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O/N H-970123

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT**

**RE: NORTH BYRON PARKLANDS CULTURAL EVENT SITE MOD 3**

**PANEL:** **PROF RICHARD MACKAY AM**  
**ANDREW HUTTON**  
**CATHERINE HIRD**

**ASSISTING PANEL:** **DAVID KOPPERS**  
**JORGE VAN DEN BRANDE**

**DEPARTMENT OF  
PLANNING AND  
ENVIRONMENT:** **CHRIS RITCHIE**  
**KANE WINEWOOD**  
**PATRICK COPAS**  
**JEFF PARNEL**  
**PAM MORALES**

**LOCATION:** **IPC OFFICE**  
**LEVEL 3, 201 ELIZABETH STREET**  
**SYDNEY, NEW SOUTH WALES**

**DATE:** **1.01 PM, TUESDAY, 4 DECEMBER 2018**

PROF R. MACKAY AM: Good afternoon and welcome, and before we begin, I would like to acknowledge the traditional owners of the land on which we're meeting, the Gadigal people of the Eora nation, and I pay my respects to their elders past and present and extend those respects to any Indigenous people who are with us this afternoon. Welcome to this meeting on development application MP 09\_0028 MOD 3, and State Significant Development 8169 in relation to the North Byron Parklands Cultural Events Site from Billinudgel Property Proprietary Limited, the applicant, who seeks approval for the ongoing use of the site for cultural education and outdoor events for up to 20 event days per year. The concurrent modification requests 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.

I'm Professor Richard Mackay and the chair of this Independent Planning Commission panel, and joining me are my fellow Commissioners, Andrew Hutton and Catherine Hird. And the other attendees at the meeting are, from the Department of Planning and Environment: Chris Ritchie, Director Industry Assessments; Kane Winewood, Team Leader, Transport Assessments; Patrick Copas, Environment Assessment Officer, Industry Assessments; Jeff Parnel, Technical Specialist; and Pamela Morales, Senior Environmental Assessment Officer, Industry Assessments. And from the Independent Planning Commission: Secretariat, David Koppers, who's the Team Leader; and Jorge Van Den Brande, who is Planning Officer.

In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be provided and made available on the Commission's website, and this meeting is one part of the Commission's decision-making process. It's taking place at the preliminary stage of the process and will form one of several sources of information upon which the Commission will base its decision. It's important for the Commissioners to ask questions of attendees and to clarify issues wherever we consider it appropriate, so if you're asked a question and are not in a possession to answer, please feel free to take the question on notice and provide any additional information in writing subsequently, which we'll then also put up on our website.

And, if I may, if it's okay with the presenters from the department, it would be quite helpful to us if you wouldn't mind us asking questions as we go through rather than sort of saving them to the end. I think that's a more efficient way of proceeding. And if everyone's happy with that, thank you again, welcome, and we'll begin.

MR C. RITCHIE: No problem. Firstly, thank you very much for having us. What we propose to do is run through the project itself and our assessment report which has been provided as a recommendation to the IPC. Importantly, though, there is a bit of background to give context as to why we had this application before us, and I'll touch on that as well. We'll run through a little bit around the process, the response that we got in terms of exhibition from the community, and we'll touch on some issues, and then we can sort of answer questions as we go, if that's okay.

PROF MACKAY: Yes.

MR RITCHIE: What we do prepare as part of these processes is an information folder, and that sort of gives us some points to sort of talk to as we sort of raise and discuss issues as we go through the process. So we've just got one for each Commissioner.

PROF MACKAY: Okay. Thank you.

MR .....: Thank you.

MR A. HUTTON: Thank you. It might also be useful if you just announce your name kind of the first time you speak just to assist with the transcript. You weren't advised, so yes.

MR RITCHIE: That's fine. So my name is – and I can introduce everyone.

PROF MACKAY: Yes.

MR RITCHIE: It's Chris Ritchie, and I'm the Director of Industry Assessments, and I run an assessment team within Planning Services of the Department of Planning and Environment. In terms of who's here at the moment from the department side, we have Kane Winewood, who is one of my team leaders, who looks after industry projects including this particular development; the two primary assessment officers, being Patrick Copas and Pam Morales, who were the assessment officers for the project, and also Jeff Parnel, who provides acoustic or noise advice to the department on a variety of projects, and Jeff's been involved in the project with ourselves for a number of years, so he can help provide some of that background in terms of the noise issues and how that's evolved about a bit of time.

PROF MACKAY: Great. Thank you.

MR RITCHIE: So the site itself is at North Byron near Yelgun. The site's about 259 hectares in size. In terms of events within the area, there is quite a history in terms of cultural events or music events happening in the locality and including on the site. There was a project application and concept approval or concept plan proposal proposed in about 2009, which sought to have a permanent facility to house the Splendour in the Grass and Falls events on the site. That particular project, following an assessment, went through what was called the Planning Assessment Commission at the time, and community events or music events were quite new at that time, and there was a lot of community concern.

There was some agency concerns, as well, and the decision out of the Planning Commission at the time was to give that project a trial approval, and that was for a five-year period, up until September 2017. The idea of that trial approval, as well, was to demonstrate that the issues associated with the project can be managed and environmental issues can also – from an environmental plan point of view can also

be sort of to a point where the issues are addressed. During the course of that facility operating, there were some initial issues around noise, around traffic, and over time, there has been a bit of work through the trial process to improve on those issues, and noise is something that we'll touch on as we sort of go through.

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The trial approval was extended till August next year, 31 August next year, to give a little bit more time to refine some of those trial issues around managing issues from the event, but also to enable – there was one more Falls event which was going to occur towards the end of that year, and also Splendour in the Grass for next year, so the current part 3A approval is up until 31 August. When the concept plan was also approved, the concept plan stipulated that any future use of the site or permanency on the site would have to be subject to a future application under part 4, which is what we have before us now. So while the trial part 3A project approval will expire, to allow ongoing use and permanency, that is the subject of the current application before us now.

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Concurrently, though, the SSD assessment also includes an application to modify the concept, and that's to facilitate aspects that the SSD application is seeking to do, as well, and that's having an increase in the capacity up to 50,000 and some little, also, nuances to enable the SSD to occur. Over the course of time, we've appreciated there is concerns in the community around the projects, so while we're on exhibition for the application, we also conducted a couple of community sessions in the area, one at the Mullumbimby Farmers Market and a second community session at the Ocean Shores Shopping Centre. The Mullumbimby Markets – we had probably 15 to 20 people come up to us. We had a stand, and that enabled us to hear first-hand around what the community's issues were.

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Secondly, we had the Ocean Shores, of which there was probably 30 to 50 people which we interacted with for a course of a number of hours. Community concerns vary, but one of the key things that we heard from that was around the community feel like they're impacted when the event occurs, and having a facility or a proposal up to 50,000 raised some issues with them. But equally, what was expressed was that North Byron – or the areas around the facility are – it's a smaller – it's a small rate pay area, and when the people come into the event, the numbers in terms of what's in the local area is significant compared to what the normal rate pay is.

