration to, the submissions provided by other Government authorities (including BSC and TSC), community organisations, the local community and the general public.
<p>Patron and community safety</p> <ul style="list-style-type: none"> potential bushfire and flooding impacts effectiveness of proposed evacuation procedures concerns raised by NSWPF in its SEARs submission 	<ul style="list-style-type: none"> The Department's assessment concludes the development will comply with the relevant bushfire regulations and have negligible flood impacts, subject to the implementation of bushfire evacuation plan and flood evacuation plan for all outdoor events. As discussed in Section 6.7, the Applicant's RTS included a detailed response to the issues raised by NSWPF and a Crowd Management Assessment (CMA). The Department's assessment concludes any potential impacts of the proposed development on public safety would be effectively managed through implementation of the mitigation measures outlined in the RTS and CMA.

Issue raised	Consideration
	<ul style="list-style-type: none"> The Department has incorporated the recommendations of the RTS and the CMA into the Event Management Plan requirements for the development, to ensure effective crowd management measures are in place prior to any increase in patron capacity to 50,000. The plan is to be prepared in consultation with the relevant public authorities, including the NSWPF. The Department has also incorporated the recommendations of the CMA into the Performance Evaluation Report to ensure crowd management measures are effective. The Department requires NSWPF to be consulted prior to any staged increase in the large events.
<p>Economic</p> <ul style="list-style-type: none"> accuracy of the economic assessment negative impacts to local businesses and employment opportunities additional resourcing demands placed upon BSC, TSC and local emergency services during events 	<ul style="list-style-type: none"> As discussed in Section 6.7, the Department commissioned HillPDA to conduct an independent review of the EA included as part of the Applicant's EIS. HillPDA confirmed the methodology of the EA was sound and the development would create a net positive impact if adverse social impacts are effectively mitigated. The Department is satisfied the proposed development would provide a substantial net benefit to the Byron Shire, the broader Northern Rivers region and to NSW. The Department has recommended the Event Management Plan for the development include details of the police, ambulance and Council ranger arrangements which will be put in place to minimise impacts to local services.
<p>Permissibility</p> <p>compatibility of the proposed development with surrounding land uses</p>	<ul style="list-style-type: none"> As discussed in Section 4.4, the proposed development is permissible with development consent under the terms of the concept approval (MP 09_0028, as modified). The use of the site for outdoor events would be limited to 20 event days per year, and be maintained for agricultural purposes outside of this period.
<p>Condition breaches</p> <p>Applicant's compliance with the noise criteria and traffic KPIs contained in the project approval</p>	<ul style="list-style-type: none"> As discussed in Section 1.9, the Department has maintained an active role in responding to potential non-compliances at the site. Where non-compliances have been identified, the Applicant has refined its environmental management framework to ensure compliance for future outdoor events. The Department has recommended conditions relating to compliance reporting and independent auditing, which will provide a consistent, transparent and documented procedure for monitoring compliance with the recommended conditions of consent.



6. Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and supplementary information in its assessment of the development. The Department considers the key assessment issues are:

- modification of the concept approval
- event staging and KPI reporting
- traffic, transport and access
- noise
- wastewater
- social.

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 16** under **Section 6.7**.

6.1 Modification of the Concept Approval

As outlined in **Section 1.7.2** of this report, the site is subject to an existing concept plan, which provides concept approval for outdoor, cultural and educational events. The Applicant is seeking to amend the terms of this approval to ensure consistency with the SSD application and its infrastructure staging plan. The Department's assessment of issues relating to the modification of the concept approval is provided in **Table 10** below.

Table 10 | Assessment of issues relating to the modification of the concept approval

Issue	Consideration
Concept plan approval and future outdoor events	<ul style="list-style-type: none">• Term A1(1) of the concept approval states the land uses for which concept approval is granted, while Term A1(2) outlines the staging plan which was to be followed under the project approval.• The Applicant has requested the concept approval be amended to reflect the 50,000 patron capacity proposed under the SSD application, update the capacity of the conference centre accommodation, and amend the infrastructure staging plan.• BSC did not raise any issues in relation to the proposed amendments, but questioned why Stage Two of the project approval staging plan had not been carried out. Stage Two involves the construction of an administration building, a gatehouse building, a water treatment facility and a wastewater treatment facility.• The EIS states the Applicant has already constructed alternative water and wastewater infrastructure at the site (see Section 1.8.2), and that the administration building and gatehouse building have not been required to mitigate the potential impacts of outdoor events held at the site.• While the Applicant has not completed the Stage Two works, the Department notes:<ul style="list-style-type: none">– an alternative wastewater treatment system and potable water treatment system was designed and constructed at the site, in consultation with BSC and as part of the s68 approval process

Issue	Consideration
	<ul style="list-style-type: none"> – the Applicant has amended the design and location of the event administration building, and proposes to construct this building as part of the SSD application – during the trial period the Applicant refined the site layout, which has required the relocation or removal of some Stage Two components. Consequently, the current staging plan is not consistent with the concept approval. • The Department has recommended the concept approval be updated to maintain consistency with the SSD application’s staging plan, and to outline that concept approval is provided for future outdoor events for up to 50,000 patrons per event day. • To avoid the unnecessary duplication of terms within the concept approval, the Department has recommended the deletion of Term B4. This will ensure Schedule 2, Part B of the concept approval solely relates to the trial period in the project approval, while Schedule 2, Part C of the concept approval continues to relate to all future applications at the site (including the current SSD application).
Documentation and plans	<ul style="list-style-type: none"> • The Applicant has requested Term A2 of the concept approval be amended to reference the documentation submitted in support of the SSD application, and for Term A3 to be updated to reflect the latest version of the site’s land use structure plan and ecological structure plan. • BSC, TSC and the relevant public authorities did not raise any issues in relation to the inclusion of these documents within the concept approval. • The amendments proposed by the Applicant would ensure the operation of the site under the concept approval and the SSD application is carried out in accordance with the relevant documents and plans. • Accordingly, the Department has recommended terms A2 and A3 be updated to reflect the documentation submitted in support of the SSD application.
Statement of Commitments (SoCs)	<ul style="list-style-type: none"> • The modification includes the replacement of the SoCs with the Applicant’s Management and Mitigation Measures. • The Applicant has requested the replacement of the SoCs with its Management and Mitigation Measures, which includes new and updated commitments related to the proposed development. • BSC, TSC and the relevant public authorities did not raise any issues in relation to the inclusion of the Management and Mitigation Measures. • The replacement of the SoCs with the Applicant’s Management and Mitigation Measures would continue to outline the relevant environmental management, mitigation and monitoring measures to be implemented at the site. • Consequently, the Department has recommended the SoCs within the concept approval be replaced with the consolidated list of Management and Mitigation Measures outlined in the Applicant’s RTS.
Other administrative changes	<ul style="list-style-type: none"> • The Applicant requested amendments to the “Definitions” section of the concept approval, to better reflect the operation of the site following the conclusion of the trial period. The “Land” section would also need to be updated to reflect the current legal description of the site. • BSC and the relevant public authorities did not raise any issues in relation to the amended definitions.

Issue	Consideration
	<ul style="list-style-type: none"> • TSC did not raise any issues in relation to the proposed modifications but noted the application did not include landowner’s consent for Lot 21 DP 1169952, Lot 4 DP 821947 and Lot 11 DP 1192842. • In its RTS, the Applicant provided evidence of landowner’s consent for these three lots. • Consequently, the Department has recommended the “Land” section be updated to reflect the current legal description of the site, and the “Definitions” section be updated to ensure consistency with the SSD application.

6.1.1 Consistency with the concept approval

Clause 3B(2)(d) of Schedule 2 of the ST&OP Regulation specifies that consent must not be granted for a future development application unless the consent authority is satisfied the development is consistent with the terms of the approval of the concept approval.

The concept approval for the Cultural Events Site, Yelgun (MP 09_0028) establishes several requirements and parameters to be considered in future development applications for outdoor events at the site, and for the construction and operation of the conference centre. Schedule 2, Part C of the concept approval outlines that the ongoing and permanent operation of the site for outdoor events following the conclusion of the trial period is to be assessed as a separate development application under Part 4 of the EP&A Act. Accordingly, the Applicant has submitted an SSD application (in conjunction with the modification to the concept approval) for the ongoing and permanent use of the site.

As discussed above, the section 75W modification seeks approval for minor amendments to reflect the types of permanent cultural events that would be held at the site, and the Department has recommended the concept modification be approved subject to conditions. The current SSD application relies on the changes proposed in the concept modification.

The Department considers it appropriate that the current SSD application be assessed in accordance with the Department’s final recommendations for the concept modification. The Department has therefore considered the proposal against the requirements and parameters in the concept approval (as modified) (see **Appendix F**) and considers that the proposal is consistent with the concept approval.

6.1.2 Performance of Previous Outdoor Events – Term C1(1)

Under Term C1(1) of the concept approval (as proposed to be modified), the performance of previous outdoor events held at the site must be addressed as part of any development application under Part 4 of the EP&A Act for future outdoor events.

The EIS considered the performance of the trial period as part of its assessment of the potential environmental impacts of the proposed development, including compliance of previous trial events with the project approval and the existing KPIs. The Applicant has based this assessment on actual data obtained during recent trial events held at the site.

The Department has evaluated the performance of previous outdoor events held at the site as part of its assessment of the SSD application (see **Section 6** and **Section 7** of this report).

6.1.3 Conclusion

The Department’s assessment concludes the minor amendments to the concept approval do not fundamentally change the terms of the concept approval, but facilitates the continuation of outdoor, cultural and educational events following the conclusion of the trial period.

Therefore, the Applicant has submitted an SSD application to facilitate the ongoing and permanent use of the site for outdoor, cultural and educational events following the conclusion of the trial period. The Department is satisfied the SSD application is consistent with the requirements and terms of the concept approval.

6.2 Event Staging and Monitoring

The progressive increase in patron numbers attending events at the site was identified as a key issue, in both the Department's assessment of the original concept plan and project approval, and in submissions on this proposal.

The project approval for the initial 5-year trial required the Applicant to monitor and evaluate the impacts of events, prior to increasing patron numbers for subsequent events. This staged approach was recommended by the Commission based on the precautionary principle, providing the Applicant the opportunity to demonstrate that large outdoor events could be managed to avoid unacceptable impacts on the local community and surrounding environment. The project approval required the Applicant to prepare an annual Performance Report evaluating the success of the trial events, against criteria established for noise, traffic, flora and fauna and community issues.

The SITG event started with 25,000 patrons in 2013 and incrementally increased by 2,500 patrons each year, following the Department's review and approval of the Performance Reports. Through this process, the Applicant identified performance issues around traffic and noise management and refined their management practices and mitigation measures to improve performance for subsequent events. **Figure 18** shows a considerable reduction in noise complaints during the 2016 SITG event, following the implementation of additional noise mitigation measures, including the introduction of amended noise limits to control bass noise. This event had 7,500 more patrons than the 2013 SITG event, demonstrating the importance of effective mitigation measures. The Applicant has also implemented a range of adaptive traffic management measures to maintain good road network operation on Tweed Valley Way and the Pacific Motorway. Despite some queuing on public roads occurred during initial trial events, the Applicant has continually improved and refined its event traffic management measures and procedures, with limited off-site queuing at recent events.

The last modification (MOD 4) to the project approval, provided the Applicant with an additional 20 months to demonstrate it can operate the SITG event at 35,000 patrons and the Falls Festival at 25,000 patrons, without significant adverse impacts on the community and environment.

The Applicant now proposes further increases in patron numbers to satisfy the high demand for these events. The Applicant proposes a staged increase for the SITG event, from 35,000 to 50,000 patrons, over three years, being an increase of 7,500 patrons, each year. These increases would be subject to on-going successful performance against environmental and community criteria. The Applicant proposes to increase the Falls event from 25,000 to 35,000 patrons without any staged increase, noting it has just successfully hosted the SITG 2018 event at 35,000 patrons.

Approximately half of the public submissions objecting to the development raised concerns about the size and frequency of the large events, particularly the progressive growth of the SITG event. Four of the six community groups objecting to the development raised the same concerns. Objectors stated the existing large events had adversely impacted their local amenity, infrastructure services and public safety and many considered the continued use of the site and increase in size of events would only intensify these issues.

Several public authorities commented on issues associated with progressive increases with BSC and TSC raising concerns about impacts on traffic and local infrastructure, NSWPF raising concerns about the availability of Police to staff larger events and RMS raising traffic management as a key issue. RMS recommended increases of 5,000 patrons per stage, rather than the 7,500 proposed by the Applicant.

The Department has considered the proposed increase in patron numbers at length. This consideration has taken account of the trial period and annual Performance Reports since 2013, the concerns of the surrounding

community, with a focus on those most affected by events, the matters raised by public authorities and the Applicant's detailed technical assessments of the proposal, at a maximum patron capacity of 50,000 patrons, over five-day events.

The Department considers the staged approach over the 5-year trial has led to continual improvements in how the impacts of events are monitored and controlled. Several key improvements implemented over this period, include changes to traffic management to reduce delays and congestion, additional controls to reduce low-frequency noise and implementation of an on-site wastewater treatment system.

Sections 6.2 to 6.7 of this report details the Department's assessment of the environmental and community impacts of permanently operating one large event (SITG) of 50,000 patrons, one medium event (Falls) of 35,000 patrons and other small and minor events throughout the year. The assessment has concluded the maximum capacity events could be managed effectively to ensure an acceptable level of performance against key environmental and community criteria.

The Department acknowledges the concerns raised by the public, community groups and public authorities around increased patron numbers. To address these concerns, the Department considers it appropriate to continue with a staged approach to increasing patron numbers, subject to the Applicant meeting detailed KPIs. The Department recommends continuing with the precautionary approach adopted by the Commission for the original project approval and proposes staged increases be limited to increments of 5,000 patrons as shown in **Figure 12**. This would ensure the maximum capacity of 50,000 patrons would be reached after a minimum four years of successful operation.

In addition, the Department recommends the Falls Festival event should also remain at 25,000 patrons initially and be subject to a staged increase limited to increments of 5,000. This would enable the Applicant to demonstrate the event can operate with minimal impacts to the surrounding traffic network, noting the increase in background traffic volumes experienced during the Christmas/New Year Period.

The Department has recommended conditions including detailed key performance indicators (KPI) for traffic, noise and wastewater. The Applicant must demonstrate the events are meeting the KPIs, through Performance Evaluation Reports (PERs) required after both the large (SITG) event and the medium (Falls) event each year. The PERs must also provide an analysis of monitoring data for traffic, noise, wastewater, flora and fauna, social impacts and public safety. The Applicant must not increase patron numbers until the Planning Secretary, in consultation with NSWPF, BSC and RMS, is satisfied the Applicant has demonstrated an acceptable level of performance against all criteria.

The Department concludes the staged approach would ensure any additional impacts are identified and continual improvements are implemented, prior to further increases in patron numbers.

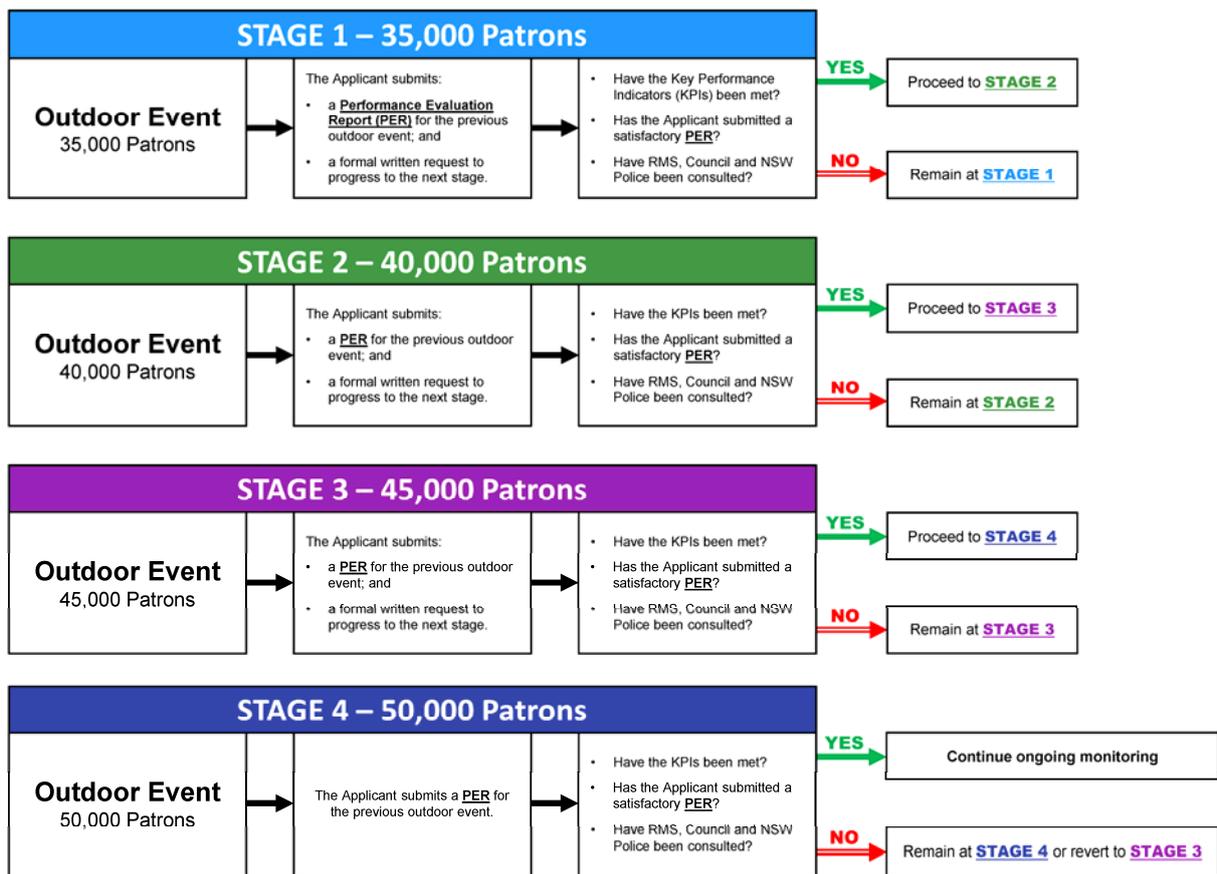


Figure 12 | Proposed Staged Increase for the SITG Event

6.3 Traffic, Transport and Access

The proposed development will increase the frequency of events and the number of patrons attending events at the site, which would potentially impact the capacity and efficiency of the surrounding local and regional road network. Traffic impacts associated with the existing outdoor events (including SITG and Falls Festival) was a key concern raised in submissions received from the public and public authorities including RMS, BSC, TSC and NSWPF.

The EIS includes a Traffic and Transport Assessment (TTA) prepared by WSP, which assessed the potential traffic impacts of the ongoing operation of larger outdoor events and the construction and operation of permanent infrastructure such as the conference centre. The TTA relied on traffic monitoring data obtained during SITG 2017 to inform its assessment and was undertaken in accordance with the relevant RMS guidelines.