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In terms of the exhibition, we did get a significant response. If you flick through to the files, there's about 7204 submissions received, which is, even for the projects we do – is a significant response. And we do identify what the key issues that were raised were, but also the location of where submitters are coming from. So we do a – there's a radius around two and five kilometres. Equally, concerns around noise, the scale of facility, impacts during the trial, impacts on infrastructure were raised. There are about 118 public objections, but also a lot of public support, as well, so there's a number of thousand – 7000, from memory. Support submissions were raising issues around the community benefit, the cultural experience, so issues equally were raised in terms of support as well as objecting.

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- PROF MACKAY: And the vast majority of them were pro formas.
- MR RITCHIE: The vast majority would be pro forma. So you can see the - - -
- 5 PROF MACKAY: Yes. 6000 – north of 6000.
- MR RITCHIE: Yes. So the map just on that location runs through in terms of - - -
- PROF MACKAY: Sorry. I'm looking at the right map.
- 10 MR RITCHIE: - - - location of submitters, so you do see, you know, a number of community members in proximity support and also object to the proposal. Equally, there is a spread as you sort of head north and south.
- 15 PROF MACKAY: A lot of Melbourne people.
- MR RITCHIE: And I would say there's a lot of people go to the even – were putting in submissions.
- 20 MS HIRD: Yes ..... yes.
- MR RITCHIE: So the current proposal seeks permanency on the site, and the current proposal sought to have events of up to 50,000. So there's a number of elements to the events that are going to be held. So the application seeks to have two
- 25 events per year, being Splendour and Falls, which are large events, with a maximum five days each with up to 35,000 patrons per event day at Splendour in the Grass, increasing, as proposed, to forty-two and a half thousand and then 50,000 patrons – and we will explain a bit around what we've proposed in terms of our recommendation on that – subject to meeting certain key performance requirements.
- 30 35,000 patrons per day at Falls and 30,000 campers, camping patrons at these events. Three medium event days per year, which would run either on separate event days or combined three-day period, up to 25,000 patrons per event. Five small events, up to 5000 patrons; two minor; one-day community events as well.
- 35 In terms of the application as well, the proposal is deemed to be State Significant development, which is why the Minister or the Department of Planning has been assessing the proposal. So there are certain triggers within the State and Regional Development SEPP that trigger Department dealing with it, and it has been an issue that has been raised. But in terms of the category of development and the capital
- 40 investment value threshold, we're satisfied it meets those two provisions. In terms of the assessment itself, so that's coordinated by the department, then, obviously, with the submissions of objections, then that triggers the need for the Independent Planning Commission to be the consent authority for the project.
- 45 I think maybe what we will do is now is we will touch on some of the key issues around the proposal, and some of those key issues we had anticipated that the issues were current within the community and within council. So the department, as part of

its assessment, did engage two experts to provide some advice, and one was around economic advice, which was from HillPDA, and also ran wastewater, which we engaged GHD. Now, wastewater had been raised by a number of community members but also by council. So we got some expertise to provide us with some  
5 advice around wastewater management on the site. In terms of touching on one of the first key issues, which was around staging, now, the applicant did propose, as the current trial approval has, is a staging mechanism to demonstrate over a period of time performance will allow the project to develop or increase in size.

10 The proponent or applicant had proposed to equally stage that but at seven and a half thousand increments. That was one of the key issues raised by the community, was around the scale of the proposal. So when you would read our assessment report, we've actually recommended paring that down to around 5000 increments and  
15 having some key performance measures that have to be satisfied before progressing to the next stage. And some of those performance measures do tie back to wastewater issues, which we will all touch on, around noise management, around traffic management and around general consistency with issues that have also been raised by police and others. The recommendation in the report is for an increase of patron numbers to be subject to a performance evaluation report, and that would have  
20 to be submitted to the department to review and be satisfied of, and key agencies would be consulted on that as well.

Traffic has historically, from the onset of the trial, been one of the key issues that we've had. The site is quite well-located in terms of proximity to the Pacific  
25 Highway. And over time, there has been improvements and refinements made on-site to improve how traffic flows on to the site and removes itself from some of those regional roads and major roads in the area. There are some additional improvements proposed as part of the application which we've described in the report and which is described in the EIS, including provisions for additional access to the north, access  
30 and egress. Also, some internal improvements to how traffic moves within the site. In terms of the – the outcome is the assessment found that traffic can be managed. And while there might be some small delays, it's for a short period of time. And generally, what you do find is that there is higher level of traffic in the area around Christmas time compared to the July event, where there's not as much background  
35 traffic.

In terms of noise, it's probably one of the next big key issues, and this has probably been one of the issues that has changed since the trial has come in and has been one of the issues that the applicant has developed in terms of how to manage that over the  
40 course of the trial period. Initially, the noise criteria in the trial approval was based on a background plus 10 DBA, but from the early onset of events noise was one of the key issues raised by people in the community. And over time, there has been refinements in how noise has been managed. And what I will do now is I will hand over to Jeff Parnel, our acoustic expert, that will touch on one of the key changes that  
45 came out of what we call modification 3 to the project approval, which introduced a different noise criteria, including a different category of noise, which is around c-weighted noise. So I will just hand over to Jeff.

MR PARNEL: Okay. Yes, thanks for that, Chris. Pretty much correct in that. So initially when I became involved in it, the criteria that had been established had actually been established by the PAC, and they had used a background plus, so a relative criterion. And I guess in how that came about was they were thinking that they should use something akin to an industrial noise policy and maybe reduce the stringency, given that the events only occur for 20 days, rather than something that happens 365 days a year. That thinking was quite flawed in that the backgrounds up in that area are highly variable, they don't reflect annoyance and they're highly susceptible to things like road traffic noise, but particularly in summer they're susceptible to cicadas and cricket noise, which can totally mask what they were trying to achieve.

So the thought process was solid, but it doesn't work in an area where, during winter, your backgrounds could get quite low. And, in fact, the criteria that they were developing for some of the locations was as low as 38 decibels outside of a person's property. Now, I can probably tell you that in this room we're somewhere around 40 decibels, and that's internally here, regardless of what that noise level would be outside. Outside of here we're probably around 65 decibels with about 30 decibels reduction from outside inside.

So the criteria that they establish there was – could not be met by a music event that was going to have any reasonable patron experience. So it was problematic from day 1, that it was never going to comply. Because it was never going to comply, the controls that they – they actually didn't know how to control it properly. They had no realistic benchmarks. We had a number of – the first couple of years, they were collecting a lot of information and data and we were trying to work out what would be the best way to control it. I can tell you that there is no good procedure anywhere in the world for Knebworth or any of the events that are held in England, Glastonbury or anything, they do not manage noise particularly well there. The limits that they tried to set there were set in the '70s, and they basically are fairly high and fairly unregulated. They don't actually regulate to the levels that well. But there is a dearth of information.