6.3.1 Existing Traffic Operations During the Trial Events

Access to the site is primarily via Tweed Valley Way (the former Pacific Highway). Vehicles exit the Pacific Motorway (the main freeway between the Queensland border and Byron Bay) to Tweed Valley Way at three interchanges, including the Yelgun Interchange, Brunswick (North) Interchange and the Cudgera Creek Interchange (see **Figure 13**).



Figure 13 | Regional Road Network

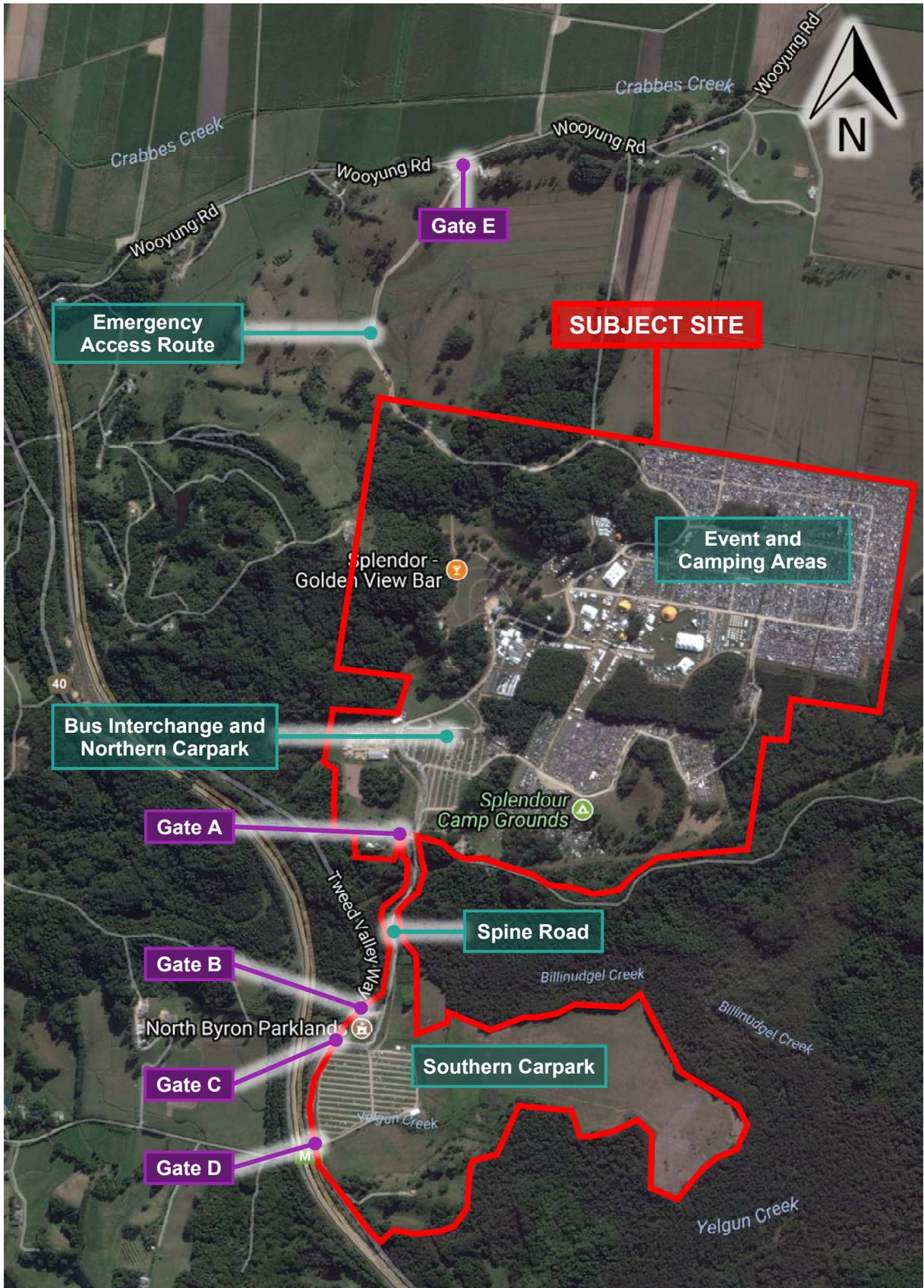


Figure 14 | Site Access Gates and Internal Road Infrastructure During SITG 2014

The Pacific Motorway and Tweed Valley Way carry approximately 38,376 and 5,000 vehicles a day, respectively. Both roads currently perform within capacity, at a level of service (LoS) rating of good operation with acceptable flow (or a "LoS B"). The TTA projected the daily traffic volumes along the Pacific Motorway would grow by 3.7% per annum, equating to an annual increase of approximately 1,350 vehicles per day.

Figure 14 illustrates the existing access arrangements and internal road infrastructure within the site. Day patrons and campers travelling in private vehicles can access the site via Gates C and D on Tweed Valley Way, parking in the southern carpark (for day patrons) or travelling along the internal spine road towards the northern carpark and the camping areas. Patrons using ride share operators, taxis or being dropped off are also directed into the southern carpark.

Buses enter the site using Gate A on Jones Road to pick up and drop off patrons at the bus interchange in the middle of the site. Gate B is primarily used for public transport vehicles (including private shuttles), while Gate E on Wooyung Road provides access for emergency vehicles only.

6.3.2 Performance During the Trial Events

In its 2012 determination of the project approval, the Commission recognised that increasing the size of the trial events would also potentially increase the congestion, access and safety impacts on the local and regional network. The Commission's approval includes a condition restricting the annual increase in the trial event size to increments of 2,500 patrons, to a maximum of 35,000 patrons. This was to understand the effects of each incremental increase on traffic flows and allow the Applicant to test and refine its traffic management measures.

The project approval also sets out key performance indicators (KPIs) to minimise the risk of significant queuing on public roads and the Pacific Motorway. These KPIs include:

- maintaining a minimum Level of Service (LoS) of C at the Yelgun Interchange
- maintaining a minimum LoS of D along Tweed Valley Way
- limiting queue lengths on the link road between Tweed Valley Way and the Yelgun Interchange to 70 m
- limiting queue lengths on the northbound off-ramp from the motorway to the Yelgun Interchange to 210 m
- on-site queuing must not extend onto Tweed Valley Way or the Pacific Motorway
- no impact on through-traffic travel times on the Pacific Motorway.

These KPIs are critical for both events, particularly for the Falls Festival event, which is held during the Christmas/New Year period when there is increased traffic due to holiday travellers in the region.

Since the commencement of trial events at the site in 2013, the Applicant has monitored and collected traffic data and implemented adaptive traffic management measures and public transport initiatives. These measures are outlined in a detailed traffic management plan (TMP), traffic control plan (TCP) and a traffic monitoring program (TMonP) for the site, which include:

- a 40 km/hour temporary special event speed limit along sections of the Tweed Valley Way approaching the site
- improved internal traffic management and vehicle entry, security inspections and ticketing
- locating the taxi, ride-share and drop-off area within the southern carpark to reduce congestion on the spine road during peak times
- use of variable messaging signs (VMS) signs along the Pacific Motorway to encourage patrons to use alternative exits to the Yelgun interchange, including the Brunswick (north) interchange and the Cudgera Creek Road interchange
- use of traffic controls and signage to prioritise access for local residents.

During the initial trial events, congestion from vehicles waiting at site entry checkpoints caused queues back onto Tweed Valley Way. The Applicant responded to these issues by improving vehicle entry, security inspections and ticket processing, along with changing internal traffic management to keep slow-moving traffic within the site and off Tweed Valley Way.

During SITG 2016 (a 32,500-patron event), a significant increase in the use of ride-share operators and taxis by patrons leaving the site generated an unanticipated volume of traffic and congestion at the conclusion of the first event day. The Applicant immediately met with the RMS and NSWPF to identify potential solutions. On the following day the pick-up and drop-off areas were relocated to the southern carpark with traffic guided by additional signage and traffic controllers. This adequately rectified the issue and no congestion occurred for the rest of the event.

In response, the Department, in consultation with RMS and BSC, capped the number of patrons at the SITG 2017 event to 32,500 patrons. This was to verify the traffic management measures were effective before permitting increased patron numbers.

During SITG 2017, approximately 8,254 vehicles entered the site during camper arrival the day before the event. Vehicle numbers entering and leaving the site during event days are generally consistent (at approximately 8,000 vehicles) as campers remain on-site for the full event, while day patrons enter and exit the site at the start and end of each event day. The day after the event concluded, approximately 8,057 vehicles left the site with a maximum hourly rate of 1,037 vehicles (see **Table 12**).

Based on the satisfactory performance of the road network during SITG 2017, the Department agreed to an increased capacity of 35,000 patrons at the SITG 2018 event. All traffic KPIs were met during SITG 2018.

6.3.3 Proposed Development

6.3.3.1 On-site Road Infrastructure and Carpark Upgrades

To facilitate the ongoing use of the site for outdoor events and the expansion of one large event to 50,000 patrons, the Applicant proposes to upgrade and expand existing on-site road infrastructure, site access gates and carparking to improve internal circulation and amenity. The proposed works are to be staged in line with the expansion of the proposed large event (discussed further in **Section 2.2**) and include the construction of the south-eastern carpark, roundabouts, expansion of the transport hub, progressive construction of bus stops and further widening and sealing of the spine road. **Figure 15** illustrates the works to be undertaken at the southern end of the site.

The existing south carpark would be expanded to the east (referred to as the south-eastern carpark) and would comprise parking aisles, bus parking bays and shelters, and a bitumen sealed loop road built partially above the 1 in 100-year flood level. A formalised pick-up and drop-off zone would also be constructed in the existing south carpark. To accommodate the proposed increase in patrons for the large events, approximately 7,100 long-stay parking spaces and 1,500 short-stay parking spaces would be added to the site. This includes an extra 500 parking spaces for day patrons in the proposed south-eastern carpark. During a large event, day patrons wishing to park on site would need to pre-purchase a parking pass with their event ticket. This practice is currently used by the Applicant and provides an effective means of limiting traffic and parking numbers on-site, while also encouraging the use of alternative modes of travel.

To improve bus entry and internal circulation for buses on-site, the existing access road at Gate A would be regraded and sealed, and the existing bus interchange would be upgraded to provide additional bus capacity, improved circulation and amenity. The Applicant would provide details of the access, internal circulation and carparking arrangements for future outdoor events in the TMP, TCP and the TMonP.

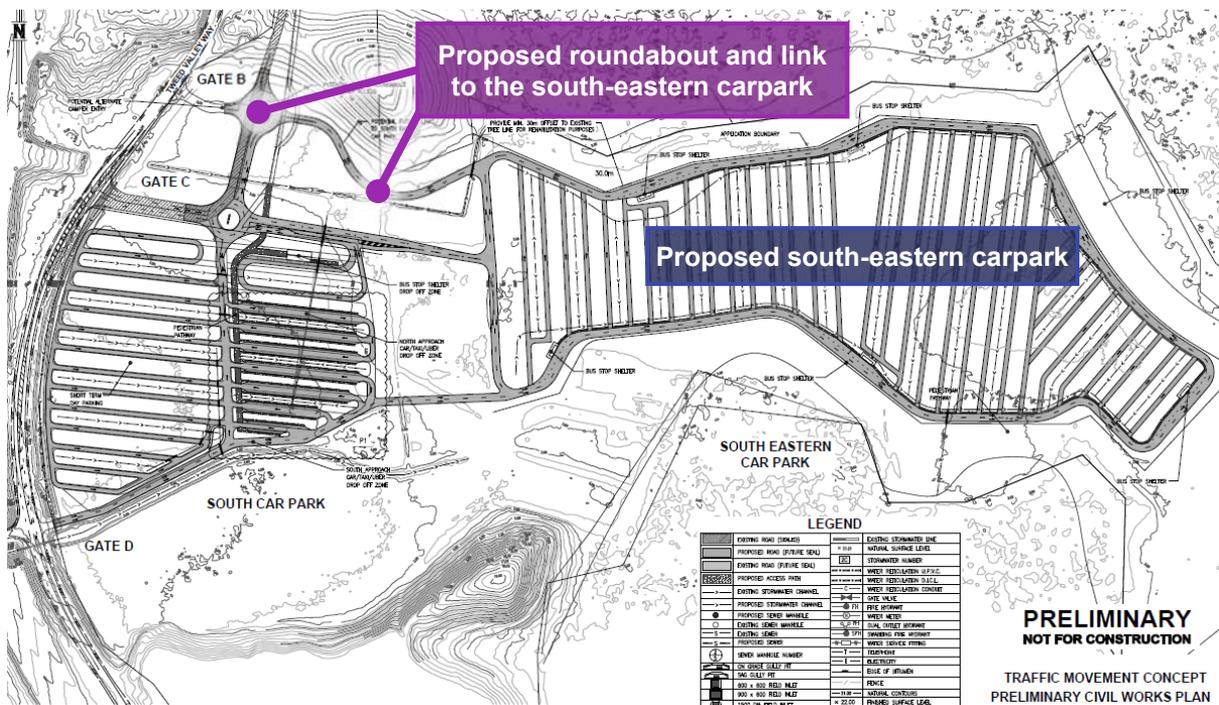


Figure 15 | On-site infrastructure works at the southern end of the site

The Applicant proposes to construct this additional infrastructure during non-event times and has indicated the works would take up to six months to complete. The works would employ up to 25 construction staff and generate up to 40 light vehicle movements and up to 10 heavy vehicle movements per day at its peak.

No concerns were raised in submissions from government agencies or members of the public in relation to the proposed on-site road and carparking infrastructure upgrades.

6.3.3.2 Gate E Access on Wooyung Road

The Applicant also proposes to upgrade the northern access road to Wooyung Road, known as Gate E, to be used as a secondary entry and exit for campers and day patrons travelling along the Tweed Coast Road from towns such as Pottsville, Hastings Point and Cabarita Beach. Gate E is currently used for emergency vehicle access and would require the relocation and upgrading of the Wooyung Road/Gate E intersection, to provide adequate sight distances and improved intersection geometry (see **Figure 16**).

The EIS noted the works would require an approval from TSC under the *Roads Act 1993* (Roads Act) and would need to be undertaken to the satisfaction of TSC as the relevant roads authority for Wooyung Road. The Applicant indicated construction-related traffic would not generate significant traffic volumes and can be managed under the TMP for the development.

TSC raised concerns about the performance of the Gate E intersection if used as an access point for campers/day patrons and noted the proposed intersection and realignment works would need to be constructed in accordance with the relevant Austroads Standards. BSC noted the development of a second camper/day patron access route from the north is essential to minimise congestion along Tweed Valley Way.

In its RTS, the Applicant demonstrated the Gate E intersection would still perform well in 2037 with some minor queuing (still resulting a satisfactory performance of LoS A or B) if all campers arriving from the north were to use this access gate. The Applicant also amended its civil drawings to highlight the possible extent of the widening works, which would be subject to a detailed site survey. The operation and management of vehicles entering/leaving the site at Gate E would also be detailed in the TMP for future events.

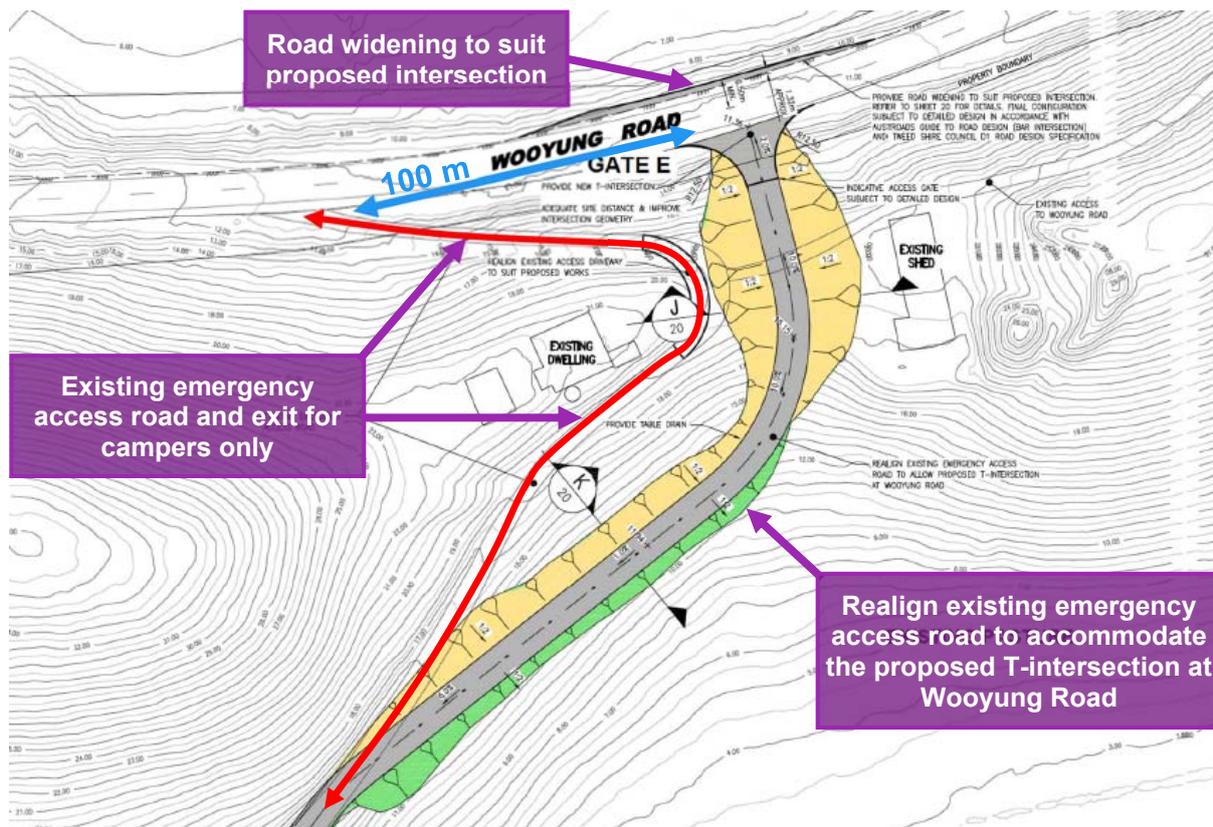


Figure 16 | Wooyung Road and Gate E Intersection Works

TSC advised it was satisfied with the additional information, and recommended the Applicant ensure:

- the proposed access and widening is constructed wholly within Wooyung Road and designed in accordance with the relevant Austroads Standards and TSC’s DCP
- the location of Gate E is an appropriate distance from Wooyung Road to minimise queuing on the public road network
- the placement of ‘no stopping’ signage on Wooyung Road is removed from TCPs associated with future outdoor events.