There is nothing you can read anywhere in the world that really manages noise well, so we kind of had this gap that we didn't know what to do. That took up myself and some of the planning officers' – a lot of our time trying to work out how we could best go ahead and regulate noise. We knew that the use of the dBA was not really going to capture and manage noise well, because a lot of the problems were with the lower frequencies by either bass. So the treble wasn't the big issue, it was all about bass noises that people could hear, and they transmit through walls, and glass, and façades and so forth, so that's what you hear inside. And I'm sure you understand that experience if you're hearing noise – music inside; it sounds completely different to what it is outside.

The other thing that's uniquely different about that compared to some of the other outdoor festivals that we do manage, and the department doesn't manage a lot of these things, but one of the things we do, we manage noise – well, concerts at the

Opera House steps. Now, with the Opera House steps, the closest neighbours are like those people that live in the Toaster building, the Bennelong Apartments, and they're only several hundred metres away. In this site, everybody is a kilometre to three kilometres away, and what happens with music noise, it's highly dependent –  
5 the propagation of it is highly dependent on what the weather is. So if you get temperature inversions or you get strong winds, you get an enhancement of noise to one side of the event, probably at the expense of, you know - - -

10 MR J. VAN DEN BRANDE: Reduction at the other side.

MR PARNEL: Sorry?

MR VAN DEN BRANDE: A reduction on the other side.

15 MR PARNEL: Exactly. So they pump out the same amount of noise, but it can be enhanced on one side at the expense of not hearing anything on the other side of the event. The metrology probably can account for 10 decibels quite easily, but up to probably 20 decibels, so it can really cause big difference that are really difficult to regulate. You might be checking and measuring something and then, with a change  
20 in the wind, that can enhance it by five to 10 decibels. These were the problematic things that we were looking at.

We collected a lot of information and we came up with a set of noise criteria that we thought – that I believed would provide adequate protection for two zones of people.  
25 A zone of an inner circle immediately around the event that could be considered – or should be offered probably to be associated with the project and have some kind of mitigation or agreements in place, and a second zone that extends out. So that zone would finish then before the larger populations, which are the Ocean Shores, South Golden Beach and those areas that are down towards the Pacific Ocean.

30 Noise catchment-wise, there's a couple of other things that are interesting to note. To the west, we've got the Pacific Motorway, which carries a lot of night time traffic, particularly heavy vehicles, and it's quite a noisy section of road. So places that are to the west of that, they hear road traffic noise consistently. Those places  
35 down near Ocean Shores and South Golden Beach, they are on – mainly on inland waterways. They get a lot of insect noise down there, particularly in summer, but they get an awful lot of ocean noise. So the ocean noise has a high component of low-frequency noise as well.

40 So looking at how we could best manage this, I came to the conclusion that we would measure the dBA, which is what is normally measured for noise, but also a particular octave band that is present in all music and it's usually the predominant low-frequency band, and that's a 63-hertz octave band, and it has proved to be quite a good way of distinguishing music noise from some of the other noises that we get,  
45 specifically the insect noise, and road traffic noise to a certain extent. Not so good – or at least I haven't, at this point, been able to work out a relationship between that and ocean noise, which also produces 63 hertz.

5 So long story short, we came up with a dual set of criteria: that was the dBA, similar – which had been used in the early conditions, and a low-frequency noise component. We introduced those trial conditions, and the North Byron Parklands people employ a significant amount of acousticians for each of these events and they manage – I would suggest they probably manage this to world’s best practice. They certainly have a lot more people on the ground than Knebworth, or Glastonbury, or any other event I’ve ever heard of and they are able to manage the noise. It’s not easy with the met conditions changing, but they do a very good job on that.

10 We found, subsequent to the management of those noise levels, that they were – they worked out to be quite pragmatic levels. They were specific; they were the whole smart objectives; they were measurable; they were achievable; they were practical; and they have kind of been able to work. We found with the introduction of those that we got significant decreases in complaints, which indicated that we were going  
15 definitely in the right direction. We also got a lot of feedback that the control of the low frequency was a good thing, and that was one of the things that were annoying people and that was being managed quite well.

20 As a general rule, we tend to find that, out of the two criteria, it’s the low frequency, the 63-hertz octave that is probably the controlling criterion out of the two. So we manage that and, really, the rest of it is, is we’ve been quite successful in doing that. I myself have spent an awful lot of time up there making measurements. For me, it was a bit of an R and D exercise. I probably – if we’re all happy, I would – I’m  
25 happy to hand out some of the papers – I actually wrote a technical paper on what we did up there, so if we’re all comfortable, I’m happy to hand that around. It provides some of the background, and the thinking and the science that underpinned the criteria that I developed. So I’m happy to hand those around. I think there should be enough for everybody.

30 So the purpose of presenting and putting this paper together was to disseminate that information amongst my contemporaries. I did that at a recent conference of the Australian Acoustical Society, which enables me to then get feedback, and it’s a process that I use to get feedback from people that do work somewhat in this area and to see if anyone picks up on anything. Mostly, the feedback I’ve had so far is  
35 quite positive and there’s certainly some other jurisdictions looking to probably take on board our experience from this side. I don’t know if it’s appropriate to ask, but if you’ve got any questions - - -

40 PROF MACKAY: I think it’s good to do it as we go.

MR HUTTON: Yes.

PROF MACKAY: I’ve just got a really minor one, which is what happens at the conference centre that causes receptor 18 to be impacted?

45

MR PARNEL: Well - - -

PROF MACKAY: I mean, I get the concerts, and the music and the low-frequency  
- - -

MR PARNEL: Yes.

5

PROF MACKAY: - - - but also in the assessment report, it identifies this receptor  
right next to the conference centre as being impacted not during events and - - -

MR HUTTON: Yes.

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PROF MACKAY: - - - we had a little chat about it before. Just intrigued to know  
what is it that's going down at the conference centre.

MR RITCHIE: Yes. It's – so from – with what Jeff has explained, we still  
15 obviously assess the acoustic issue - - -

PROF MACKAY: Sure. Yes.

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MR RITCHIE: - - - from the project, and there are, despite – there are ..... some  
improvements in terms of managing C weighted noise through the additional  
condition. There's still going to be a couple of receivers that are close by that, despite  
the different criteria, still will experience some issues and that's where there's – an  
agreement has been entered into between the two parties.

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MR PARNEL: Is this talking about when they use the – they did an assessment to  
the Liquor Gaming and Administration Act.

30

MR HUTTON: I think the reference is on – it's on page 62, Jeff, second paragraph.  
Are you on page 62? You've got to – yes – come down there. It just says, about  
four lines down, second paragraph, five lines down:

*Assessment predicted a criteria of 25 dB would be exceeded to several  
receivers, including the nearest property, of 18 located near the conference  
centre.*

35

That's a low criteria.