6.3.3.3 Proposed Traffic Generation

The TTA modelled the traffic volumes generated during each event type, based on parameters including patron type (campers or day patrons), mode share (proportion of vehicle type used - car, bus, taxis, ride-share operators) and vehicle occupancy. For the largest event of up to 50,000 patrons, the traffic assessment conservatively assumed the number of campers would remain at 20,000 (although approval is sought for up to 30,000 campers) while the number of day patrons would increase to 30,000, therefore generating a higher number of day patrons travelling to and from the site during the event.

The Applicant’s preliminary traffic modelling showed that for a 42,500 patron event, assuming similar mode share characteristics to an existing SITG event (i.e. bus mode share of 63% for day patrons), the road network performance would reach its limit. For a 50,000 patron event, the increase in day patrons could potentially produce an unacceptable level of performance if existing transport behaviours do not change.

The TTA subsequently considered a range of mode share targets to determine what would be required to maintain acceptable performance levels on the road network, including meeting traffic key performance indicators.

Table 11 provides mode share targets for an existing event (SITG 2017) and future large events with 42,500 and

50,000 patrons. For a 50,000 patron event, 73% of day patrons would need to travel by bus to ensure an acceptable road network performance

Table 11 | Mode share by type of patron (changes from existing events shown in brackets)

Patron Type	Car (%)	Bus (%)	Taxi/Ride Share/Drop Off (%)
Existing (SITG 2017) – 32, 500 patrons			
<i>Campers</i>	93	2	5
<i>Day Patrons</i>	17	63	20
Large Event – 42,500 patrons			
<i>Campers</i>	91 (- 2)	4 (+ 2)	5
<i>Day Patrons</i>	17	63	20
Large Event – 50,000 patrons			
<i>Campers</i>	90 (- 3)	5 (+3)	5
<i>Day Patrons</i>	13 (- 4)	73 (+10)	14 (- 6)

To achieve the proposed mode share targets for a 50,000 patron event, the Applicant proposes to complement the existing transport initiatives with new measures including developing park and ride facilities, providing additional bus services to and from the Gold Coast Airport (Coolangatta) and rewarding patrons who carpool to the event.

The existing transport initiatives to maximise bus patronage and minimise private car use include:

- paid parking charges to discourage private car use
- providing a separate access for event buses
- promoting ride sharing and carpooling
- enforcement of on-street parking bans.

The assessment also notes that day patrons travelling from outside the Byron region are more likely to use buses to and from an outdoor event.

Based on the mode shares in **Table 11**, the predicted traffic volumes associated with a 50,000 patron event over 24 hours at key days are presented in **Table 12**.

To minimise the impacts to through traffic on Tweed Valley Way and at the Yelgun Interchange, traffic controllers would manage traffic flows on the site, which would result in longer exit (clearance) times for day patrons leaving the site, and for campers on the day following the conclusion of an outdoor event. The traffic generation would be proportionally smaller for other outdoor events held at the site (i.e. large event at 35,000 patrons and medium events).

In response to the RMS submission, the RTS included additional modelling to determine how changes to the camper/day patron mix and bus modal share would impact the surrounding road network. Changing the camper/day patron mix by increasing the number of campers and decreasing the number of day patrons would impact the surrounding road network during the camper arrival period (Wednesday, Thursday and Friday). Reducing the bus modal share by up to 10% would reduce the performance of the Yelgun Interchange roundabout from LoS A (good operation with free flow) to LoS D (satisfactory flow) and consequently increases queue lengths.

The RTS concluded that achieving the increased bus modal share is crucial to ensure the site can appropriately manage a 50,000 patron event.

Table 12 | Traffic movements (vehicles per day)

Day	Daily (4 am to 4 pm)		Peak Hour			
			4 am to 9 pm		9 pm to 4 am	
	In	Out	In	Out	In	Out
Existing – (SITG 2017) 32,500 patrons						
Thursday (camper arrival)	8,254	2,820	717	230	255	174
Saturday (event day)	7,947	8,033	809	551	294	831
Monday (camper departure)	1,480	8,057	191	1,037	3	14
Large Event – 50,000 patrons						
Thursday (camper arrival)	10,194	4,476	845	365	405	276
Saturday (event day)	11,670	11,923	943	654	541	1,365
Monday (camper departure)	2,349	8,906	303	1,138	5	22

6.3.3.4 Road Network Capacity During Future Events

The TTA assessed the capacity of the Pacific Motorway and Tweed Valley Way to accommodate the expected increase in traffic from the proposed development, modelling four scenarios, including:

- base case – no event at 2017, 2027 and 2037
- 2017 case (base including traffic from SITG 2017)
- 2027 case (base plus 50,000 patron large event)
- 2037 case (base plus 50,000 patron large event).

The analysis found the development is unlikely to impact on the operation of the Pacific Motorway. Although the performance is expected to decline from a LoS B (good operation with acceptable flow) in 2017 and 2027 to a LoS C (satisfactory flow) in 2037 during a 50,000 patron event, the TTA considers the decline in service is likely due to the forecasted growth in background traffic on the motorway. Regardless, the average vehicle speed would still be above 100 km/hour which indicates traffic would still move freely.

Table 13 presents an analysis of the road capacity of the Tweed Valley Way during a 50,000 patron event. The assessment shows that traffic volumes on the Tweed Valley Way would be significantly influenced by traffic generated during large events. For all other times of the year and during smaller events, the Tweed Valley Way would maintain good operation under all scenarios. The decreased performance on Friday afternoon in 2027 and 2037 is attributed to the concurrent arrival of day patrons and campers at the start of the main event, but this would only occur for a maximum of four hours on one day for the duration of the event.

To ensure minimal impacts to the surrounding public road network, the Applicant proposes to implement its TMP and TCP, to regularly monitor traffic, and implement existing and additional transport initiatives to minimise private car use. The success of these measures would be monitored and evaluated as the large event increases in size. The

EIS also notes upgrades to Gate E on Wooyung Road would also provide an alternative access for patrons travelling from the north.

Table 13 | Capacity Analysis for the Tweed Valley Way

Location	Day	Level of Service					
		2017		2027		2037	
		Base Case	SITG (32,500)	Base Case	SITG (50,000)	Base Case	SITG (50,000)
Tweed Valley Way – South of Gate D	Friday	B	D	B	E	B	E
	Saturday	B	C	B	D	B	D
	Sunday	B	C	B	D	B	D

The RMS raised concern around the proposed increase in patron numbers during the Falls Festival event (from 25,000 to 35,000 patrons), which is usually held over the New Year holiday period when the Pacific Motorway experiences higher background traffic levels during the holiday period.

Around 42% of objecting public submissions raised traffic as a concern noting congestion levels experienced on the surrounding road network during outdoor events, particularly when Falls Festival is held. In its RTS, the Applicant maintained the Falls Festival does not occur on peak days for traffic on the motorway and analysed seasonal traffic variation data on the Pacific Motorway to show the proportion of vehicle movements added by the Falls Festival event would be negligible (around 2 to 5%) when compared to the overall carrying capacity of the Pacific Motorway.

NSWPF raised concern about the additional strain the increased size of the large events would place upon Tweed Valley Way and Pottsville Road, which could result in additional traffic incidents. In addition, NSWPF were also concerned illegal camping in the Yelgun rest area (see **Figure 3**) could cause issues with general motorists not being able to access the rest area. BSC noted significant traffic delays for patrons exiting the site at previous events has resulted in patrons parking off-site in ‘No Stopping’ zones along the Tweed Valley Way.

The Applicant’s RTS contained detailed responses to NSWPF and BSC’s submissions, noting traffic management is undertaken as part of the TMP and TCP which is approved by the Local Traffic Committee (comprising representatives from BSC, RMS and NSWPF). In addition, traffic conditions and traffic related incidents are monitored in real-time using cameras, drones and on-site personnel and managed at the site’s Event Control Centre. The Applicant has also committed to additional traffic measures which would be included in the TMP. This includes measures such as engaging additional BSC rangers to enforce ‘No Stopping’ zones and provide greater presence in the area including the Yelgun rest area, providing additional lighting at night to improve safety and monitor pedestrian traffic and installing additional signage to discourage pedestrians leaving the site by foot. BSC and NSWPF were supportive of the additional traffic measures.

6.3.4 Department’s Consideration

The Department has considered the findings of the TTA, RTS and the issues raised in submissions, in conjunction with the overall performance of outdoor events during the trial period.

The modelling has shown the predicted traffic volumes generated by the large 50,000 patron event is not expected to significantly impact on the operation of the Pacific Motorway. This is particularly evident for camper departure on the Monday morning when through traffic on the Pacific Highway would be at its highest. Despite

the predicted decline in service on the Tweed Valley Way during a large 50,000 patron event, the traffic delays are short-term, only occurring for a maximum of four hours on one day for the duration of the event. Other events (i.e. Falls Festival, medium and small events) and the operation of the conference centre are not expected to impact on the operation of the Tweed Valley Way.

The trial period has enabled the Applicant to review and refine its traffic management strategies, and over time the Applicant has demonstrated that it can manage traffic for events up to 35,000 patrons. The existing traffic KPIs and the Applicant's existing traffic management and transport measures have been effective in maintaining good operation on the Pacific Motorway and ensuring traffic impacts on Tweed Valley Way are adequately managed.

The Department recommends the existing KPIs, the TMP, TMonP and TCP be included as conditions in the development consent. In addition, the Applicant has requested one of the KPIs be amended to allow for the level of service for local traffic and through traffic on the Tweed Valley Way to not fall below LoS E for more than four hours during the day. Based on the modelling results presented above, the Department considers the amendment to the KPI is acceptable and has included this in the consent.

Since the commencement of the trial events, the Applicant has upgraded the site infrastructure to support the existing trial events, while also refining the site layout to minimise impacts to the public road network. The proposed on-site infrastructure works would further improve internal circulation which would ensure that traffic generated by the events are kept on-site and do not lead to off-site queuing, therefore avoiding the congestion issues in earlier trial events.

The Department has included requirements for details of the on-site infrastructure upgrades to be included as part of a construction environmental management plan for the development, and for operational measures to be included in the TMP for the outdoor events.

The Department also supports the Applicant's proposed additional traffic measures to improve pedestrian and traffic safety around the site and has recommended a condition formalising these commitments as well as requiring the Applicant to enter into arrangements with BSC to provide additional resources during events.

The use of the new Gate E access would assist with alleviating queues at Gate C, which is likely to improve traffic conditions along Tweed Valley Way and the broader road network.

The Department agrees with TSC's recommendations for the upgrade of the Wooyung Road/Gate E intersection and has incorporated these requirements in the recommended conditions of consent. Provided the Wooyung Road intersection upgrade works occur outside event times, they would not impact traffic flows on Wooyung Road. The Department has recommended a condition requiring the TMP to detail the timing of road construction works to occur outside events and the bump-in and bump-out periods.

The Applicant proposes to progressively increase the size of one large event over two stages and in 7,500 increments, which will allow it to monitor and refine its traffic measures. This increase is contingent on the Applicant achieving key transport mode targets that maximise bus patronage and minimises the use of private vehicles. The RMS raised concern regarding the effectiveness of the Applicant's proposed transport initiatives such as paid parking charges, event bus priority and carpooling to alter the mode share. The RMS subsequently recommended any increase above 35,000 patrons should be subject to ongoing monitoring and incremental increases of 5,000, to validate the effectiveness of the Applicant's traffic management measures and transport initiatives. The Department agrees with the RMS' recommendation and considers the progressive increase of the SITG event should be undertaken in smaller increments of 5,000 patrons over three stages, to provide the Applicant with sufficient time to monitor, evaluate and improve the effectiveness of the proposed traffic management and public transport initiatives. Further details of this staging regime are discussed in **Section 6.1**.

In relation to the Falls Festival event, the Department notes there have been no major traffic issues associated with the event over the New Year period in previous years. However, given the higher background traffic levels experienced during the Christmas/New Year period and that previous events were restricted to a maximum of 25,000 patrons, the Department has recommended the Falls Festival event also be subject to a staging regime from 25,000 patrons to a maximum of 35,000 patrons, to occur in increments of 5,000 patrons. As with the SITG event, this would provide the Applicant with the opportunity to monitor, evaluate and refine its traffic management measures to minimise the impacts of the Falls Festival event on the surrounding road network.

6.3.4.1 Conclusion

The Department's assessment considers the trial events have given the Applicant the opportunity to develop and continually refine the development's traffic management and monitoring strategies, to ensure its measures are effective in managing vehicle movements and maintaining pedestrian safety during events.

While some queuing on the surrounding road network occurred during initial trial events and following the introduction of ride share (Uber) services in 2016, the Applicant adopted a continuous improvement approach to address and rectify any traffic issues which arose. This has supported the satisfactory management of vehicle movements during the trial period and allowed the Applicant to maintain compliance with the KPIs in the project approval.

While the operation of the Pacific Motorway is unlikely to be impeded, the Department's assessment found that traffic generated during the largest event will result in some temporary traffic impacts to the Tweed Valley Way. However, these impacts are limited to a four-hour period and the Department is satisfied that these potential short term impacts can be adequately managed by the Applicant's existing and proposed traffic management measures and plans.

The Applicant has also proposed various site access and infrastructure upgrades to ensure the site can effectively manage traffic generated during a 50,000 patron event to minimize the likelihood of traffic queuing onto public roads. The addition of a northern access will also alleviate the demand on access off the Tweed Valley Way.

The Department agrees with RMS and recommends the progressive increase in the large events be limited to increments of 5,000 patrons, to ensure the effects of the increased event size can be observed and traffic management measures refined. This would ensure the acceptable performance of the road network can be maintained during the increased event sizes.

Consequently, the Department is satisfied the potential impacts of the additional traffic generated by the proposed development can be effectively managed by the Applicant. The Department has recommended conditions requiring the Applicant to:

- progressively increase, in increments of 5,000 patrons, the Falls Festival to 35,000 patrons and SITG event to 50,000 patrons, with the increases contingent on the successful performance of traffic management measures and approval of the Department in consultation with RMS, Council and NSWPF
- prepare and implement a TMP, TCP and TMonP in consultation with relevant agencies that detail the Applicant's proposed and existing traffic management measures and transport initiatives, including the monitoring of bus patronage
- comply with traffic related KPIs to ensure the performance of the surrounding road network is maintained during outdoor events.

6.4 Noise

The ongoing operation of large outdoor events at the site has the potential to result in noise impacts at the nearest residential receivers. The key noise impacts associated with the proposed development relate to amplified music during outdoor events. During exhibition, submissions from the public, BSC and TSC raised noise as a key issue.

Several residential receivers are located close to the site, with the nearest sensitive receiver (R5) located adjacent to the site on Jones Road (see **Figure 17**).

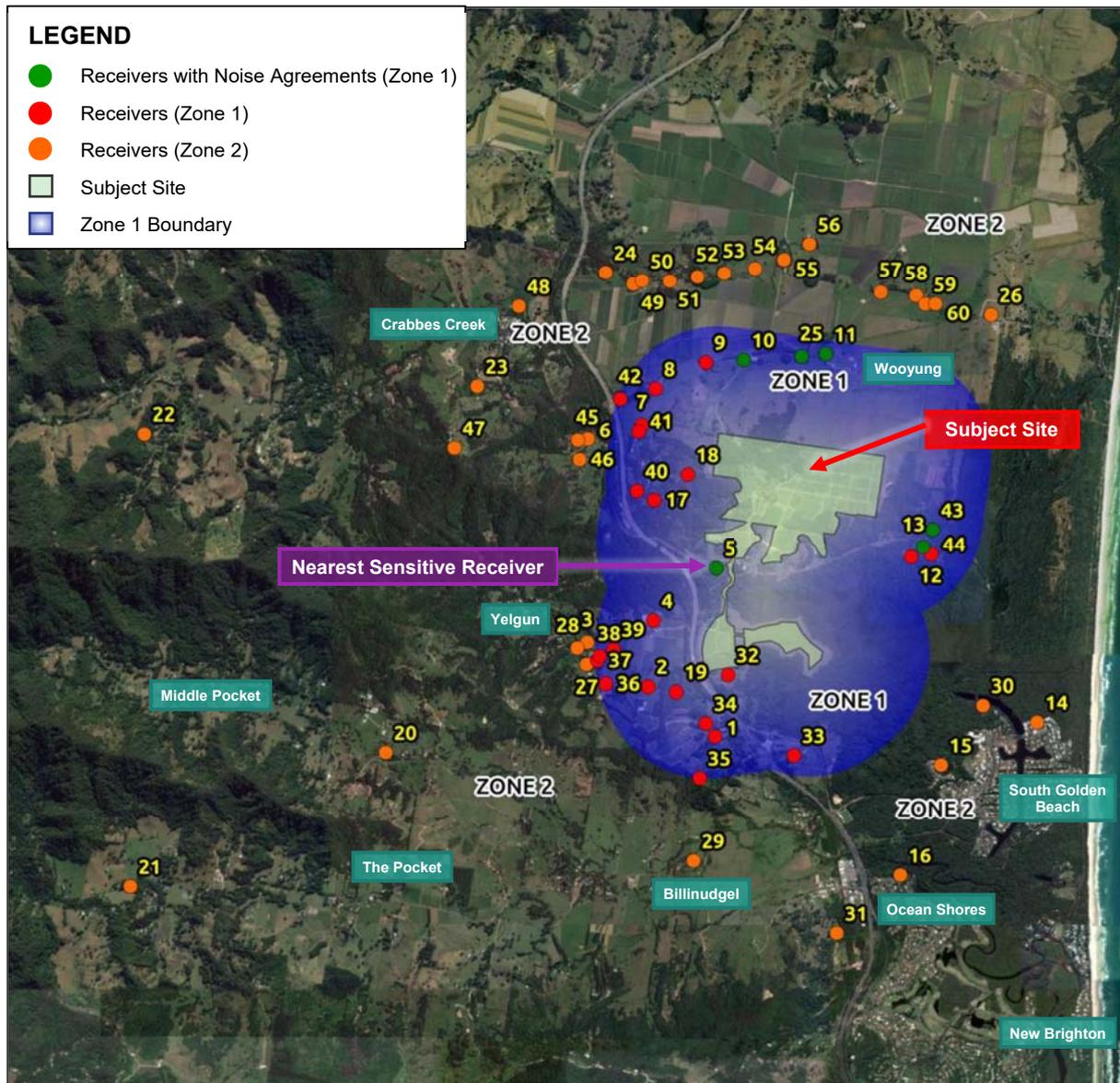


Figure 17 | Site Location and Noise Sensitive Receptors

The Applicant has established two noise zones – Zone 1 comprises areas within 1 km of the site, and Zone 2 includes all other areas beyond Zone 1. This ensures suitable noise limits are in place across the community.

A Noise Impact Assessment (NIA) was prepared by Air Noise Environment, which considered a ‘worst-case’ model of noise emissions from the site. The assessment considered noise emissions generated during the operation of an outdoor event and during construction and operation of permanent on-site infrastructure. Where the assessment relates to fixed industrial noise sources (such as the conference centre), the assessment was undertaken in accordance with the *NSW Industrial Policy* (INP). A different approach was adopted to assess the noise impacts of outdoor events, which is discussed in further detail below.