MR PARNEL: That's an extremely low criterion. Basically – so what has been  
looked at at the conference centre is a different criterion - - -

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MR HUTTON: Yes. Right.

MR PARNEL: - - - to what music would be considered from the 20-day events.

45

MR HUTTON: Yes.

MR PARNEL: The conference centre would have a licence – a liquor licence.

MR HUTTON: Right.

MR PARNEL: When you hold a liquor licence, it then comes under the – and I might get this wrong, but it used to be the Office of Liquor, Gaming and Racing.

5

MR HUTTON: Yes. Yes.

MR PARNEL: So there's a criterion which is actually unsupported now, because it has been removed, but it has quite often been still used as the reference that you use for music coming from pubs and clubs, and it's an old criterion that I don't particularly support, but they propose to use that just for the events at the conference centre. Now, it effectively means that, after midnight, you've got to be basically background plus zero, so you can't be anything, so it's a relative criterion. Some of the pubs and clubs around here, they try to use it. It kind of works in the city, but where you've got a background of something like 25, it's probably not going to really work.

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MS HIRD: The festivals, though, have a temporary liquor licence. That doesn't apply in their case.

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MR PARNEL: No. No, it doesn't. No. It's specific for permanent events that are held, like - - -

MS HIRD: 365.

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MR PARNEL: Can be on 365 days of the year.

PROF MACKAY: Okay. Okay. Catherine, do you have other questions at this point?

30

MS HIRD: Not about the noise - - -

MR PARNEL: Having said that, we wouldn't expect that the music or the noise to come out from that to be anywhere near in - - -

35

MS HIRD: Yes.

MR PARNEL: - - - the levels that would come out from a full concert held in the amphitheatre.

40

MR HUTTON: Quite keen to just explore the comment about cutting edge adaptive noise mitigation and just quite – get your - - -

MR RITCHIE: I was going to ask Jeff to - - -

45

MR HUTTON: Yes.

MR RITCHIE: To touch on that. And that's often talking around – they're assuming amount of monitoring that occurs and interaction between what's being recorded, staff in the field - - -

5 MR HUTTON: Yes.

MR RITCHIE: - - - to what noise are generated at the front of house, they call it, but - - -

10 MR HUTTON: Yes.

MR RITCHIE: Maybe I'll get Jeff to explain that.

MR PARNEL: Yes. So one of the challenges in the area is this: that you can have  
15 three or four stages operating - - -

MR HUTTON: Yes.

MR PARNEL: - - - concurrently. What we've done quite successfully at the Opera  
20 House was we controlled noise at what is called front of house, so it's basically where the sound engineer sits. If we manage the noise at that point, we can measure – the signal to noise ratio is quite good. You're measuring a high level of music. It's not going to have extraneous noise in it. You can – you then know if the level here is what it is, then what it will be 100 metres, 200 metres back, a kilometre back. We  
25 also know that events will need to be at a certain level, because music – unlike, say, industrial noise where lower is always better, with a music concert, it's always going to be a compromise. If you get it too low, you won't get the patron experience.

So we know what that patron experience has to be. It has to be around that 95  
30 decibel kind of range in the dBA, 105 dBC. People will be generally happy at that kind of level. If it's lower than that, they won't get the experience. If it's higher than that, probably it's higher than necessary, so there's a limit that you can have, and then you've got to control it, so when you've got that, there's other ways that you can control noise, you know, which is basically by hours, you know, limiting to  
35 midnight and so forth. Those kind of things. What they have done – they have done a lot of work with good recent technology, so at the amphitheatre, which is their biggest area where they have their prime acts on, they have delayed speakers throughout that – throughout the crowd, so they don't have to play the noise up front as much, and then they play it so there's a slight delay.

40

MR HUTTON: Okay.

MR PARNEL: And that's a kind of a common practice, but you've got to delay it because sound travels – or 343 metres a second, so, actually, if you're 300 metres  
45 into the crowd, you actually have to delay it by one second, otherwise you'll get – you'll – it'll sound terrible. You'll get an echo kind of thing. So they do those kind of things. They've got – they did a lot of work with their speakers, managing the low

frequency components, so the woofers, the subwoofers. You know, you can imagine they're very big speakers, but – so they've managed those, got them pointed in different directions. They also – so what happens – the event looks at what noise is being generated at the front of house. They know that of all of their main stages, if they're getting noise levels that are approaching the criteria – they've got roving acousticians that go and measure - - -

MR HUTTON: Okay.

MR PARNEL: - - - outside at the residential properties. We know from the met effects which side of the event is likely to be the worst. They will concentrate their measurements around those areas. If they come back going, "We're approaching the criteria," that's reported back to someone who's watching all stages, and he can make a determination what stage is likely to be causing the problem. And there – they can make adjustments very, very quickly. So they're able to address an issue quite quickly and proactively.

MR RITCHIE: So on that point, too, it's also when complaints have been raised and they can ferry someone out to do a measurement, and they report that back that there is an issue or it seems okay.

MR PARNEL: Yes.

MS HIRD: Are they getting real time measurements from all the receptors that are around?

MR PARNEL: They don't get actual real time measurements because that would require you to have a massive amount of monitoring equipment remotely located, and you don't actually know which side of the event. Typically, over four days, it tends to be - - -

MS HIRD: Yes.

MR PARNEL: - - - one side will be noisy one night, then, you know - - -

MS HIRD: Yes.

MR PARNEL: - - - the Friday night - - -

MR HUTTON: Yes.

MR PARNEL: - - - it'll be noisy here. It actually changes quite a bit, and it can change through the course of the night. You know, the summer events are different because they tend to have nor'east winds in summer. With the winter ones they tend to have southerly, so a different side. The Wooyung Road side tends to kind of cop a bit more noise. So that's not that feasible; however, having said that, if we do get problems, they are monitoring at the main stages. They're actually constantly

recording that data, so they can forensically go backwards and look if there was a problem at, you know, 9 o'clock at night - - -

MS HIRD: Yes.

5

MR PARNEL: - - - you could kind of look at your stages, and that's what we've tried to do. And I've worked with the acousticians that are contracted to do that to try and manage noise better.

10 MR HUTTON: It mentioned in the assessment report that there's agreements in place with some near receptors.

MR PARNEL: Yes, that's correct.

15 MR HUTTON: And that they were developing agreements with others. They're in the process at this stage. The criteria that would trigger the need for an agreement versus no agreement – could you talk us through that a little bit, if you're aware of it.

MR PARNEL: Yes. No, no, I'm well aware of it.

20

MR HUTTON: Yes. I wasn't sure whether it was a - - -

MR PARNEL: Yes.

25 MR HUTTON: - - - applicant question or a department question. That's all.

MR PARNEL: So what we established, looking at it, was that it was probably best managed by setting out two zones. So a zone 1 and a – zone 2 is effectively everything else, so there's really - - -

30

MR HUTTON: Yes.

MR PARNEL: - - - one inner circle. Now, we knew within that zone, the levels were likely to be annoying.

35

MR HUTTON: Yes.

MR PARNEL: And probably more annoying than people should necessarily have to get consistently; however, they weren't that annoying that it should preclude an event from occurring. And in many other situations, people get road traffic noise and things like that - - -

40

MR HUTTON: Yes, yes.

45 MR PARNEL: - - - much higher than the levels there.

MR HUTTON: Yes. That are here.

5 MR PARNEL: So the levels are not considered excessive or damaging to health or anything like that, but we established a zone. We did a few iterations of that. In the end, it ended up being, like, a one-kilometre buffer zone around the area, and within that zone, the proponent agreed to enter into agreements with everybody within that area.

MR HUTTON: Yes.

10 MR PARNEL: And they've got different arrangements with different people.

MR HUTTON: Yes.

MR RITCHIE: So the department doesn't get involved in - - -

15 MR HUTTON: Yes.

MR RITCHIE: - - - what terms they are; that's between the applicant - - -

20 MR HUTTON: Yes, yes.

MR RITCHIE: - - - and the proponent. But, essentially, also, the criteria sets, "This is what you have to achieve."

25 MR HUTTON: Yes.

MR PARNEL: Yes.

MR RITCHIE: If you don't achieve that, then - - -

30 MR HUTTON: Yes, okay.

MR PARNEL: Yes.

35 MR RITCHIE: - - - the expectation is you have to – you'll have an agreement.

MR PARNEL: So even within that area, it's not like all bets are off. We do have limits within those areas so people know what they're signing up to – what agreement they're kind of going to sign up to. You know, and the events all finish at midnight, except New Year's Eve, when probably all bets are off. I mean, on New Year's Eve. But the events finish at midnight and then some of the smaller bars then continue on till 2 o'clock in the morning.

MR HUTTON: Yes.

45 MR PARNEL: Which is actually considered a good thing around events because it tends to dissipate people and they don't start making their own - - -

MR HUTTON: Yes.

MR PARNEL: - - - music and noise and stuff like that, so you can kind of control it in a steady fashion, so it's a good way of managing it. The real area that we wanted to manage was in those areas around Ocean Shores and South Golden Beach because - - -

MR RITCHIE: So to the south-east.

MR PARNEL: They're – they are residential areas. All of the other ones within the zone 1, they're all rural properties that may be on fairly big acreages themselves, so there's not that many of them for – encircling the property. But down in Ocean Shores, for example, you know, they're all on - - -

MR HUTTON: Yes.

MR PARNEL: - - - 600 square metre blocks of land, so there's an expectation that, you know, people that are in those areas, you know, probably work wherever they live a more suburban lifestyle, and we try to manage noise specifically in those areas to reasonable levels.

MR RITCHIE: So in terms of the assessment in the EIS, there's the prediction that there's two properties that the criteria still might meet and those two properties have an agreement .....

MR HUTTON: Yes, which is five and 43.

MR .....: .....

MR RITCHIE: Okay. So that's discussed on page 59 - - -

PROF MACKAY: And do you then take the view that if they've got an agreement in place, that that's, kind of, the end of it? It's satisfactory for those properties. I mean, that the noise level might not be satisfactory, but the outcome is satisfactory because they had contracted out.

MR PARNEL: Well, look, it's a process that we use in a lot of other ..... there's a lot of precedents for it. We do that around a lot of mine sites, a lot of noisy activity - - -

MR PARNEL: - - - so that are considered – the overall benefits are considered to outweigh the negatives, and what we do is we assign mitigation rights to those properties - - -

MR PARNEL: - - - or they have negotiated agreements.

MR RITCHIE: So, in essence, it's a form of mitigation to that property.

5 MR PARNEL: Some of these agreements, although we're not privy to them, you know, in detail, and they're different, but they do have options for people to relocate should they wish, have various things done to their properties. So they include quite a range of things, and they're – from the things that I'm aware of that are reasonably generous for the impacts that they get for 20 days.

MR .....: Thanks.

10 MR RITCHIE: So maybe two other issues which we will just touch on - - -

MR HUTTON: Relating to noise?

MR RITCHIE: No.

15 MR HUTTON: I - - -

MR RITCHIE: Did you want to continue with .....

20 MR HUTTON: No, I think .....

MR .....: .....

MR HUTTON: Thank you. That's really informative .....

25 MR .....: .....

MR PARNEL: Okay. Hopefully you will find some of the, as I said, science underpinning a few things here - - -

30 MR .....: Yes. No, I appreciate that.

MR PARNEL: - - - which might be of some benefit to you.

35 MR .....: .....

MR PARNEL: It's not highly technical, but it just - - -

MR .....: Thank you.

40 MR PARNEL: - - - kind of takes you a little bit on the journey that we went and tried to .....

45 MR RITCHIE: And that – the two other issues to talk about is around waste water management and community enhancement. In terms of community enhancement – and I will talk to waste water afterwards – is when I was mentioning that we went up to the two locations ..... exhibition to meet with community members, one of the things that I mentioned that came out of that is the community does feel impacted by

the project, particularly around the scale of events that is proposed to occur and a small rate base that exists in that location. We decided through the conditions to recommend a form of community enhancement. That is not dissimilar to something that Byron Shire Council is thinking about in terms of a tourism visitor location tax.

5 There had been some initial discussions between a number of applicants and council. That – those discussions and that policy are still being worked on, but in the meantime we believe that an enhancement program is something that would provide the community with some benefits back in terms of when these events do occur.

10 MR HUTTON: So that's the dollar per patron up to a maximum of 120,000.

MR RITCHIE: Correct.

MS .....: Yes.

15 MR RITCHIE: Correct. We're looking to have that formalised through a voluntary planning agreement between council and the applicant.

MR .....: Yes.

20 MR RITCHIE: The initial discussions is the council seems in principle supportive of that, but it is subject to more broader discussions within the council.

MR .....: Was that conversation had also with the Tweed Council?

25 MR RITCHIE: No.

MR .....: No.

30 MR RITCHIE: No. No. In terms of location, it is in Byron.

MR .....: I understand. Yes.

35 MR RITCHIE: Yes. And in terms of the impact, it is those communities that we are talking about, but in terms of the voluntary planning agreement we would be recommending that that's stipulated to be provided to specific areas around that location - - -

MR .....: Yes.

40 MR RITCHIE: - - - just so that the areas directly affected by the project get a benefit from - - -

MR .....: Yes.

45 MR RITCHIE: - - - voluntary committee enhancement program.

MS HIRD: So is that one dollar locked in or can it change over time ..... 237 one dollars worth five cents - - -

5 MR RITCHIE: That's subject to the agreement, those sort of details, and that's a very good point. It would be ..... out or discussed and detailed in that agreement.