6.4.1 Event Noise Management During the Trial Events

During the trial period, amplified noise from the site was a key concern raised by the community and regulatory stakeholders and formed the focus of compliance audits and additional monitoring undertaken by the Department. Key concerns from residents throughout this period related to the audibility of music and bass (low frequency) sounds during each event.

At the time of the original approval, the Commission recommended the noise limits be based on background levels (background plus 5 dB). This approach was seen to be appropriate as it considered the rural setting of the site and the impacts of noise upon sensitive receivers, local fauna and festival attendees. The Commission recommended a flexible noise management approach to enable the Applicant, local residents and BSC to negotiate a suitable outcome, noting the use of a single overall noise limit would not be appropriate given the site’s unique use.

The initial trial events had different noise limits across winter and summer (due to the background plus approach) in accordance with the original conditions, which resulted in the community being exposed to different levels of noise and difficulty for the Applicant to ensure all necessary mitigation and management measures were in place for all events. Furthermore, the noise limits did not address bass noise, which is often considered the most problematic aspect of event noise. Consequently, a high number of complaints from surrounding residents were received during the initial trial events.

To better manage noise during the events and improve amenity in the broader community, the Applicant worked closely with the Department’s noise specialist to develop an acoustic monitoring program and alternative noise objectives. During this process, the Applicant frequently monitored noise from the site and collected acoustic data to refine its noise management regime and develop new noise limits. The Applicant has entered into noise agreements with affected receivers where compliance with the noise levels could not be achieved. The Applicant has indicated these agreements would continue for the proposed development.

The noise limits were subsequently amended under the 2016 modification to the project approval (MP 09_0028 MOD 3) to reflect new noise objectives, being to (see **Table 14**):

- provide noise criteria for the day/evening (11am-midnight) and night-time (midnight - 2am) periods
- provide a zonal arrangement of noise limits for residences further from the site
- regulate C-weighted low frequency sound levels (including bass levels).

Table 14 | Existing Noise Limits During Events

Time	Noise Criteria	
	Inner Zone (Zone 1)	Outer Zone (Zone 2)
11am – midnight	60 dB(A)	55 dB(A)
	70 dB(lin) ¹	65 dB(lin) ¹
Midnight – 2 am	45 dB(A)	45 dB(A)
	60 dB(lin) ¹	55 dB(lin) ¹

¹ C-weighted low frequency noise in the 63 hertz 1/1 octave band

6.4.2 Proposed Operation of Future Events

The main sources of noise during an outdoor event are from the main stages and speakers, rather than from an increase in the number of patrons on-site. The layout of the proposed ongoing outdoor events will be similar to the trial events, apart from the SITG event, which may involve the use of an additional main stage (the ‘Forest’

stage). Currently, four main stages are used at SITG, while Falls Festival comprises the 'Forest' stage and two other main stages. Music from the main stages will cease at midnight, however music from minor stages and bars will continue until 2 am for up to four nights. The longest outdoor event will be the large events occurring for up to five consecutive days.

The Applicant has sought to adopt the existing noise limits for the development and subsequently based its NIA on these limits. The Department has considered the Applicant's assessment of the development's potential noise impacts against these noise limits.

The Applicant proposes to continue implementing adaptive acoustic measures (design measures and operational controls) for future events including, but not limited to:

- an acoustic monitoring program and noise management plan
- directing speakers and event stages away from sensitive receivers
- re-orientation of stages based on noise results and feedback received during events
- use of innovative technologies including optimised sub-arrays and delay towers (speaker systems which direct sound into the site)
- establishment of a Noise Control Coordination Centre to instantaneously and constantly monitor sound at all main stages to proactively manage noise levels
- closer interaction between event managers and personnel responding to noise complaints via the Community Hotline
- noise agreements with the most affected receivers.

6.4.2.1 Modelled Impacts

The NIA based the noise model on the SITG event, as it involves more stages, higher patron numbers and is held during the winter months when worst-case meteorology and lower background levels are most likely to occur (i.e. it represents the worst-case scenario). The NIA modelled several scenarios over two periods (i.e. 11 am to midnight and midnight to 2 am) and incorporated the existing physical mitigation measures used at previous events (as discussed above). These scenarios include:

- an existing SITG layout/operations (base case)
- a future large event with all stages operating simultaneously (no additional mitigation)
- a future large event with all stages operating simultaneously (additional mitigation).

Under a 'worst-case' meteorological scenario (all stages operating simultaneously and existing mitigation measures in place), the modelling predicted the events would comply with the noise limits in **Table 14** between 11 am and midnight at most receivers. However, exceedances were predicted for L_{Aeq} noise at 4 receivers in Zone 1 and C-weighted low frequency noise at up to 11 receivers mostly located mostly to the north and north-west of the site in Wooyung and Crabbes Creek (see **Table 15**).

Although music from the main stages would cease after midnight, noise would continue to be generated from bars, dance floors and minor venues between midnight and 2 am. The modelling predicted exceedances of the dB(A) criteria at 14 receivers by up to 11 dB and exceedances of the low frequency criteria at 39 receivers by up to 7 dB_{lin}. Receivers located north of the site in Crabbes Creek and Wooyung are again predicted to experience greater noise impacts from the site (see **Figure 17**). The NIA concluded that after midnight, a reduction in operating volumes of the minor stages would be required to achieve compliance.

Table 15 | Predicted total noise and low frequency noise levels for a SITG event

	11 am to midnight		Midnight to 2 am	
	Zone 1	Zone 2	Zone 1	Zone 2
Total Noise				
Criteria (dB(A))	60	55	45	45
Range of Predicted Noise Levels	51 to 65	34 to 55	40 to 56	25 to 45
Exceedance above the criteria (dB(A))	+5	-	+11	-
Number of receivers affected	4	-	14	-
Low Frequency Noise				
Criteria (dB _{Oct-63Hz})	70	65	60	55
Range of Predicted Noise Levels	64 to 73	54 to 68	57 to 66	48 to 62
Exceedance above the criteria (dB(A))	+3	+3	+6	+7
Number of receivers affected	5	11	15	24

Given the potential increase in noise levels and the predicted exceedances of the noise criteria at several receiver locations, the Applicant investigated the feasibility of implementing additional physical acoustic measures and volume management mitigation strategies. These measures include, but are not limited to:

- enclosing the stages
- reorienting specific stages to face away from receivers
- constructing fully enclosed buildings to house some stages
- investigating the installation of tall barriers and earth berms
- implementing front of house source noise controls.

Of the additional measures investigated, the Applicant concluded that implementing additional volume management controls (i.e. front of house noise reductions to each stage) would be the most reasonable and feasible noise control strategy to address any potential non-compliances associated with the proposed future outdoor events.

Further modelling was undertaken with additional volume management controls. The NIA indicated compliance would be achieved at all sensitive receiver locations between 11 am and midnight, with the exception of two receivers on Jones Road (R5 and R43) where exceedances of up to 3 dB over the Zone 1 L_{Aeq} criteria of 60 dB(A) and Zone 1 L_{Oct-63Hz} criteria of 70 dB_{lin} are predicted at these locations. Between midnight and 2 am, an exceedance of 8 dB above the Zone 1 L_{Aeq} criteria of 45 dB(A) and a 3 dB exceedance of the Zone 1 L_{Oct-63Hz} criteria of 60 dB_{lin} are predicted at R5. The Applicant has noise agreements in place with receivers R5 and R43, which would continue for future outdoor events should development consent be granted.

To manage the predicted noise impacts, the Applicant advised it would adjust the operating volumes for minor stages (in addition to current active noise management measures currently in place) to achieve compliance for the majority of receivers.

Noise impacts associated with outdoor events were raised in the majority of objecting submissions, including those received from BSC, TSC, six special interest groups, and approximately 46% of objecting submissions received from the public. The main issues raised relate to proposed event noise (audibility and bass levels), event noise compliance for previous events, and the application of the INP.

The Applicant's RTS responded to concerns around previous event compliance and proposed event noise, noting it has developed and will continue to have in place adaptive noise management strategies for continuous improvement. This includes real-time acoustic monitoring to actively manage noise at the source (i.e. from stages) and at receivers and use of state of the art sound production equipment to reduce noise impacts on the community while maintaining a positive festival experience for patrons. While several public submissions raised concern regarding the noise criteria and the application of the INP, the Applicant reiterated in its response that the original noise criteria, which was set under the INP, is not suitable for short-term noise emissions. This is primarily due to the fluctuations in background noise experienced between the summer and winter seasons. The Department agreed to this approach when revising the noise criteria as part of MOD 3 to the project approval.

6.4.2.2 Department's Consideration

The Department has considered the issues raised in the submissions and has reviewed the findings in the NIA and the RTS, in the context of both the trial period and the Applicant's proposed noise management and mitigation measures.

The modelling indicates that under a worst-case scenario, the overall impacts of the proposed development would be short-term and would meet the noise criteria for most receivers residing in Zones 1 and 2, provided the Applicant's existing and proposed noise management and mitigation measures are implemented. Despite the additional mitigation measures proposed, the modelling also predicts minor exceedances of the noise limits at R5 and R43. However, the Applicant already has noise agreements in place with these receivers and is still negotiating agreements with other affected receivers. The Applicant has also committed to making further improvements to the existing noise environment by orientating the stages away from the nearest affected receivers, volume control at the front of stage and monitoring the meteorological conditions.

Several non-compliances and noise complaints were received during the initial trial events held at the site (i.e. SITG 2013 and SITG 2014, see **Figure 18**). Throughout the trial period, the Applicant has taken steps to actively manage noise at the site and refine its noise management regime, including further refinement of the noise limits applicable to the site. The Department's noise specialist has also undertaken regular noise monitoring and review of noise data from the events and worked with the Applicant to devise and implement noise objectives for the events. The Department's noise specialist has prepared a conference paper detailing the outcomes of the noise objectives following implementation.

In 2016, the number of noise complaints received during trial SITG events significantly reduced following the introduction of noise objectives including the low frequency noise criteria to manage bass levels (see **Figure 18**).

Despite the significant reduction in noise complaints during recent events, several public submissions still raised concerns about the audibility of events in surrounding areas. The amended noise criteria seeks to achieve a balance between what is reasonable and feasible to ensure a satisfactory patron experience, while maintaining an acceptable level of amenity for the community. Although the development will still be audible to the surrounding areas, the noise criteria would ensure levels can be managed to acceptable limits. In its assessment of MP 09_0029 MOD 3, the Department set specific noise limits which are consistent across all events at the site as they would:

- enable the Applicant to better manage noise all year round by establishing permanent controls that ensure the levels can be achieved
- set the expectation amongst the community for each event

- provide clear limits the Department can measure and enforce, as necessary.

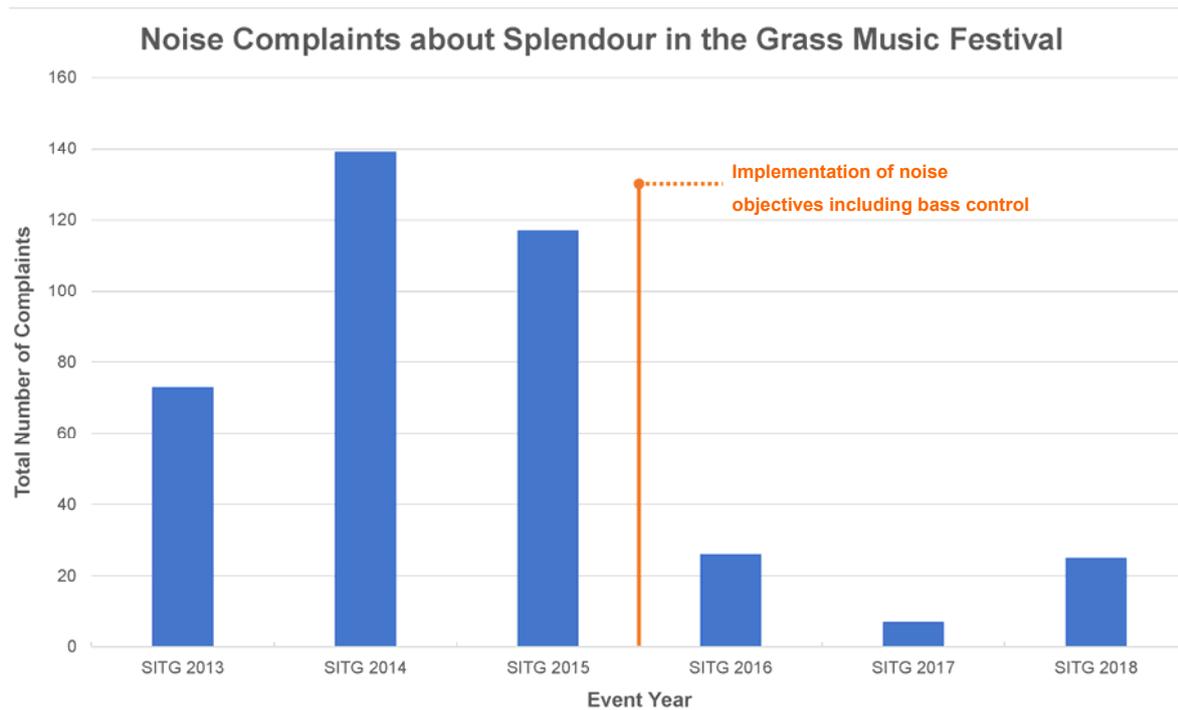


Figure 18 | Summary of Noise Complaints 2013–2018

The Department has evaluated the performance of the trial events and notes the Applicant has continuously improved and refined its noise management regime throughout the trial period. The amended noise limits remain appropriate and should continue to apply to any future events at the site. Compliance with the noise limits would also need to be demonstrated in the PER as part of any staged increase in the large event. The Department has recommended the amended noise limits be included in the recommended conditions of consent.

The Department is satisfied noise from future events would continue to be effectively managed via the noise criteria, the Applicant’s existing noise management regime and the additional controls proposed in the NIA. The Applicant is also negotiating permanent noise agreements with the nearest affected sensitive receivers where the noise criteria cannot be met. The Department has recommended a condition requiring the Applicant to prepare and implement a noise management plan and monitoring program for large and medium outdoor events, which incorporates the Applicant’s existing noise management regime and the recommendations in the NIA. The Department’s assessment concludes noise from the site can be adequately managed by the Applicant, subject to conditions.

6.4.3 Conference Centre

The proposed conference centre would operate throughout the year, with the main sources of noise coming from amplified entertainment or announcements, vehicle movements, and mechanical plant and equipment. The nearest sensitive receiver is located 450 m from the conference centre and is mostly shielded by the topography of the site.

The Applicant’s NIA modelled the conference centre’s potential noise sources against the minimum night-time criteria of 35 dB_{LAeq} under the INP, as well as the applicable sleep disturbance criterion of 45 dB L_{Amax}. The Applicant also undertook an assessment against the specific liquor licence noise requirements outlined in the *Gaming and Liquor Administration Act 2007*. The assessment adopted a liquor licence criterion of 35 dB for each octave band level for the period between 7 am to midnight, and 25 dB for each octave band level for the period

between midnight to 7 am (whereby noise from the conference centre should not be audible at surrounding sensitive receivers).

The assessment found noise from the proposed conference centre would comply with the INP night-time criteria and sleep disturbance criteria at all sensitive receivers for all periods. With regard to the liquor licence criteria, the assessment found that compliance with the criteria of 35dB in each octave level is predicted for the period between 7 am to midnight. For the period between midnight and 7 am, the assessment predicted the criteria of 25 dB would be exceeded at several receivers including the nearest property (R18) located west of the proposed conference centre. The Applicant applied additional mitigation measures such as window glazing and ensuring window and doors are shut during live entertainment and found noise levels from the facility are predicted to comply with the 25 dB_{oct} criteria for each octave band level at the nearest affected sensitive receiver (ranging from 3 to 24 dB_{oct}). The Applicant has committed to implementing these additional mitigation measures.

No comments were raised in submissions from the general public or government agencies regarding noise from the conference centre.

The Department considers noise from the conference centre can be adequately managed via the Applicant's management and mitigation measures. In particular, the Applicant would be capable of achieving the liquor licence requirements for inaudibility for the period between midnight and 7 am, subject to the proposed noise attenuation measures being implemented. Consequently, the Department's assessment concludes noise from the conference centre would have minimal impacts on surrounding receivers and can be adequately managed by the Applicant, subject to conditions.

6.4.4 Conclusion

The Department concludes the trial period has enabled the Applicant to test, adapt and refine its noise management regime which has led to an overall improvement in noise during recent events held at the site. The predicted noise impacts associated with the ongoing use of the site for outdoor events would be short-term and limited to a few days a year. Although there may be exceedances during operation of the main stages and after midnight, this can be adequately mitigated by the Applicant's use of front of house volume controls and other adaptive noise management measures. The Applicant has also entered into noise agreements with the most affected receivers. The Department has recommended conditions that formalise the amended noise conditions in the consent and requirements for the Applicant to prepare and implement a noise management plan and monitoring program. The Department has also recommended compliance with the noise limits be included as a KPI and reported in the PER, prior to any staged increase in large events.

Potential noise emissions from the conference centre are expected to have minimal impacts on the nearest receivers and can be adequately managed by the Applicant through additional noise attenuation. The Department's assessment concludes the potential noise impacts of the proposed development are acceptable and can be adequately managed by the Applicant.

6.5 Wastewater and Potable Water Infrastructure

The proposed development includes the installation of permanent wastewater treatment and potable water infrastructure, to accommodate the increase in patrons for the large events and the operation of the conference centre and ancillary accommodation. This involves the expansion of the Applicant's existing on-site sewage management system and upgrades to the existing rainwater harvesting and supply system.

6.5.1 Wastewater Management

The proposed development will increase wastewater volumes generated on-site, which has the potential to impact on soil, surface water and groundwater quality. A detailed Wastewater Assessment (WA) was prepared by Whitehead and Associates, which assessed the potential impacts associated with the proposed wastewater treatment system and on-site irrigation.

The Department's assessment of the suitability of the proposed wastewater treatment system considered environmental and human health aspects associated with irrigating treated wastewater on the site.

6.5.1.1 Existing On-Site Sewage Management System

Under the concept and project approval, the Applicant is required to construct and operate a permanent on-site sewage treatment plant. During initial events, the Applicant relied on temporary or transportable toilet and shower facilities, with wastewater collected and transported off the site by appropriately licensed vehicles to a licensed facility for treatment and disposal. In 2014, the Applicant obtained approval from BSC to install an alternative on-site sewage management system, which included the use of batch composting toilets and partial greywater treatment and disposal on-site.

Approximately 1,230 kilolitres (kL) of liquid wastewater is currently generated during a large event, with at least two thirds of this wastewater collected, treated and disposed on-site. This includes shower greywater, urinal water and compost leachate. The remaining wastewater volumes, comprising waste from portable toilets, kitchen sullage and laundry water are trucked off-site and disposed at either the Byron or Ballina sewage treatment plants (STP). This procedure is consistent with what is normally done at other outdoor arts and music festival venues.

Wastewater to be treated and disposed on-site is collected in four 230 kL storage tanks in the north-western area of the site and is connected to an intermittently dosed bottomless sand filter bed within a designated Effluent Management Area (EMA) (see **Figure 19**). Biosolids from composting toilets generated during events is collected in wheelie bins and composted on-site for at least four months, following which the contents are buried in a designated compost burial zone in the north-western corner of the site approximately 250 m east of the existing EMA. Around 400 composting bins are used on-site for the SITG and Falls Festival events.

During the trial period, no issues were raised by the relevant public authorities (including BSC) regarding the performance or operation of the existing on-site sewage management system. BSC note, however, the strength of the wastewater trucked off-site during events has at times exceeded the EPL limit for the Byron STP.

The Applicant is now proposing to upgrade and expand the existing on-site sewage management system to facilitate the treatment and on-site disposal of all wastewater generated by the development.

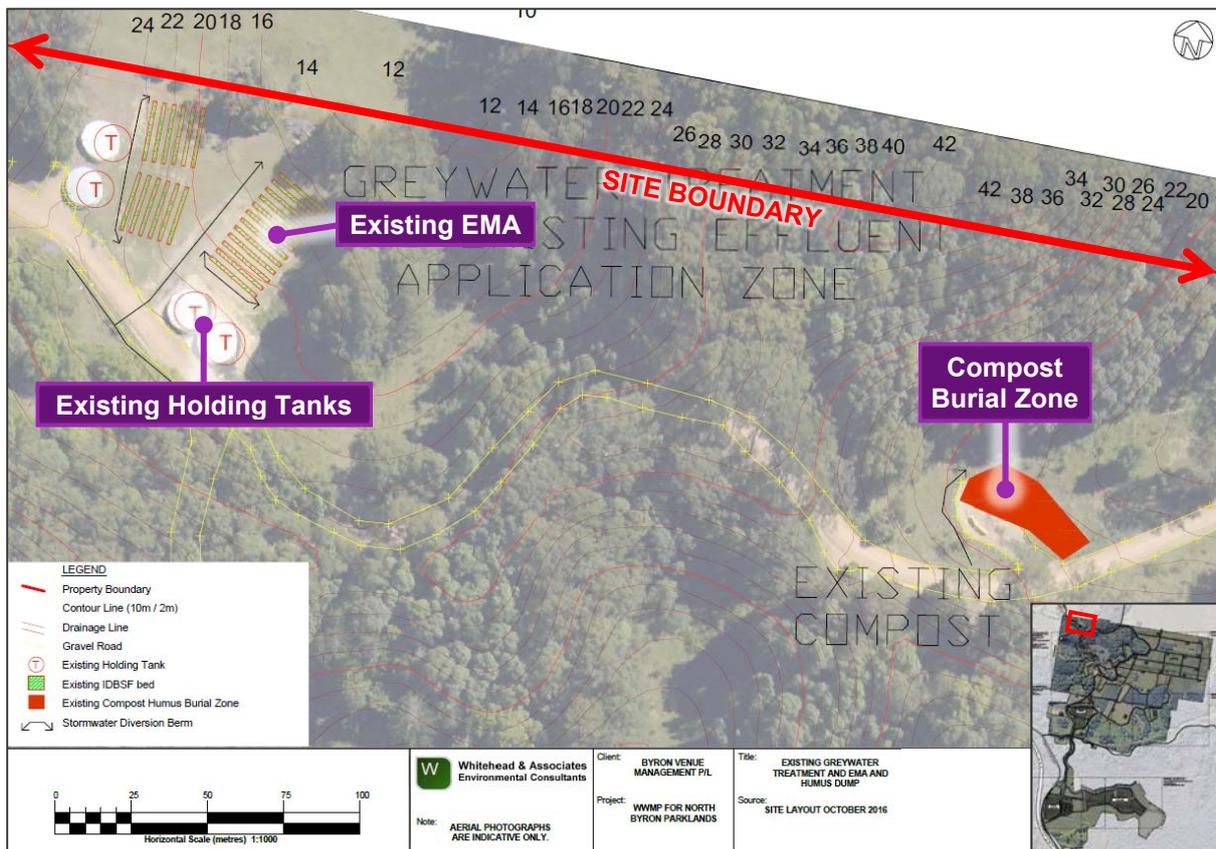


Figure 19 | Existing On-site Sewage Treatment System

6.5.1.2 Proposed Wastewater Treatment System

The WA estimated the proposed development would generate around 9,235 kL of wastewater per year. This includes a peak daily wastewater generation of 540 kL/day for large events. Following consideration of a number of on-site treatment options, the Applicant proposes to install a permanent on-site wastewater treatment system involving the following components (see **Figure 20**):

- wastewater treatment – storage of wastewater in holding tanks and septic tanks for primary settling and anaerobic digestion, before undergoing secondary level treatment using a horizontal reed bed system for nutrient removal by biological processes and further polishing. A bioreactor containing wood chips would also be used to further remove nutrients from the wastewater
- disinfection – disinfection of secondary treated effluent from reed beds using chlorine
- effluent disposal – application of treated effluent on-site in two EMAs by surface spray or drip irrigation with reserve wet weather storage tanks and standby infiltration sand beds
- compost solids – on-site burial and reuse of compost solids for tree planting and revegetation on-site.

The proposed system would be located adjacent to the existing wastewater treatment system in the north-west corner of the site. The sand filter beds would be retained as a back-up option.

The Applicant also proposes to replace all portable toilets used in the event area and car parking area with permanent amenities blocks containing composting toilets. Composting toilets would also be installed in the proposed conference centre and accommodation. A reticulation system would be installed on-site to pump wastewater generated in the amenities blocks and conference centre to the wastewater treatment and disposal system. Kitchen waste generated during medium and large outdoor events would continue to be removed and treated off-site by licensed contractors.

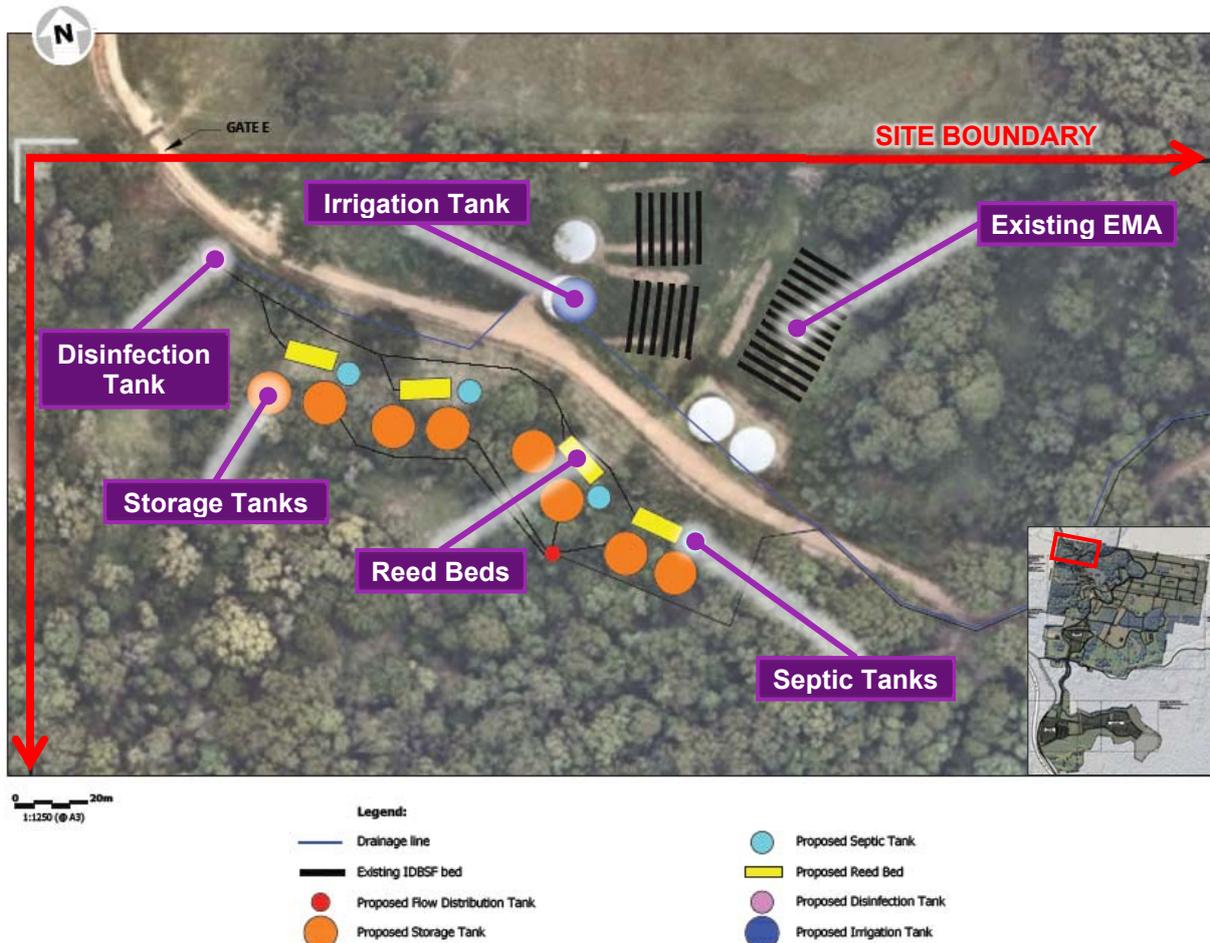


Figure 20 | Proposed Wastewater Treatment System

The primary treatment and reed bed systems would treat up to 35 kL of effluent a day. Effluent is proposed to be irrigated in two areas on-site covering 36,000 m², including the existing EMA in the north-western corner of the site (see **Figure 19**), and a new EMA located in the north-eastern area of the site (see **Figure 21**). The north-eastern area is used for camping during outdoor events, however, irrigation would only occur after events and would cease a few weeks before an event. The WA also indicated the Applicant has approximately 26 ha of available land within the site which could be suitable for wastewater irrigation.

During the exhibition period, BSC raised concerns about the proposed wastewater volumes, the use of flood-prone land for effluent disposal, and the off-site disposal of effluent (including kitchen waste). Several public submissions also raised similar concerns about the potential impacts of on-site irrigation. Given the technical nature of this issue, the Department commissioned GHD to conduct an independent review of the WA and provide an assessment of the suitability of the proposed wastewater treatment option. GHD’s independent review of the WA is provided in **Appendix C** of this report. GHD raised concerns with the proposed system’s ability to achieve and maintain the effluent quality concentrations required for on-site irrigation.

In addition, GHD was concerned the proposed system may not be capable of achieving the reduced nitrogen levels proposed by the Applicant. Areas of the site are constrained by the presence of shallow groundwater levels (from around 0.6 m below ground level) and poor soil conditions such as waterlogged soils. GHD noted the treated effluent could increase the load of nutrients to the land and discharge to the underlying shallow groundwater or into existing surface water drainage channels.

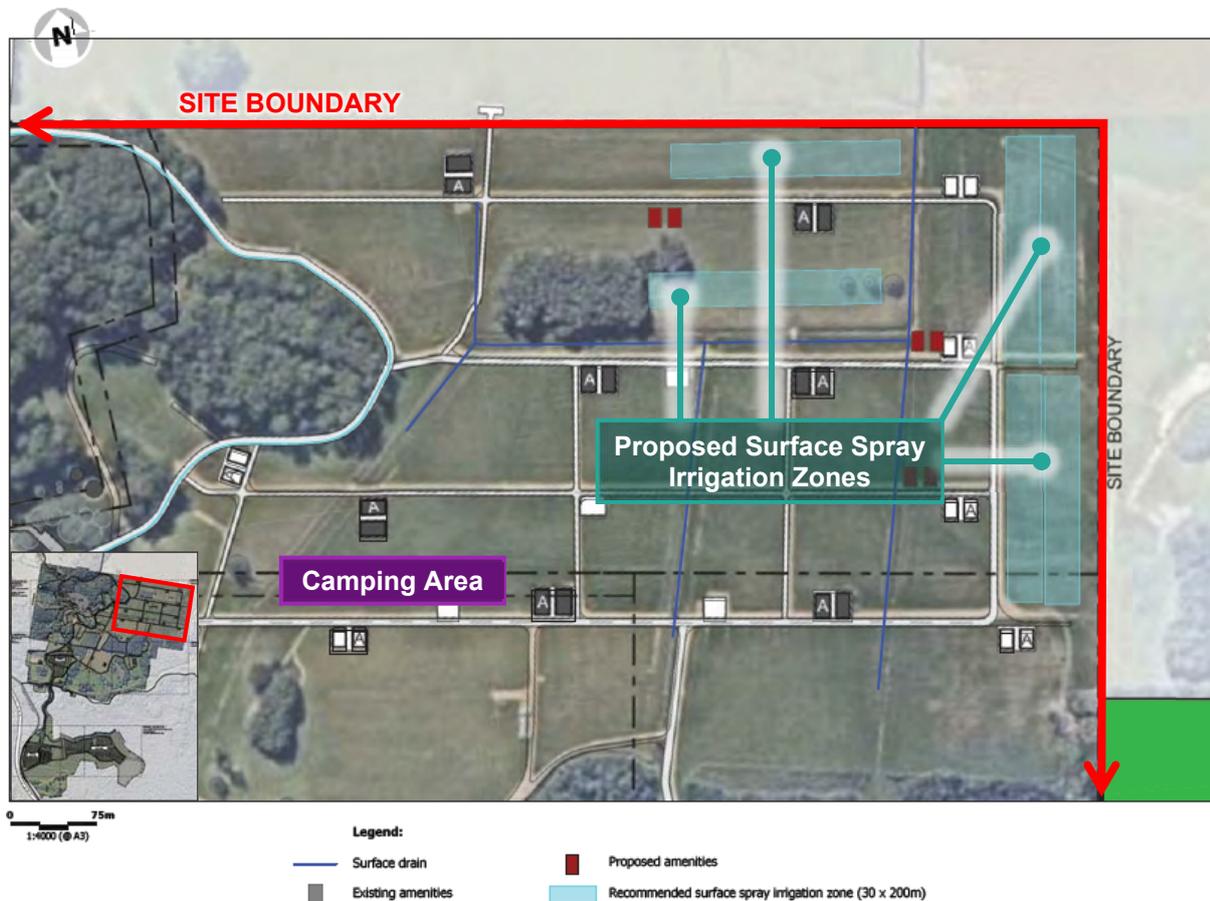


Figure 21 | Proposed location of the North-Eastern Effluent Management Area

The Applicant’s RTS and supplementary information included detailed responses to the issues raised by BSC and GHD. The RTS provided a revised wastewater treatment design capable of achieving a ‘low strength’ effluent quality, consistent with the EPA’s *Use of Effluent by Irrigation Guidelines*. The Applicant also engaged a further wastewater expert WetSystems, who provided a separate independent technical review of the proposed treatment design. WetSystems recommended additional design measures to increase the treatment efficiency of the system, including:

- increasing the surface area of the horizontal reed bed system from 467 m² to 2,100 m², to ensure the proposed effluent quality concentrations can be met
- aeration of the storage tanks to remove ammonia and installing a denitrifying bioreactor with wood-chip substrate to further remove nitrate from the treated effluent.

The Applicant has incorporated WetSystems’ design recommendations in its proposed system but noted further refinements can be made to the system during detailed design if necessary, such as installing a vertical reed bed system instead of a horizontal reed bed system. A vertical reed bed system can be more efficient in reducing biochemical oxygen demand (BOD) and total suspended solids (TSS).

The Applicant also proposes to design the system to meet stringent effluent quality performance criteria, recommended by GHD to minimise environmental impacts during irrigation. The criteria are as follows:

- BOD <20 milligrams per litre (mg/L)
- TSS <30 mg/L
- Total Nitrogen <50 mg/L
- Faecal coliform <30 colony forming units per 100 milliliters (cfu/100ml).

To ensure the proposed system is operating effectively on an ongoing basis, the Applicant outlined it would:

- undertake further modelling to confirm the minimum area required for treated effluent irrigation
- undertake regular monitoring and reporting on compliance of the system with effluent quality targets
- prepare an Irrigation Management Plan (IMP) and Compost Management Plan (CMP) for the proposed system
- monitor weather and suspend effluent irrigation during wet weather conditions. The Applicant would also ensure it has enough wet weather storage capacity.

The Applicant is also required to obtain an approval from BSC to install and operate the wastewater treatment system under s68 of the *Local Government Act 1993*. The detailed design of this system would be finalised prior to the issue of a s68 approval.

As a final contingency, the Applicant confirmed it can dispose of effluent off-site to a licensed treatment facility. This option would only be used in the event the proposed system is unable to meet the proposed effluent quality targets, or if the costs of implementing such a system are found to be commercially prohibitive. Kitchen sullage will continue to be disposed off-site. As discussed, off-site disposal is commonly used by other outdoor arts and music festival venues around the country.

GHD concluded the revised wastewater treatment system could be suitable for the proposed effluent volumes and the wastewater could be treated to an appropriate standard suitable for irrigation. However, GHD still had concerns about the risks to groundwater and surface water. GHD advised the wastewater treatment system's ability to meet the proposed effluent quality standards cannot be confirmed until the system is operational.

The Department acknowledges the concerns raised by BSC and GHD about the suitability of the proposed treatment system and irrigation scheme. The Applicant has worked closely with GHD and BSC to refine its wastewater treatment design and it has also incorporated additional design elements recommended by WetSystems. Although the modelling indicates the proposed system could be capable of treating wastewater on-site, validation and ongoing monitoring of the treatment system would be required prior to commencement of on-site irrigation. The Department, together with GHD, has developed a suite of conditions to ensure minimal impacts to the surrounding environment and human health. These conditions require the Applicant to:

- validate the quality of the final treated wastewater before it can be irrigated
- prepare a Wastewater Management Plan (WMP), which includes details of the wastewater treatment and irrigation system
- ensure the IMP contains contingency measures if triggers are reached, including alternative methods for wastewater disposal if the site is saturated or on-site storage tanks are near capacity
- establish a groundwater and surface water monitoring network prior to any irrigation taking place on-site to establish baseline conditions for comparing future monitoring data
- annual reporting of irrigation volumes and the findings of any soil, water or groundwater monitoring
- ensure compost areas are not established in low lying areas, details of which are to be included in a compost management plan.

GHD also recommended the proposed north-eastern EMA be repositioned to areas of the site where groundwater is more than 1 m below ground level. The Applicant has agreed to undertake additional modelling of the irrigation scheme to determine the appropriate size and location of the irrigation area as part of the s68 approval process. The Department has incorporated this requirement as a recommended condition.