MS HIRD: Yes.

10 MR RITCHIE: That's a good point to raise. In terms of waste water - - -

MR HUTTON: Before you jump off - - -

MR RITCHIE: Sorry.

15 MR HUTTON: Yes. I'm keen to hear a little bit more about the RWG, the Regulatory Working Group - - -

MR RITCHIE: Sure.

20 MR HUTTON: - - - that's put together - - -

MR RITCHIE: Yes.

25 MR HUTTON: - - - and during the process you had some consultation with them directly when you were ..... can you just explain the make-up of that group and what their role is and then - - -

MR RITCHIE: Yes.

30 MR HUTTON: - - - some of the outcomes of that consultation.

MR RITCHIE: Yes. The RWG has – was constituted as part of the original project approval. It's made up of members of key agencies that are involved when an event is held and it's – also includes community members, and I think those community

35 members, from memory, do change over a period of time. I think it's two or three year stints. So there has been a couple of different community members. And it's chaired by an independent chairperson.

MR .....: .....

40 MR RITCHIE: One of the main functions of the RWG currently is to review a lot of event documentation that forms part of that project approval - - -

MR .....: .....

45 MR RITCHIE: - - - so there are reviews – it's constant reviews of performance reports or traffic plans, event - - -

MR .....: So it's a pre and post function?

MR RITCHIE: Pretty much, yes.

5 MR .....: Yes. Yes.

MR RITCHIE: Yes. There was a sense that there is a lot of reviewing, a lot of reviewing, and because they have to do it at each event, it's similar plans each time.

10 MR .....: Yes.

MR RITCHIE: We want to keep the RWG going, but turn it into more of an interface between the event itself and the community, so not so much reviewing plans all the time, but being there to be like an interface between issues raised in  
15 community and issues that we need to - - -

MR .....: So is that more like a community consultant - - -

MR RITCHIE: Similar. Similar. Similar.  
20

MR .....: - - - committee rather than a - - -

MR RITCHIE: Yes.

25 MR .....: - - - group that would be - - -

MR RITCHIE: Yes.

MR .....: approving or commenting on - - -  
30

MR RITCHIE: Correct. Correct.

MR .....: .....

35 MR RITCHIE: Generally now you would have conditions which have a CCC or a community ..... but we believe we just want to keep that grant going because it was an existing operation. It has been there since 2012. But in terms of the shifting from a reviewing constant documentation through to being like an interface with the community.

40 MR .....: Yes. And the feedback from your engagement with them as part of this process?

MR RITCHIE: So what – in terms of community or departments engagement, we  
45 had had the meetings, the two community sessions.

MR .....: Yes.

MR RITCHIE: Similarly, we had senior officers from the department - - -

MR .....: Yes.

5 MR RITCHIE: - - - visit the RWG. Went to the site and had a look around.

MR .....: Yes.

MR RITCHIE: I was not at that - - -

10 MR .....: Yes.

MR RITCHIE: - - - particular discussion, but I can come back and report to the IPC on what issues exactly were raised - - -

15 MR .....: Yes.

MR RITCHIE: - - - and report that back to you ..... on notice.

20 MR .....: .....

PROF MACKAY: Just while we're talking about consultation, has there been any form of consultation with

25 MR HUTTON: Yes.

MR RITCHIE: - - - and report that back to you.

MR HUTTON: That would be great.

30 MR RITCHIE: So we will take that on notice.

PROF MACKAY: Just while we're talking about consultation, has there been any form of consultation with attendees at the event other than receiving 6000 pro forma submissions?

35 MR RITCHIE: Not from ourselves.

PROF MACKAY: Right.

40 MR RITCHIE: But, generally, we do – when we engage or consult - - -

PROF MACKAY: Yes.

45 MR RITCHIE: - - - on an application, it's very wide-reaching advertisements in the paper - - -

PROF MACKAY: Yes. So the - - -

MR RITCHIE: - - - with notices - - -

5 PROF MACKAY: So the – they clearly had an opportunity and, fairly obviously, been well informed.

MR RITCHIE: And I daresay the applicant has – would have been liaising - - -

10 PROF MACKAY: Yes.

MR RITCHIE: - - - with patrons that say there is an exhibition of a proposal.

PROF MACKAY: The Ocean Shores and other things were just for local residents.

15

MR RITCHIE: Yes.

PROF MACKAY: Yes. Thanks.

20 MR RITCHIE: Then in terms of wastewater – and that’s one of the key issues that we foreshadowed from the onset of the application. We did engage GHD to provide us with advice, and that was on the back of issues raised in the community, but also by council when we had ..... up at Mullumbimby having the community – we met council as well, and that was one of the key issue that council had raised because it is  
25 a relatively sensitive environment, and they’re – in terms of patron numbers, it’s having up to 50,000 people which, from a wastewater management issue, is a key issue. Obviously, from a wastewater generation, it is going to increase under the proposal.

30 The applicant does propose to have an onsite wastewater treatment system which has a couple of key elements around wastewater treatment, disinfection, disposal and composting of materials. GHD had raised a number of issues with the proposal. The applicant, in responding to those issues, engaged a second party to also provide technical advice back on the issues that we were raising. We have stringently  
35 recommended some key actions to address wastewater management, particularly around that sensitive environment issue where there is funding issues; there is also groundwater issues. There are some restrictions around where you can irrigate in terms of groundwater location. There is also a need to ensure that the treatment system can achieve the objectives of which the applicant is indicating that it proposes  
40 to achieve.

One of the key performance indicators in terms of the performance – evaluation report we mentioned before is around satisfying issues around irrigation of the standard of effluent that they propose to achieve. One of the recommendations that  
45 GHD had had which we’ve adopted is around – because of the sensitiveness of the environment, because of some level of uncertainty in terms of volume, is having very strict criteria that they’re going to have to meet, and there were some changes and

validation that we've also recommended as part of the conditions. So when there is a proposal to increase that capacity, there will need to be a demonstration through validation and reporting that that criteria and that wastewater treatment system is working. Should there be concerns that that is not going to be achieved, then the applicant will be required to transport that material offsite which happens in lot of other events and has happened previously here before.

MS HIRD: Yes. So reading the documentation, now, there was some uncertainty as to whether Byron Council would receive the wastewater from the site. So isn't that a key issue that that agreement must be in place?

MS P. MORALES: Yes, there needs to be an agreement with council.

MR RITCHIE: In terms of talking about – I understand one of the issues that has been experienced previously with the trial period - - -

MS HIRD: Yes.

MR RITCHIE: - - - is that there were concerns regarding the strength of the wastewater being transported to Byron Council.

MS HIRD: Yes.

MR RITCHIE: And they – in a sense, that that was triggering their limits on their EPL. And so separate to that process for the trial period, I understand that the applicant has negotiated to blend the wastewater currently generated during the trial period and shift offsite to ensure that that is of a satisfactory quality to be accepted by the treatment plant. In terms of their contingency, if they were to ship it offsite, they would have to ensure that the licensed facility that they were sending it to, they had an agreement in place and were providing wastewater in acceptable quality to them.

MS HIRD: And quantity?

MR RITCHIE: And quantity, yes.

MS HIRD: Yes. Okay. Can you give me a bit of a history – what did the pack originally approve? Just the portaloos on site and these composting toilets came later or - - -

MR RITCHIE: In terms of the original project approval, the system that proposed – that was proposed at that time was more of a traditional wastewater treatment system of a scale that would be capable of treating the wastewater generated by a 35,000 patron event which was, essentially, divided into two stages where stage 1 would be more temporary facilities as they ramped up, and then stage 2 would be the permanent wastewater treatment system. In 2014, which was around the time of the

second Splendour in the Grass festival, Parklands – the applicant was investigating alternative systems.

MS HIRD: Yes.

5

MR RITCHIE: In their EIS, they've discussed how that was as a result of discussions with the Woodford festival site up in Queensland - - -

MS HIRD: Yes.

10

MR RITCHIE: - - - which operated a similar system to the one that they had proposed under the project approval - - -

MR P. COPAS: So the 2014 system was approved by council, was it?

15

MR RITCHIE: Yes, in 2014, they went through the section 68 approval process.

MS HIRD: For what components, though? For the irrigation as well and - - -

20

MR RITCHIE: It included a number of composting toilets.

MS HIRD: Yes.

MR RITCHIE: It also included the treatment via sand beds of some of the wastewater onsite, and then the application to an existing area which, I believe, was shown in figure 19 or 20 towards the end.

25

MS HIRD: You mean up in EMA1, is that the - - -

30

MR RITCHIE: EMA1, correct.

MS HIRD: Right. So there's some sand beds where they just discharged the - - -

MR RITCHIE: Where they discharged there, and they also have a compost burial area.

35

MS HIRD: Yes. One thing, when going through the documentation now, is I can't see much reference to the Department of Health, and if you go through a section 68 process, there should be significant consultation with the Department of Health. So I don't see anything there. Was there or - - -

40

MR RITCHIE: In 2014?

MS HIRD: In – or even with your later consultation, I haven't seen anything.

45

MR RITCHIE: So may – well – may – we will take that on notice because - - -

MS HIRD: Yes.

MR RITCHIE: - - - I know during the course assessment, New South Wales Health contacted us around a couple of things, around potable water and some other things,  
5 and we were corresponding back with them.

MS HIRD: Yes.

MR RITCHIE: So maybe I will take that on notice and I will come back with a  
10 response.

MS HIRD: Yes. So if you go through the guidelines - - -

PROF MACKAY: That would be good.  
15

MR RITCHIE: Yes.

MS HIRD: - - - and section 68 is - - -

MR RITCHIE: Yes, yes.  
20

MS HIRD: - - - actually primarily a Department of Health - - -

MR RITCHIE: Yes, yes, yes.  
25

MS HIRD: - - - issue. Okay. Give a minute.

MR HUTTON: I've got a - - -

MS HIRD: Yes, did – yes.  
30

MR HUTTON: Sorry, yes.

MS HIRD: Just one question – sorry.  
35

MR RITCHIE: Sure, sure, sure.

MS HIRD: Did they ever consider – they talked about a potable water pipeline coming from somewhere. Did they ever consider a sewage pipeline to the nearest  
40 sewage treatment plan? I notice that Ocean Shores isn't all that far away. So to connect into the Ocean floors - - -

MR COPAS: My understanding – and we may also have to take this on notice – is that they did look into a similar situation with wastewater. But, again, it came down  
45 to, more, the capacity of the existing sewage treatment plants in the area and the costs that would be associated in an upgrade to provide them with the capacity to

handle that increased waste, and given the intermittent nature of the festivals, being only for 20 days a year, they determined that that would not be cost feasible.

PROF MACKAY: Could - - -

5

MR RITCHIE: But we could look at that in more detail and - - -

PROF MACKAY: Could we work on the basis that we will take that as the answer unless you come back to us?

10

MR RITCHIE: Yes.

PROF MACKAY: Yes, that would be helpful. Thanks.

15 MS HIRD: Yes. Okay. So the – some of the – going through and some of the things worried me, that the biosolids or compost was considered compost by the composting guidelines and they are technically biosolids, so there doesn't seem to have been a process to assess, and that, of course, is a potential contamination concern. The groundwater – it's interesting. I mean, there's a lot of figures in the  
20 application, but once you get to the right ..... the figures disappear. There's no original KPIs and things like that. So that's a concern. Anyway, we will take all that on. Now, is there a possibility of meeting with the wastewater people on site up at Byron?

25 MR RITCHIE: From the applicant's point of view?

MS HIRD: Yes.

MR RITCHIE: I'm sure if you ask them, they will make them available.

30

MS HIRD: Yes. That would be helpful because I feel like I'm - - -

MR RITCHIE: Yes, and as I mentioned, we – the applicant had one consultant providing them advice. We had a lot of questions with that consultant - - -

35

MS HIRD: Yes. Yes.

MR RITCHIE: Then they got a second one. So - - -

40 MS HIRD: And what about the GST – the GHD.

PROF MACKAY: GHD.

MS HIRD: GHD.

45

MR RITCHIE: GHD is our consultant.

PROF MACKAY: Yes.

MS HIRD: Would I be able to – or would we be able to consult with him?

5 MR RITCHIE: I'm sure if you've got some questions, we can ask - - -

MS HIRD: Yes, certainly.

MR RITCHIE: We can ask GHD - - -

10 MS HIRD: Okay.

MR RITCHIE: - - - and we can come back to you.

15 MS HIRD: Right. Okay. That seems to be a better approach. Yes.

MR RITCHIE: But in terms of meeting the applicant's consultants onsite, then - - -

PROF MACKAY: Yes, we need to ask - - -

20 MR RITCHIE: - - - that's definitely something you can ask the applicant, and I'm sure they would be accommodating. And, again, from our point of view, that was one of the key performance criteria that we want to make sure we satisfied as part of progression.

25 MS HIRD: Yes. Well, it's something that happens down the track. It's not like noise and traffic where you can see it instantly what the problem is, and I think it's getting KPIs around that.

30 MR RITCHIE: That's right.

MS HIRD: Yes.

MR RITCHIE: And, as I was mentioning before, the key for us is making sure that

35 criteria is very stringent and demonstration that can be satisfied beforehand.

MR HUTTON: I've got a – just a question around the broader KPIs that have – so the proposal is, as I understand it, very much put around meeting KPIs as a review and feedback process that you described earlier which were – got a diagram over

40 here. Is it possible to get a consolidated list of the KPIs as they stand to understand what all the KPIs might be? I've read them throughout the assessment report in different sections, or is there a consolidated KPI list that I haven't yet read?