BSC did not raise any further issues.

Given the potential risks to groundwater and surface water, prior to any staged increase of the large outdoor events, the Applicant must demonstrate it has an adequate wastewater management option in place. The

Department has recommended the effluent quality performance criteria and any ongoing monitoring results for groundwater, surface water and soil moisture be included as a KPI for the staged 5,000-increment increase of the large outdoor events. The monitoring results and demonstration of compliance with the effluent quality performance criteria are to be detailed in the PER and would be considered by the Planning Secretary, in consultation with key agencies, prior to approving any request to increase the size of the large events. A condition to this effect has been included in the recommended consent.

The Department supports the Applicant's commitment to design a wastewater treatment system capable of meeting the proposed effluent quality performance criteria, which would be supported and validated by an ongoing monitoring and reporting program embedded in the WMP. Further refinement and review of the system and the relevant monitoring requirements would be undertaken by BSC through the s68 approval process.

The Department is satisfied there would be adequate contingencies in place to ensure the environmental risks associated with the proposed wastewater treatment and irrigation are minimal. This includes implementing further design changes and the disposal of wastewater off-site as a final option, should the system fail to meet the effluent quality performance criteria. In addition, the Applicant owns a further 26 ha of land on-site which could be suitable for wastewater irrigation.

The Department is satisfied the conditions for validating the performance of the wastewater treatment system, ongoing requirements for effluent quality and groundwater monitoring and regular maintenance of the proposed system will ensure adequate protection of the environment and human health. The Department's assessment concludes that, subject to conditions, the proposed wastewater system would be capable of treating wastewater on-site, while ongoing requirements for monitoring and reporting during the progressive expansion of the large outdoor events will ensure the Department and BSC can effectively monitor the performance of the proposed system.

6.5.2 Potable Water Supply

The proposed development involves the expansion and upgrade of existing potable water supply infrastructure, including a rainwater harvesting and supply system. The system would comprise the collection, storage and treatment of rainwater in a water reservoir, and the distribution of treated water via a network of underground water supply pipes.

Existing outdoor events currently rely on a combination of rainwater treated on-site, and town water brought to site via tankers. The Applicant proposes to minimise its reliance on the town water supply by sourcing all its water from rainwater collected from roofs.

The Applicant's assessment indicated the water demand of the proposed development could be entirely satisfied via rainwater collection, given a potential yield of between 15.7 mega litres (ML) and 18.1 ML would be collected in a median rainfall year. A 4.3 ML reservoir would be adequate to supply the site's water demand in a median rainfall year.

The Applicant has committed to ensuring all collected rainwater is treated to applicable drinking water standards, and monitored in accordance with a drinking water quality assurance program to be detailed in its Potable Water Management Plan.

BSC noted the Applicant will need to prepare a comprehensive Quality Assurance Program (QAP) to demonstrate compliance with the *Australian Drinking Water Guidelines*, *Public Health Act 2010* and *Public Health Regulation 2012*. BSC recommended the QAP be referred to NSW Health for their concurrence. The Applicant accepted BSC's recommendation, noting a QAP has been prepared for previous events in consultation with NSW Health and would form part of its Potable Water Management Plan. BSC raised no further issues regarding the proposed potable water supply system.

The Department considers the proposed water supply infrastructure would suitably meet the water requirements of the proposed development. The Department has recommended a new condition requiring the Applicant to prepare a Potable Water Management Plan, which would include details of the QAP. The Department's assessment concludes the potable water supply for the proposed development would be adequately managed by the Applicant, subject to the recommended conditions of consent.

6.5.3 Conclusion

The Department concludes the Applicant's proposed wastewater treatment system would be capable of meeting the proposed effluent quality performance criteria but ongoing monitoring and reporting of the proposed system would be required to ensure the proposal's risks to the surrounding environment are minimised. The Department has subsequently recommended conditions that formalise the effluent quality irrigation targets, require the Applicant to prepare a WMP, IMP, groundwater and surface water monitoring. The Department has also tied in the performance of the proposed wastewater treatment system with the staged increase of the large outdoor events, which will be detailed in a PER. The PER would allow for a detailed check and review process to ensure the wastewater treatment system is effective and does not adversely impact on the surrounding environment.

The Department considers the proposed upgrades to, and expansion of, the potable water system would enable the Applicant to utilise on-site water resources to satisfy the development's water demand. The Department has subsequently recommended the Applicant prepare and implement a Potable Water Management Plan for the development, which would include a QAP. The Department's assessment concludes the potential impacts of the wastewater and potable water treatment systems are acceptable and can be adequately managed by the Applicant, subject to conditions.

6.6 Social

The ongoing and permanent use of the site for outdoor events has the potential to result in positive and negative social impacts upon the local community and the broader community in NSW. Throughout the trial period, the Applicant has gathered information and feedback from the local community about the benefits and negative impacts of the trial events on the surrounding towns and villages. This information formed the basis of the Social Impact Assessment (SIA), which was prepared by Sarah George Consulting.

The SIA identified the key issues raised by the local community relate to amenity impacts generated by the outdoor events, including noise, anti-social behaviour, safety and interruptions to lifestyles. The SIA noted these impacts were often short-term and have been effectively addressed through existing management and mitigation measures during the trial events. The SIA also indicated the social benefits generated by the proposal include employment creation, increased income through tourism to the area, and the positive cultural benefits provided to patrons attending the events.

Approximately 39% of objecting submissions raised concerns about the potential impacts of the development on the amenity and local character of the surrounding villages, including Brunswick Heads, South Golden Beach, Ocean Shores, Yelgun, and Billinudgel. Historically, the impacts of the trial events on local amenity has been identified as a key issue for the local community, and considered during the assessment of previous modifications to the concept and project approvals. Objecting submissions were also concerned about the potential impacts of a 50,000 patron event upon an individual's way of life, access to and use of infrastructure and services, and public safety.

Over 7,000 submissions expressed support for the proposed development because of the local employment opportunities generated by the trial events and the Applicant's support for cultural arts in the region.

The Department's Social Impact Assessment team reviewed the information provided by the Applicant and submitters to determine the potential for social impacts as a result of the proposed development. The Department

also held two public information sessions to listen to the views of the local community on the proposal and to understand the issues raised in submissions.

At these sessions, local residents expressed concern about disruptions to transport, internet access and telecommunications issues, illegal camping, and patron and community safety. Community members were also concerned the region's small ratepayer base cannot support the infrastructure needed for a 50,000 patron event. The Department requested additional information from the Applicant to understand the significance of the identified social impacts at the local scale, particularly within and between the different localities affected by the proposed development.

The Applicant undertook additional community workshops at surrounding towns and villages, providing local residents with an opportunity to articulate the unique value and characteristics of their locality and the positive and negative experiences associated with the continued operation of outdoor events at the site. The Applicant's RTS identified a number of adverse social impacts that could continue to be experienced by local residents during outdoor events including, but not limited to:

- mobility impacts for surrounding residents in Brunswick Heads, Yelgun, Billinudgel due to increased traffic in the area during events
- disruptions or strain on public amenities and services at Brunswick Heads as a result of patrons visiting the town during events, particularly during Falls Festival when the town is already busy due to the holiday crowd
- litter across a number of localities including Wooyung, Yelgun and South Golden Beach
- illegal camping and anti-social behaviour
- limited access to housing in surrounding areas.

While adverse social impacts would be experienced at different degrees across the localities, local residents living in South Golden Beach and Brunswick Heads expressed the highest level of general concern for potential adverse social impacts in their community.

The Applicant indicated it would continue to implement existing measures for the proposed development to manage litter, anti-social behaviour, traffic and access issues. These measures include maintaining a litter response team for all medium and large events, implementing a community engagement plan, engaging a community advocate and community manager prior to and during events, and maintaining a community hotline for managing and responding to complaints. In addition to these measures, the Applicant has also committed to:

- making a development contribution to BSC under BSC's Developer Contributions Plan
- entering into a planning agreement (PA) with BSC to address a number of amenity impacts with the view to transitioning the agreement across to BSC's proposed Voluntary Visitor Fund when it is established
- entering into service arrangements with BSC for additional resources to monitor and manage any off-site impacts
- expanding public transport routes for patron visitors beyond Brunswick Heads, particularly during the Falls Festival
- the police/ambulance user pays system to ensure the availability of emergency services for the local community (see **Section 6.7** – Public Safety and Crowd Management)
- improving school bus stop arrangements (particularly in Yelgun) to minimise impacts to students and families during events.

The PA would offset the potential social and amenity impacts and requires the Applicant to make a one dollar contribution per festival camping patron, per night for each event (up to a maximum of \$120,000 per year). It is anticipated the funds would be managed in accordance with BSC's draft Voluntary Visitor Fund, which would allocate funds for public infrastructure projects located in the area bounded by the Brunswick River to the south

(including Brunswick Heads) and the northern boundary of the Byron LGA. Examples of public infrastructure projects which would be funded under the PA include parks, toilets and tourist related facilities. BSC in principle, has indicated its support for a PA with the Applicant until it is able to establish the Voluntary Visitor Fund within the surrounding region. Final details of the PA will be subject to further discussion with the broader Council.

The Department supports the Applicant's additional measures, including the proposed PA, as they will assist in alleviating pressure on existing amenities and infrastructure in surrounding localities, including Brunswick Heads, South Golden Beach and Ocean Shores. The Department has recommended the Applicant's additional commitments, including the PA, be included as conditions of consent.

The Applicant would continue to be one of the biggest employers providing local employment opportunities at its events for surrounding towns and villages. Noting the short-term nature of these opportunities, the operation of the conference centre would also provide additional social benefits by providing ongoing local employment opportunities in the region and attracting a variety of cultural events to the site.

6.6.1 Department's Consideration

The Department notes the concerns raised in public submissions about the staged incremental increase of the proposed 50,000 patron event and the benefit to surrounding localities. Increasing the size of the events would largely benefit patrons and service suppliers, however the changes in social impacts associated with the increase in the size of the large event is still a concern in the community. While the Department acknowledges the events would only occur for a few days a year, the potential social impacts require further monitoring and periodic review. As such, the Department has recommended the following conditions:

- monitoring of social impacts to evaluate the effectiveness of the Applicant's social mitigation measures, particularly in relation to mobility impacts, effects on public amenities and effectiveness of community engagement processes
- staged incremental increase of the large event be carried out in 5,000 increments with social impact monitoring results reported in the PER (discussed further in **Section 6.1** – Event Staging and monitoring).

Throughout the trial period, the Applicant has continued to improve its management responses to amenity impacts and quickly responding to and addressing community complaints as they have arisen. Although the events are short-term in nature and only occur a few times a year, the Applicant has committed to continue engaging with key community stakeholders and the Regulatory Working Group throughout the year to keep them informed about the proposed development. The Department supports this commitment and has included a condition requiring the Applicant to prepare and implement a Community Consultation Plan which would include details of community notification and a complaints protocol.

6.6.2 Conclusion

The Department's assessment concludes the ongoing and permanent use of the site for outdoor events will overall make a positive contribution to the surrounding region. While there is potential for adverse impacts, such impacts would be temporary in nature during events, and can be mitigated through the implementation of the proposed PA with BSC, Community Consultation Plan and the Applicant's existing and proposed measures to alleviate amenity impacts. The Department has also recommended conditions requiring the Applicant to undertake social monitoring to identify, monitor and refine its social mitigation measures. Any staged increase in the large events would be subject to review of the social monitoring results as part of the PER.

6.7 Other Issues

The Department’s assessment of other issues is provided in **Table 16**.

Table 16 | Assessment of other issues

Consideration	Recommended Conditions
<p>Biodiversity</p> <ul style="list-style-type: none"> • Several ecological features are located close to the site including the Billinudgel Nature Reserve (BNR), a protected (SEPP 14 listed) wetland and Marshalls Ridge wildlife corridor. • Ecological Australia prepared a biodiversity assessment report (BAR) including a review of previous surveys and monitoring dating back to 2007 and additional field surveys. • The BAR noted the development is primarily limited to the cleared areas of the site, with no direct impacts on threatened species, endangered ecological communities (EECs) or critically endangered ecological communities (CEECs). • The conference centre and accommodation would be constructed in cleared areas. A small area (300 m²) would be cleared for widening an access track, including the removal of 35 native trees. A further two native trees would be cleared for the wastewater infrastructure and approximately 14.8 ha of exotic grassland would be cleared for the south-eastern carpark. The BAR concluded these species do not require offsetting under OEH’s <i>Frameworks for Biodiversity Assessment</i>. • The BAR noted the development has the potential to have indirect impacts during events, including trampling, edge effects, noise and lighting impacts on fauna and road kill from increased traffic. • OEH noted some deficiencies in the BAR which were addressed in a revised BAR submitted with the RTS and RTS Addendum. • Of the public submissions objecting to the development, 44% raised ecological impacts as a concern. Submitters questioned the quality of the Applicant’s existing monitoring program and the potential impacts on the BNR. • All six community groups that raised objections, raised concerns about ecological impacts. • The BAR evaluated whether adverse impacts have occurred over the 5 year trial period and concluded the events have caused minor, temporary and reversible impacts on threatened species, populations and communities. These include temporary changes in fauna movements associated with increased light, noise and site usage, with this aspect returning to baseline conditions shortly after the events. • The BAR also noted that targeted surveys for koalas have been carried out since 2007, with the north-western corner of the site and the BNR identified as core koala habitat. The Applicant has updated its existing Koala Plan of Management (KPoM) for the development, including measures to minimise and monitor impacts on koalas, such as human exclusion fencing and maintenance of buffers to the nature reserve. • The BAR concluded the development would have minor or negligible direct and indirect impacts. Noise and lighting would be similar to existing events, vehicle speeds would be restricted, dogs would be prohibited (except for security and assistance dogs) and exclusion fencing would be maintained. A permanent security fence would be constructed between the site and adjacent vegetation, allowing for fauna movement through it. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • delineate clearing areas, conduct pre-clearing surveys and safely relocate native fauna prior to clearing • ensure the permanent security fence is designed to allow fauna movement • provide fauna-friendly, temporary human exclusion fencing during events • update the Koala Plan of Management including a monitoring program in consultation with OEH • update the Flora and Fauna Monitoring and Adaptive Management Plan in consultation with OEH • prepare and implement a strategy for monitoring and managing impacts on the Billinudgel Nature Reserve • detail service agreements with NPWS Rangers within the Event Management Plan, to deter camping/ activities within the BNR.

Consideration	Recommended Conditions
<ul style="list-style-type: none"> The Applicant proposes to continue implementing the existing flora and fauna monitoring and adaptive management plan and KPoM, including on-going habitat restoration works on site and maintenance of minimum buffers to the BNR and the SEPP 14 listed wetland. The Applicant has committed to undertake pre-clearance surveys and design the permanent security fence to allow for fauna movement. Following a review of the revised BAR, OEH advised it was satisfied with the assessment and noted its residual concerns regarding monitoring could be addressed through conditions. OEH requested an update of the KPoM and a strategy for monitoring and managing impacts on the BNR. The Department has considered the biodiversity aspects of the development and concludes there would be minimal impacts on the ecological features surrounding the site. The proposed clearing of native trees is minor and would not impact on threatened species, populations or communities. Although biodiversity was raised as a concern in many public and community group submissions, the Department considers any impacts are minimal and the recommended conditions will ensure any indirect impacts of events on the BNR, SEPP 14 wetland and Marshalls Ridge wildlife corridor are minimised and monitored. The Applicant will continue its habitat restoration works and maintain adequate buffers between the site and the adjacent ecological features. The Department requires the Applicant to consult with OEH in updating the management plans and obtain approval of the plans from the Planning Secretary. 	
Public Safety and Crowd Management	
<ul style="list-style-type: none"> Events with large crowds have the potential to negatively impact on public safety, with risks increasing with larger patron numbers. NSWPF identified several safety and security matters to be addressed prior to any increase beyond 35,000 patrons. These include demand on police and ambulance resources, control and management of drug and alcohol related incidents, risk of crowd crush, emergency vehicle access, evacuation procedures, traffic management and pedestrian safety. The EIS included an assessment of public safety and security, stating that potential incidents or emergencies would be managed by the Applicant's Incident Command and Control System (ICCS), which was developed through extensive consultation with the NSWPF, RFS and NSW Ambulance. The Applicant also operates large and medium events in accordance with an Event Management Plan, which includes Safety, Emergency Evacuation, Medical and Camping Management Plans In its submission on the EIS, the NSWPF raised significant concerns about the availability of police resources to service both the local community at the same time as adequately resourcing the events. NSWPF raised concerns about the safety of intoxicated patrons during an emergency and the potential for a crowd crush event to occur within the amphitheatre. Approximately 30% of public submissions objecting to the development raised patron and community safety as an issue of concern. 	<p>Require the Applicant to prepare and implement:</p> <ul style="list-style-type: none"> an Event Management Plan, in consultation with NSWPF Crowd Management Plans for large and medium events incorporating the mitigation measures in the RTS and CMA an Event Emergency Evacuation Plan. <p>Require the Applicant to:</p> <ul style="list-style-type: none"> implement additional mitigation measures described in the CMA for increased patron numbers implement additional mitigation measures described in the CMA

Consideration	Recommended Conditions
<ul style="list-style-type: none"> • The Applicant’s RTS included a detailed response to the issues raised by NSWPF and included a Crowd Management Assessment (CMA). The CMA assessed the capacity of the amphitheatre and the existing event safety management procedures. • The RTS proposed additional measures to maintain the safety of intoxicated patrons during an emergency, including improvements to video surveillance and the creation of a dedicated team to assist intoxicated and less mobile patrons to evacuate the site. The RTS also noted that drug dog detection operations will be expanded from 2018 to include detections inside the event’s licensed areas as well as at the main entry gates. • The Applicant confirmed its commitment to the user-pays police resourcing system for medium and large events at the site. The Applicant also committed to provide off-site hotel accommodation and a shuttle service for the user-pays police, to ensure there is adequate police resourcing of events. • The Applicant also noted it employs large numbers of private security personnel, with the SITG 2017 event employing 372 personnel to manage patron security. • The CMA assessed the capacity of the amphitheatre at 35,000, 42,500 and 50,000 patrons, and recommended detailed mitigation measures to minimise the potential for a crowd crush event to occur. The measures would be implemented through Crowd Management Plans for each event. • The CMA also recommended additional mitigation measures be implemented before increasing patron numbers from 35,000 to 42,500 and further measures before increasing to 50,000. These included moving the mainstage back to increase the capacity and introducing additional egress pathways. Before increasing from 42,500 to 50,000, the CMA recommended a review of the effectiveness of the crowd management measures in managing an event of 42,500. • The Applicant confirmed the recommended crowd management measures would be included in the Event Management Plan, which would be prepared in consultation with the NSWPF and other relevant public authorities. • Following its review of the Applicant’s RTS, the NSWPF advised it had no further comments in relation to patron safety and crowd management but raised concern regarding the availability of ambulances to service events. • The RTS provided details of the on-site medical centre managed by specialist contractors, Emergency Medics, and noted the Applicant provides a financial contribution for additional NSW Ambulance Service crews to service events. The RTS noted each event has a medical management plan covering different types of medical situations and major incidents. • The Department notes the Applicant has prepared a detailed CMA to address the matters raised by NSWPF and has committed to implementing a range of measures to ensure the safety and security of patrons. This includes a commitment to user-pays police and ambulance services, expanded drug dog detection operations, on site incident management, medical facilities and security personnel. NSWPF was satisfied with this response and raised no further issues. • The Department’s assessment concludes any potential impacts of the proposed development on public safety would be effectively managed through implementation of the mitigation measures outlined in the RTS and CMA. 	<p>prior to increasing to 50,000 patrons, including reporting on the effectiveness of the crowd management measures and obtaining approval from the NSWPF.</p>

Consideration	Recommended Conditions
<ul style="list-style-type: none"> In addition, the Department considers the Applicant's commitment to the user-pays police resourcing system would ensure any future events at the site would not negatively impact upon the availability of police resources for the local community. The Department has recommended conditions requiring the Applicant to develop and implement an Event Management Plan, incorporating the recommendations in the RTS and CMA. The plan is to be prepared in consultation with the relevant public authorities, including the NSWPF. The Department has also incorporated the recommendations of the CMA into the PER to ensure crowd management measures are effective. The Department requires NSWPF to be consulted prior to any staged increase in the large events. 	
<h3>Flooding and Evacuation</h3>	
<ul style="list-style-type: none"> The site straddles two separate catchments, with the area north of Jones Road located in the Crabbes Creek floodplain and the area south of Jones Road located in the Billinudgel Creek and Yelgun Creek floodplain. The EIS included an assessment of the proposed conference centre located in the northern part of the site and a Flood Risk Management Plan 2017 (FRMP) prepared by Molino Stewart. The assessment identified the conference centre and accommodation cabins are located outside the extent of a probable maximum flood (PMF) event. Parts of the northern access road to Wooyung Road would be inundated in the PMF event, as would Wooyung Road itself, meaning evacuation would need to occur via the southern access roads to the Tweed Valley Way. Submissions from BSC and TSC requested further assessment of flooding, including consideration of potential impacts from the proposed expansion of the south-east carpark for a range of flood events, including compliance with the Byron LEP for Development on Flood Liable Land. The Applicant's RTS included additional flood modelling prepared by BMT to assess the proposed expansion of the south-east carpark. The modelling predicted flood impacts for a range of flood events including the 1% annual exceedance probability (AEP), 5% AEP and 20% AEP. The flood modelling concluded the development would have negligible flood level impacts for the range of assessed flood events. The flood modelling identified detailed design measures to be incorporated into the south-east carpark, to ensure adequate dispersal of floodwaters, including a conveyance channel, culverts and lowering of some sections, all within the site boundary. The RTS Addendum also provided modified triggers for cancelling events prior to a flood, as requested by TSC. TSC noted the RTS and RTS Addendum addressed its concerns and BSC raised no further issues. The Department considers the Applicant has adequately addressed the issues raised by BSC and TSC and has demonstrated the development would not adversely impact land off-site in flood events, as required in the Byron LEP for Development on Flood Liable Land. The detailed FRMP includes triggers for action and evacuation procedures for flood events. The Applicant stated these procedures would also be reflected in the Event Management Plans and Camping Management Plan. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> provide evidence to the satisfaction of the Planning Secretary to demonstrate the flood control measures for the south-east carpark have been implemented on completion of the carpark implement the FRMP for all events.

Consideration	Recommended Conditions
<ul style="list-style-type: none"> The Department’s assessment concludes the development would have negligible flood level impacts, provided the design measures for the south-east carpark are implemented. The Department has recommended a condition requiring the Applicant provide evidence to demonstrate these measures have been implemented prior to operation. The Department also recommends the Applicant implement the FRMP for all events. 	
Bushfire Hazards	
<ul style="list-style-type: none"> Parts of the site are mapped as bush fire prone land, including the forested areas to the north and west of the amphitheatre and to the south of Jones Road. The Applicant provided a Bushfire Assessment (BA) and Bushfire Emergency and Evacuation Plan (BEEP) in the EIS. The BA included a bushfire engineering brief for the conference centre and accommodation cabins and an assessment of the capacity to provide an initial on-site evacuation area during events, for up to 58,000 people (patrons and staff). The RTS included additional clarifications in response to the submission from RFS. The BA noted the conference centre and accommodation would comply with relevant standards including Planning for Bushfire Protection (PBP) 2006 and provision of Asset Protection Zones (APZs). The BA also identified an area of 11.6 ha to the north of the camping area for an initial on-site evacuation area. The assessment noted evacuation to this area would take less than one hour, based on pedestrian modelling. The location includes APZs of sufficient width, consistent with RFS requirements. In its submission on the RTS, the RFS raised no objection to the development provided its recommendations are included as conditions. These include the requirement for a Fire Management Plan, Bushfire Emergency Evacuation Plan and other requirements for vegetation management, access roads, fire-fighting water supply and gas services. The Department notes the Applicant has provided a detailed bushfire assessment and has demonstrated the development would comply with all relevant requirements for bushfire protection. A BEEP has been prepared in consultation with the RWG and will be updated for future large and medium events. The BEEP identifies evacuation triggers, assembly points and contact with emergency services. The Department’s assessment concludes the development will comply with relevant bushfire regulations and the events will be managed in accordance with a BEEP prepared in consultation with RFS and emergency services. The Department has included RFS’ recommendations in the conditions. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and implement a Fire Management Plan and Bushfire Emergency Evacuation Plan, updated prior to each new calendar year ensure access roads comply with PBP 2006 prepare a vegetation management plan and maintain landscaping in accordance with PBP 2006 provide fire-fighting water supply in accordance with RFS requirements.
Economic	
<ul style="list-style-type: none"> A number of public submissions raised the potential economic impacts of the events as an issue, including both objections and supporting submissions. Around 23% of objections raised concerns about the economic assessment in the EIS and about negative impacts on local businesses, stating that locals stay away, which reduces income for businesses over event periods. Around 27% of supporting submissions stated the events bring economic benefits to local businesses, create jobs and stimulate tourism in the region. 24 private businesses and 12 artists/management agencies provided submissions in support based on the economic benefits to the region and the live music and arts economy. 	<p>No conditions required.</p>

Consideration	Recommended Conditions
<ul style="list-style-type: none"> The EIS included an economic assessment (EA) prepared by RPS Australia, which evaluated the economic contribution of the events to the local and regional economy. The EA noted the two events (SITG and Falls) in 2016 provided a total economic output of \$126.4 M. The EA noted \$56.4 M of the total was derived from business and service providers in the Northern Rivers region, and \$34.6 M within the Byron Shire. The events created 788 full-time equivalent (FTE) jobs, with 246 of these in the Byron Shire, equating to 2.25% of the whole Byron workforce. The EA estimated the development would increase economic output, given the contribution from the conference centre and increased stimulation provided by a permanent approval for events, translating to certainty and further investment by businesses servicing the events. The EA estimated a total economic output of \$357.6 M, with \$102.9 M generated in the Byron Shire. A total of 2,230 FTE jobs would be generated, with 561 operational jobs in the Byron Shire, or 4.78% of the Byron workforce. The EA concluded the development would have a net positive economic impact on the local and regional economy. The Department commissioned HillPDA to conduct an independent review of the EA and provide its view on the economic impacts of the development. HillPDA confirmed the methodology of the EA was sound and the development would create a net positive impact if adverse social impacts are effectively mitigated. HillPDA commented on the issues raised in objections, noting that many issues were subjective or unsubstantiated. HillPDA commented on the concerns about ‘over-inflation’ of the economic benefits and concluded the EA had identified the limitations of its economic analysis and while the estimates are high, they are not way beyond reasonable expectation. The Department has considered the EA, submissions and the HillPDA independent review. The Department is satisfied the economic impacts of the development have been adequately identified and concludes the development would provide a substantial net economic benefit to the Byron Shire, the broader Northern Rivers region and to NSW. No specific conditions are required to manage economic impacts (refer to section on Development Contributions below). 	
<h3>Development Contributions</h3>	
<ul style="list-style-type: none"> Under section 7.12 of the EP&A Act and BSC’s <i>Byron Shire Developer Contributions Plan 2012 (incorporating Amendment 3)</i>, the Applicant is required to pay a developer contribution equal to 1% of the CIV of the proposed development. This is the primary mechanism by which local transport infrastructure and public facility contributions are collected. The Department has subsequently recommended a condition requiring the Applicant pay a Section 7.12 (previously known as Section 94A) Development Contribution of \$420,000 to BSC. The Applicant also proposes to enter into a PA with BSC, which would see the Applicant contribute up to \$120,000 a year towards public public infrastructure projects located in the northern area of the Byron LGA. The proposed PA is discussed in further detail in Section 6.5 above. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> pay the Section 7.12 Development Contribution to BSC.

Consideration	Recommended Conditions
<p>Heritage</p> <ul style="list-style-type: none"> The EIS assessed the potential impact of the development on indigenous and non-indigenous heritage. The EIS included a review of the heritage assessment for the existing concept plan and trial period (Collins, 2010) and additional reviews undertaken by Everick Heritage Consultants (Everick) in 2015 and 2017. The additional reviews by Everick included site survey of the areas proposed to be disturbed including the conference centre, accommodation cabins and the south-east carpark. Representatives of the Tweed Byron Local Aboriginal Land Council (TBLALC) and Arakwal Aboriginal Corporation (AAC) attended the site surveys. The review by Everick concluded the development would be unlikely to impact on indigenous and non-indigenous heritage. The review concluded the requirements for consultation with Aboriginal parties had been satisfied and the measures proposed in the Collins 2010 report had been appropriately implemented. These conclusions were acknowledged by the TBLALC and AAC. The site contains some stone artefact scatter sites, which have been and would continue to be protected during events. These sites would not be disturbed by construction of the conference centre, cabins or south-east carpark. Measures to protect these sites (fencing off) would be implemented during events through the Event Management Plan and the Construction Environmental Management Plan (CEMP). The site also contains some items of local heritage interest (planted fig trees and cut-off tree stumps). These sites are not listed heritage items, nevertheless, they would not be impacted by the development. OEH raised no issues with the heritage assessment and asked to review the heritage management measures included in the Event Management Plan and CEMP, when these plans are prepared. In the RTS the Applicant agreed, noting these plans are prepared in consultation with the RWG which includes OEH. The Department's assessment concludes the development would be unlikely to impact on indigenous and non-indigenous heritage and measures to protect identified items would continue to be implemented through the management plans. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> implement the heritage management measures in the EIS through the Event Management Plan and CEMP.
<p>Waste Management</p> <ul style="list-style-type: none"> The EIS included an assessment of predicted waste streams during the construction and operational phases of the development, and the measures to avoid, minimise, reduce or re-use waste generated. This assessment was based on data collected during the trial period. Construction waste, including building material waste (timber, concrete and aggregates, plasterboard), packaging waste, garden waste, and residual waste would be reused where possible, or collected and disposed of by a licensed contractor. Outdoor event waste, including general solid waste, co-mingled recycling, cardboard waste, and organics waste would be transported to the on-site resource recovery centre for sorting, recycling and off-site disposal. Conference centre waste, including general solid waste, co-mingled recycling and organics waste would be collected and disposed of by a licensed contractor. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> prepare and implement a Waste Management Plan for the life of the development classify all waste streams in accordance with the EPA's Waste Classification Guidelines ensure all waste removed from the development is

Consideration	Recommended Conditions
<ul style="list-style-type: none"> • The EIS concluded all waste management on-site would be undertaken in accordance with the existing Waste Management Plan, which would be updated to reflect the proposed development. • The EPA advised the proposed development would not require an EPL and did not recommend any conditions of consent. • BSC noted high levels of residual waste are generated in the camping area during outdoor events, and recommended the Applicant implement additional measures to improve waste management across the site. • In its RTS, the Applicant advised it would continue to investigate and address ongoing waste avoidance, minimisation and management measures within the camping area as part of the Waste Management Plan for the proposed development. BSC raised no further concerns in relation to waste management. • The Department has reviewed the waste assessment and concludes the proposed measures (classification, sorting, stock-pile management, waste minimisation and recycling opportunities) and the Waste Management Plan would adequately manage waste streams generated during the construction and operation of the development. • The Department has therefore recommended conditions requiring the Applicant to classify all waste streams in accordance with the EPA’s Waste Classification Guidelines, and to incorporate the measures proposed in the EIS and RTS into the development’s CEMP and Waste Management Plan. 	<p>disposed to lawful waste facilities.</p>



7. Evaluation

The Department has assessed the proposal against the matters listed in Section 4.15 of the EP&A Act and the objects listed in Section 1.3 of the EP&A Act, including the principles of ESD. The Applicant has considered the application on its merits, taking into consideration the strategic plans that guide development in the area and the SEPPs that apply to the proposal.

The Department acknowledges the longstanding concerns of the local community about the trial events and potential impacts associated with the proposal on local amenity including traffic, noise and lack of infrastructure. Conversely, over 7,000 submissions were received in support of the application because of the employment opportunities, support of music and arts industry and benefits to the local economy offered by the events.

Throughout the trial period, the Applicant has improved the management of impacts associated with the development, particularly around traffic and noise management and public safety. The Applicant has trialled, monitored and refined a range of adaptive management and mitigation measures, which has resulted in an overall improvement in amenity and a reduction in complaints from surrounding residents. Therefore, the Applicant has demonstrated that it can adequately manage outdoor events at the site for up to 35,000 patrons.

The continuation of outdoor events at the site is consistent with the *North Coast Regional Plan 2036* as it will continue to deliver a unique tourism experience that will generate positive social benefits and additional employment opportunities for the local community.

The Department consulted with the community through the two public information sessions and meeting with the RWG, the public authorities that raised significant concerns about the proposal and the Department's appointed wastewater and economic expert. The Department also visited the site and surrounding communities during the assessment of the applications.

The Department's assessment concludes the proposed development would result in temporary and short-term impacts in relation to traffic, noise, social and biodiversity and would be limited to the days before, during and after an event. The Applicant has committed to implementing existing management plans for large and medium events that cover a range of issues including traffic, noise, fire, bushfire evacuation and flooding issues and will complement these plans with additional mitigation measures including developing crowd management plans, site upgrades to improve internal traffic flows, providing additional police resources and BSC rangers during events and entering into a planning agreement with BSC to address a number of social and amenity impacts.

The Department supports the staged increase of the large event to 50,000 patrons and recommends an alternative staging regime of 5,000 increments, rather than 7,500 increments proposed by the Applicant. The Department considers this approach is consistent with the Commission's original recommendation to adopt a precautionary approach and would give the Applicant sufficient time to demonstrate its management and mitigation measures can remain effective at each stage. The Department has recommended conditions that require the Applicant to prepare a PER after each large event that addresses a range of traffic, noise and wastewater KPIs. Any increase in event size would require the approval of the Planning Secretary, in consultation with RMS, BSC and NSWPF.

The Department’s assessment concludes the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance subject to the recommended conditions of consent, including:

- implementation of the management and mitigation measures recommended in the EIS and RTS
- preparation of management plans for outdoor events to manage traffic, noise, biodiversity, social impacts, public safety and bushfire and flooding evacuation
- preparation of a wastewater management plan, ongoing wastewater, groundwater and surface water monitoring and validation of the wastewater treatment system in meeting the recommended effluent quality performance criteria
- a requirement for the Applicant to enter into a PA with BSC to address amenity and social impacts
- provision of additional policing resources and BSC rangers during events.

The Department has concluded that with the Proponent’s proposed mitigation measures, in addition to the Department’s recommended conditions, the site can continue operating with minimal impact upon the environment. The site will also continue to provide significant public benefits to surrounding and regional communities through increased employment opportunities and through attracting a variety of cultural events to the site.

The Department concludes the proposal is in the public interest and the applications are approvable, subject to conditions (outlined in **Appendix I** and **Appendix J**). This report is hereby presented to the Commission for determination.

Prepared by:
Pamela Morales and Patrick Copas
Industry Assessments

Endorsed by:


Chris Ritchie
Director
Industry Assessments
16/11/18.

Endorsed by:


Anthea Sargeant
Executive Director
Key Sites and Industry Assessments
16/11/18



Appendices

Appendix A – List of Documents

Appendix B – Relevant Supporting Information

Appendix C – Independent Expert Reviews

Appendix D – Considerations under Section 4.15

Appendix E – Consideration of Environmental Planning Instruments

Appendix F – Consistency with the Concept Approval

Appendix G – Key Issues – Council and Community Views

Appendix H – Consolidated Consent – MP 09_0028 MOD 3 (Concept Plan)

Appendix I – Recommended Instrument of Modification

Appendix J – Recommended Conditions of Consent

Appendix A List of Documents

The Department has relied upon the following key documents during its assessment of the SSD application and the section 75W modification application:

Environmental Impact Statement

- Environmental Impact Assessment and attachments, prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated December 2017

Response to Submissions

- Response to Submissions report and attachments, prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated July 2018
- Addendum to the Response to Submissions report and attachments, prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated September 2018

Independent Peer Review of Wastewater Assessment

- Report titled 'North Byron Parklands development application: Wastewater review' prepared by GHD, dated 11 April 2018
- Memo titled 'Re: Wastewater assessment for North Byron Parklands' prepared by Whitehead & Associates Environmental Consultants Pty Ltd, dated 22 May 2018
- Memo titled 'Comments on NBP reply' prepared by GHD, dated 29 May 2018
- Report titled 'North Byron Parklands wastewater management: Review of additional information' prepared by GHD, dated 18 September 2018
- Memo titled 'Re: Wastewater assessment for North Byron Parklands' prepared by Whitehead & Associates Environmental Consultants Pty Ltd, dated 3 October 2018
- Memo titled 'Re: Wastewater assessment for North Byron Parklands' and 'Draft conditions based on GHD's recommendations' prepared by Whitehead & Associates Environmental Consultants Pty Ltd, dated 23 October 2018
- Memo titled 'North Byron Parklands wastewater investigation submission from BVM/W&A: Revised commentary after reviewing receipt of further submissions from 25 Oct 2018' prepared by GHD, dated 1 November 2018

Independent Peer Review of Economic Assessment

- Report titled 'North Byron Parklands proposal: Assessment of economic impacts' prepared by HillPDA Consulting, dated 6 August 2018

Concept and Project Approval

- Concept approval MP 09_0028 (as modified)
- Project approval MP 09_0028 (as modified)

Assessment Reports

- Assessment report titled 'Major project assessment: Cultural events site at Tweed Valley Way and Jones Road, Yelgun' prepared by the Department, dated 30 November 2011
- Determination report titled '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 (MP 09_0028)' prepared by the Commission, dated 24 April 2012
- Assessment report titled 'Section 75W modification: Cultural events site, Tweed Valley Way and Jones Road Yelgun, MP 09_0028 MOD 3' prepared by the Department, dated 25 January 2016

- Determination report titled 'NSW Planning Assessment Commission determination report: Cultural event site concept plan and project D4399-16' prepared by the Commission, dated 22 April 2016
- Assessment report titled 'Section 75W modification: Cultural events site, Tweed Valley Way and Jones Road Yelgun, MP 09_0028 MOD 2 (Concept Plan) and MP 09_0028 MOD 4 (Project Approval)' prepared by the Department, dated 1 August 2017
- Determination report titled 'NSW Planning Assessment Commission determination report: MP 09_0028 cultural events site concept plan (MOD 2) and project approval (MOD 4)' prepared by the Commission, dated 12 September 2017

Compliance Audit

- Report titled 'Splendour in the Grass 2014: Compliance report' prepared by the Department, dated October 2014

Conference Paper

- Paper titled 'Setting noise objectives for outdoor music festivals in rural locations' prepared by Jeffrey Parnell and Rebecca Sommer, dated November 2018

Byron Shire Voluntary Visitor Fund

- Document titled 'Ordinary meeting agenda 23/08/18' prepared by Byron Shire Council, dated 14 August 2018 and containing the following Notice of Motion:
 - Notice of Motion No. 9.1 – Byron Shire Voluntary Visitor Fund

Appendix B Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

1. Environmental Impact Statement and associated attachments
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8169
2. Submissions
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8169
3. Response to Submissions and associated attachments
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8169
4. Independent reviews by HillPDA and GHD
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8169
5. Supplementary information and amendments
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8169

Appendix C Independent Expert Reviews

The independent expert reviews can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8169

Appendix D Considerations under Section 4.15

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the matters contained in **Table 17**.

Table 17 | Matters for consideration under section 4.15

Matter	Consideration
<p>a) the provisions of:</p> <ul style="list-style-type: none"> i) any environmental planning instrument, and ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), <p>that apply to the land to which the development application relates,</p>	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix E of this report.</p> <hr/> <p>The Applicant has offered to enter into a planning agreement with BSC under section 7.4 of the EP&A Act, which would contribute up to \$120,000 a year to public infrastructure projects in the northern section of the Byron LGA (see Section 6.5)</p> <hr/> <p>The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
<p>b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.</p>
<p>c) the suitability of the site for the development,</p>	<p>The development is for the ongoing and permanent use of the site as a cultural events venue, which is permissible with development consent under concept approval MP 09_0028.</p>
<p>d) any submissions made in accordance with this Act or the regulations,</p>	<p>All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the proposed development in Section 6 of this report.</p>
<p>e) the public interest.</p>	<p>The development would generate up to 150 jobs during construction and 561 FTE jobs during operation. The development is a considerable capital investment in the Byron LGA and Northern Rivers region which would contribute to the provision of local jobs (see Section 6.7).</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.</p>

Appendix E Consideration of Environmental Planning Instruments

State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP identifies certain classes of development as SSD. In particular, the construction and operation of a cultural, recreation and tourist facility with a CIV in excess of \$30 million meets the criteria of clause 13(1)(e) of Schedule 1 of the SRD SEPP and is consequently classified as State significant development. The development satisfies the criteria in clause 13(1)(e) of Schedule 1, as it would involve the construction of a cultural, recreation and tourist facility with a CIV of \$42 million.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State and lists the type of development defined as Traffic Generating Development.

The development constitutes traffic generating development in accordance with the ISEPP as it would generate more than 50 motor vehicle movements per hour (up to 1,365 vehicle movements per hour during departure from a 50,000 patron event) and involves the construction of more than 50 car parking spaces, as per Schedule 3 of the ISEPP. Consequently, the development was referred to the RMS for comment and consideration of accessibility and traffic impacts.

The RMS did not object to the development, but recommended that any increase in site capacity beyond 35,000 patrons should occur in increments, and be subject to ongoing monitoring and management measures (see **Section 5.4**). The Department has incorporated RMS's requirements into the recommended conditions.

The development is therefore considered consistent with the ISEPP.

State Environmental Planning Policy (Coastal Management) 2018 (CMSEPP)

The CMSEPP aims to manage the coastal environment of NSW in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of NSW. The SEPP replaces SEPP 14, SEPP 26 and SEPP 71.

The CMSEPP commenced on 3 April 2018, while the SSD application and section 75W modification application were lodged on 12 December 2017. Under clause 21(1) of Part 3 of the CMSEPP, the former planning provisions continue to apply to applications which were lodged, but not finally determined, immediately before the commencement of the CMSEPP.

As the SSD application and section 75W modification application were lodged prior to the commencement of the CMSEPP, the Department has considered the proposal against the requirements of SEPP 14, SEPP 26 and SEPP 71.

State Environmental Planning Policy No. 14 – Coastal Wetlands (SEPP 14)

SEPP 14 aims to ensure coastal wetlands are preserved and protected in the environmental and economic interests of NSW. The site is traversed by the BNR, which contains a SEPP 14 identified wetland. The Applicant's EIS and BAR concluded the development would have minor or negligible direct and indirect impacts on the adjacent SEPP 14 wetland. The Department's consideration of potential impacts on the wetland is provided in **Section 6.7** of this report.

State Environmental Planning Policy No. 26 – Littoral Rainforests (SEPP 26)

SEPP 26 aims to provide a mechanism for the consideration of applications for development that is likely to damage or destroy littoral rainforest areas, with a view to the preservation of those areas in their natural state. The subject site does not fall within land identified as a littoral rainforest, and consequently the requirements of SEPP 26 do not apply.

State Environmental Planning Policy 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 outlines the items that a consent authority must consider to assess whether a development is hazardous or offensive. The Applicant reviewed the development in accordance with SEPP 33 and advised that the development would not store dangerous goods above the threshold limits specified in SEPP 33, therefore it would not be considered potentially hazardous or offensive development. The Department has recommended a condition requiring the storage of any dangerous goods on-site remains below the screening thresholds of SEPP 33.

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas, to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The Applicant's EIS and BAR noted that surveys for koalas have been carried out since 2007, with the north-western corner of the site and the BNR identified as a koala habitat. The Applicant updated its existing KPoM for the development, which includes measures to minimise and monitor impacts on koalas. The Department's consideration of potential impacts to koala populations in and adjacent to the site is provided in **Section 6.7** of this report.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS included an assessment of contamination at the site, which noted the potential for contamination at the site had been considered as part of the assessment of the concept and project approval. The EIS concluded the site is not contaminated, and is suitable for use as a cultural events site.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of high quality design and finish.

The finished development would involve the use of temporary signage during outdoor events. The conference centre would also include business identification signage, however this would be subject to separate approval. The EIS included an assessment of the proposed temporary event signage against the criteria in Schedule 1 of SEPP 64.

The Department is satisfied that the proposed temporary event signage would not detract from the surrounding locality and would provide suitable wayfinding and direction within the site. The Department's recommended conditions of consent include requirements for temporary event signage, and note signage associated with the conference centre would be subject to separate approval. The Department is satisfied that the development will be consistent with the aims and objectives of SEPP 64.

State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71)

SEPP 71 aims to protect and manage the NSW coast through improving public access, protecting Aboriginal cultural heritage, protecting visual amenity and coastal habitats and managing the scale, bulk and height of development along the coast. The subject site does not fall within the coastal zone, and consequently the requirements of SEPP 71 do not apply.

Byron Local Environment Plan 2014 (Byron LEP 2014)

The BSC LEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the BSC LGA. The Byron LEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development includes land zoned as RU1 Primary Production and RU2 Rural Landscape under the Byron LEP 2014. As discussed in **Section 4.4** of this report, the site is subject to an existing concept approval (MP 09_0028, as modified), and the use of the site for outdoor, cultural or educational events is permissible with consent.

The Department has consulted with BSC throughout the assessment process and has considered all relevant provisions of the Byron LEP and those matters raised by Council in its assessment of the development (see **Section 6** of this report). The Department concludes that the development is consistent with the relevant provisions of the Byron LEP.

Byron Local Environment Plan 1988 (Byron LEP 1988)

The Byron LEP 1988 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the BSC LGA. The Byron LEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development includes land zoned as 1(a) General Rural Zone, 1(b1) Agricultural Protection Zone, 7(k) Habitat Zone and 9(a) Proposed Road Reserve under the Byron LEP 1998. As discussed in **Section 4.4** of this report, the site is subject to an existing concept approval (MP 09_0028, as modified), and the use of the site for outdoor, cultural or educational events is permissible with consent.

The Department has consulted with BSC throughout the assessment process and has considered all relevant provisions of the Byron LEP and those matters raised by Council in its assessment of the development (see **Section 6** of this report). The Department concludes that the development is consistent with the relevant provisions of the BSC LEP.

Byron Development Control Plan 2014 (Byron DCP 2014)

The Byron DCP 2014 includes specific development controls for land in the Byron LGA which has been zoned under the Byron LEP 2014. The relevant provisions for the development include:

- Chapter B2: Preservation of Trees and Other Vegetation
- Chapter B3: Services
- Chapter B4: Traffic Planning, Vehicle Parking, Circulation and Access
- Chapter B5: Providing for Cycling
- Chapter B6: Buffers and Minimising Land Use Conflict
- Chapter B8: Waste Minimisation and Management
- Chapter B9: Landscaping
- Chapter B10: Signage
- Chapter B12: Social Impact Assessment
- Chapter B13: Access and Mobility
- Chapter C2: Areas Affected by Flood
- Chapter C3: Visually Prominent Sites, Visually Prominent Development and View Sharing
- Chapter D 3: Tourist Accommodation
- Chapter D4: Commercial and Retail Development.

The Department has consulted with BSC throughout the assessment process and has considered all relevant provisions of the Byron DCP 2014 and those matters raised by Council in its assessment of the development (see **Section 6** of this report).

Byron Development Control Plan 2010 (Byron DCP 2010)

The Byron DCP 2010 includes specific development controls for land listed as a 'deferred matter' under the Byron LEP 2014. The relevant provisions for the development include:

- Part D: Commercial Development
- Part F: Waste Minimisation and Management
- Part G: Vehicle Circulation and Parking
- Part H: Landscape
- Part K: Flood Liable Lands
- Part L: Signs
- Part N: Stormwater Management.

The Department has consulted with BSC throughout the assessment process and has considered all relevant provisions of the Byron DCP 2010 and those matters raised by Council in its assessment of the development (see **Section 6** of this report).

Tweed Local Environment Plan 2014 (Tweed LEP)

The Tweed LEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Tweed LGA. The Tweed LEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development includes land zoned as RU1 Primary Production and RU2 Rural Landscape under the Tweed LEP 2014. As discussed in **Section 4.4** of this report, the site is subject to an existing concept approval (MP 09_0028, as modified), and the use of the site for outdoor, cultural or educational events is permissible with consent.

The Department has consulted with TSC throughout the assessment process and has considered all relevant provisions of the Tweed LEP and those matters raised by TSC in its assessment of the development (see **Section 6** of this report). The Department concludes that the development is consistent with the relevant provisions of the Tweed LEP.

Tweed Development Control Plan 2008 (Tweed DCP)

The DCP includes specific development controls for the Tweed LGA. As the northern access road and Wooyung Road/Gate E intersection would be located in the Tweed LGA, the relevant provisions for the development are contained within Section A2 of the DCP, which relates to site access and parking.

The Department has consulted with TSC throughout the assessment process and has considered all relevant provisions of the DCP and those matters raised by TSC in its assessment of the development (see **Section 6** of this report).

Appendix F Consistency with the Concept Approval

An assessment of the proposed development against the relevant concept approval requirements (as proposed to be modified) is provided in **Table 18** below.

Table 18 | Concept approval compliance table

Condition	Assessment	Compliance
PART A – TERMS OF APPROVAL		
A1 Concept plan approval		
<p>1) Concept plan approval is granted to use the site for the following:</p> <ul style="list-style-type: none"> a) outdoor, cultural or educational events with ancillary event camping and car parking; b) temporary event infrastructure; c) a cultural centre; d) a conference centre and associated accommodation, including: <ul style="list-style-type: none"> i) a capacity of up to 180 attendees per day; and ii) accommodation for up to 120 guests per day; e) an administration building; f) a spine road; g) a water treatment system; h) a wastewater treatment system; and i) a comprehensive vegetation management plan. 	<p>The SSD application involves:</p> <ul style="list-style-type: none"> a) the continued use of the site for outdoor, cultural and educational events with ancillary event camping and car parking b) temporary event infrastructure c) a conference centre with a capacity of up to 180 attendees per day, and associated accommodation for up to 120 guests per day d) an event administration building e) permanent event infrastructure, including a potable water system and a wastewater treatment system f) continued implementation of the Applicant’s vegetation management plan. <p>The SSD application does not involve the construction and operation of a cultural centre (see Section 1.8.3).</p>	YES
A2 Project in accordance with documentation		
<p>The Applicant shall carry out the concept plan and all related future projects generally in accordance with the following documents except as modified by this approval:</p> <ul style="list-style-type: none"> a) <i>Environmental Assessment</i> prepared by SJ Connelly CPP Pty Ltd on behalf of North Byron Parklands, dated August 2010; b) <i>Reply to Submissions and Preferred Project Report</i> prepared by SJ Connelly CPP Pty Ltd on behalf of North Byron Parklands, dated February 2011; c) <i>Flood Risk Management Plan</i> prepared by Molino Stewart on behalf of North Byron Parklands (Billinudgel Property Pty Ltd), dated June 2011; 	<p>As required by the recommended conditions of consent, the Applicant will carry out the SSD application in accordance with the relevant documentation.</p>	YES

Condition	Assessment	Compliance
d) <i>Environmental Health and Safety Management Manual</i> prepared by North Byron Parklands, dated August 2010;		
e) <i>S.75W Modification Application – North Byron Parklands – Modification Application in relation to Concept & Project Approval MP 09_0028</i> prepared by Planners North on behalf of North Byron Parklands (Billinudgel Property Pty Ltd), dated May 2015;		
f) <i>North Byron Parklands – Response to Submissions</i> prepared by North Byron Parklands (Billinudgel Property Pty Ltd), dated October 2015;		
g) <i>North Byron Parklands - Trial Period Extension Modification – Environmental Assessment (MOD 2)</i> prepared by PJ Environmental Planning dated March 2017;		
h) <i>North Byron Parklands - Trial Period Extension Modification - Response to Submissions (MOD 2)</i> prepared by North Byron Parklands (Billinudgel Property Pty Ltd), dated May 2017;		
i) <i>North Byron Parklands Cultural Events Site – Environmental Impact Statement</i> , prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated December 2017;		
j) <i>North Byron Parklands Cultural Events Site – Response to Submissions</i> , prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated July 2018; and		
k) <i>North Byron Parklands Cultural Events Site – Response to Submissions Addendum</i> , prepared by PJEP Environmental Planning Pty Ltd in association with Planners North, dated September 2018.		

A3 Project in accordance with plans

The Applicant must carry out the concept plan and all related future development applications in accordance with the plans outlined in Table 1.

Table 1: Structure Plans

Structure Plans prepared by Design Team Ink, updated by Planners North		
Job No.	Title	Date
1287.1694	Proposed Land Use Structure Plan	November 2017
1287.1694	Proposed Ecological Structure Plan	November 2017

As required by the recommended conditions of consent, the Applicant will carry out the SSD application in accordance with both the Proposed Land Use Structure Plan and the Proposed Ecological Structure Plan.

YES

Condition	Assessment	Compliance
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PART C – REQUIREMENTS FOR FUTURE APPLICATIONS

C1 Future outdoor events

<p>1) Concept approval is given for future outdoor events for up to 50,000 patrons per event day.</p> <p>2) The performance of previous outdoor events held at the site must be addressed as part of any development application under Part 4 for future outdoor events.</p> <p>3) Any development application for future outdoor events under Part 4 must be accompanied by an environmental management and monitoring plan that details the management strategies, monitoring regimes and regular reporting on the following matters:</p> <ul style="list-style-type: none"> – noise – traffic and transport – flora and fauna – bushfire – flood – surface water – event management. 	<p>1) The SSD application seeks development consent for outdoor events with a capacity of up to 50,000 patrons per event day.</p> <p>2) The Department has considered the performance of previous outdoor events held at the site as part of its assessment of the SSD application (see Section 6 and Section 7).</p> <p>3) The SSD application included a comprehensive Event and Environmental Management Framework, which the Applicant has committed to implementing for the life of the development. This commitment has been included in the recommended conditions of consent.</p>	<p>YES</p>
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C2 Additional flood modelling

<p>The following matters are to be addressed as part of any development application for the proposed conference centre and cultural centre:</p> <p>1) The Applicant must undertake further flood modelling of the site at a localised/catchment level with the aid of a detailed hydrological and hydraulic model prior to the construction of the conference centre and/or cultural centre.</p> <p>2) The additional flood modelling must take into consideration the existing flood behaviour of the site and climate change requirements and provide an indication of any further flood impacts anticipated as a result of the constructed conference centre and/or cultural centre.</p> <p>3) The Applicant must submit details of an appropriate drainage system designed around these proposed facilities, including incorporation of water sensitive urban design measures.</p> <p>4) Any future drainage systems introduced must not generate any detrimental impacts on the site’s existing infrastructure.</p>	<p>The Applicant undertook a detailed flood assessment of the proposed conference centre and associated accommodation, which concluded the facility would be located outside the extent of a PMF event (see Section 6.7).</p> <p>The proposed development would not involve any significant changes to the existing drainage system. Any additional stormwater drains/channels required to service the conference centre would be directed into the existing drainage system, and designed in accordance with best practice stormwater management controls.</p>	<p>YES</p>
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Condition	Assessment	Compliance
5) Any future drainage systems introduced must not exacerbate the sites existing flood regime, or exacerbate the impacts of flooding on any land adjoining the site.		
C3 Habitable floor levels		
Floor levels of all permanent habitable structures proposed as part of any future development application must be constructed a minimum of 500mm above the 100-year ARI flood level including relevant climate change requirements applying at the time of lodgement of the development applications.	As required by the recommended conditions of consent, all permanent habitable structures, including the conference centre and associated accommodation, the event administration building, and the Golden View Bar will be constructed a minimum of 500mm above the 100-year ARI flood level.	YES

Appendix G Key Issues – Council and Community Views

A summary of the Department’s consideration of the issues raised in submissions is provided in **Section 5.5** of this assessment report.

Appendix H Consolidated Consent (MP 09_0028)

The consolidated consent for the section 75W modification application, which incorporates the recommended modifications (see **Appendix H**) can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8979

Appendix I Recommended Instrument of Modification

The recommended modifications to MP 09_0028 (Concept Plan) can be found on the Department's website at:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8979

Appendix J Recommended Conditions of Consent

The recommended conditions of consent for SSD 8169 can be found on the Department's website at:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8169