MR RITCHIE: Yes, so we – sorry. Need to answer that one, Pam, but - - -

45 MR HUTTON: Which is possible.

- MR RITCHIE: - - - in terms of the conditions – because what we provided is a report and terms and conditions.
- MR HUTTON: Yes.
- 5 MR RITCHIE: There is, on page 14, a table which we describe where we came in terms of what that - - -
- MR HUTTON: Yes.
- 10 MR RITCHIE: - - - key performance measures would be.
- MR HUTTON: Okay.
- 15 MR RITCHIE: There are some generic things, as I was mentioning before that we also want to be satisfied, and that is around, you know, general performance, but also around some of that policing issues which is difficult to try and pin down to a measurable KPI. In terms of traffic, there are some clear measures that - - -
- 20 MR HUTTON: Yes.
- MR RITCHIE: - - - they have required – been required to meet, but also that we want to continue to ensure that it's being met. Noise, obviously there's the criteria that has been established within table 7 of the consent, and also demonstrating that
- 25 the measures are continuing to work in terms of managing that. From a wastewater point of view, and that's pulling out of what I was mentioning before around having street criteria, that's measured, but then there's a range of other things that we want to ensure is also being reported on that we can check as part of a review of this process. When this is put together, as I was mentioning before, we do want to ensure
- 30 that some of those key parties, like council and New South Wales Police, are consulted on that report.
- MR HUTTON: On the performance evaluation report? Yes.
- 35 MR RITCHIE: Because there's going to be some policing issues that we want to ensure that they're satisfied with.
- MR HUTTON: Yes. But in terms of key KPIs, table 5 - - -
- 40 MR RITCHIE: Yes.
- MR HUTTON: - - - represents the current issues and the current criteria as they stand.
- 45 MR RITCHIE: Yes.
- MR HUTTON: Okay.

MS HIRD: And New South Wales Health I think should go on.

MR HUTTON: Okay. Thank you. There's one other question just around the staging. There was a figure earlier in this compendium, figure – table 5. This table is quite helpful in describing the infrastructure proposal and when construction is required, but there's a number of non-specific activities that aren't triggered by a particular number of patrons and the notation at the bottom indicates that they will be constructed progressively as funding permits. Did the department give consideration to whether or not some of these key infrastructures would be triggered by patron numbers and, therefore, is it more – is it likely that the patron numbers could drive the timing rather than funding? I'm just interested in your sort of thoughts behind that table and the timing.

MR COPAS: In terms of – to set out where this table has come from, this was the original table that the applicant proposed - - -

MR HUTTON: Okay.

MR COPAS: - - - as part of its EIS and response to submissions.

MR HUTTON: Okay.

MR COPAS: With that, during the response-to-submission stage, we queried a number of these works and sought further information from the applicant as regarding when they would be provided or whether or not they should be provided at a specific patron stage. In terms of some of those relating to potable and sewerage infrastructure, for example, those were more defined as being things that would be staged as it progressed and, in that sense, in terms of our recommended conditions, we had carried over requirements setting out that that infrastructure should be in place dependent on the stage. So, say, for a 45,000-patron event – a 40,000-patron event or a 45 or 50, that they have the infrastructure in place to meet those specific ones.

MR HUTTON: Okay. So to clarify then, the consent would have a slightly different staging to what this original table was.

MR COPAS: As well, because, in terms of this table, the staging that they proposed was a seven-and-a-half-thousand increments.

MR HUTTON: Yes.

MR COPAS: In terms of our - - -

MR HUTTON: Thank you.

MR COPAS: - - - proposed staging of 5000 increments, we've made adjustments to reflect that. So to ensure that, for example, for infrastructure that they have said that

they will require at forty-two and a half thousand, because the staging that we proposed will jump from forty to forty-five thousand, we've required that it be in place by 45,000.

5 MR HUTTON: Okay.

MS HIRD: Does that apply to the wastewater treatment place?

10 PROF MACKAY: Well – yes – I just – yes, but - - -

MR COPAS: The same as well in their - - -

15 MS MORALES: The – sorry – in terms of the wastewater, the required – the timing would be in accordance with condition C16. So we've identified the timing of when the wastewater - - -

MS HIRD: So that's just prior to the conference centre or - - -

20 MS MORALES: Let me just check - - -

MR COPAS: C - - -

MR HUTTON: Can you just – just a page number.

25 MS MORALES: Sorry. Page 6 in the ....

MR HUTTON: Yes. Thank you.

30 MR COPAS: Which I understand links to the wastewater management plan, which is part of that plan they have to set out the requirements of that specific staging and how they will do it for each stage.

MS MORALES: Yes.

35 MS HIRD: So it's just a plan rather than an actual piece of infrastructure.

MR COPAS: In terms of that plan, the plan will set out the detail of what they will require at each stage to be able to meet the requirements or - - -

40 MS HIRD: Okay.

MR COPAS: - - - to facilitate that patron number.

45 MS HIRD: So the applicant has reserved the right – if he can't afford to put in a wastewater treatment system, then he will just send it somewhere else. Is that a satisfactory solution?

MR COPAS: In terms of the temporary nature of the events, it is comparable to what's done for a number of other events - - -

MS HIRD: Events.

5 MR COPAS: - - - across the country - - -

MS HIRD: Okay.

10 MR COPAS: - - - and in other jurisdictions.

MS HIRD: But not the case when the conference centre goes in, which will be a permanent structure.

15 PROF MACKAY: Yes. Okay.

MS HIRD: Okay.

MR COPAS: In term – yes.

20 PROF MACKAY: Could I just ask that in a sort of a more facile way. The previous stage 1, stage 2, committed them to installing certain wastewater infrastructure, but as these consent conditions are drafted, that would not apply any more. You're actually interested in meeting the standards that are in the – was it table 9 or was it

25 table – or in condition D16 – and if those standards are met, it doesn't matter whether they have done it by building infrastructure or shipping stuff off site, they're met; is that - - -

MR RITCHIE: No. That's correct. Yes.

30 PROF MACKAY: I'm just being very simplistic about it. Okay.

MR RITCHIE: So if you look – so maybe we can respond in more detail on notice, but if you look at C13, the wastewater treatment system, which it described in their

35 RTS, will have to be in place by 40,000. So maybe what we will do, we will come back and clarify - - -

PROF MACKAY: Perhaps there is a - - -

40 MR HUTTON: I think it - - -

PROF MACKAY: Actually – and then I think there is a - - -

MS HIRD: I think there might be something – a clause in there.

45 PROF MACKAY: They can both be simultaneously true. Yes. Okay.

MR RITCHIE: So that - - -

MS MORALES: Yes. This table - - -

5 MR RITCHIE: See, what C16 in the table refers to is actually – it does tie back to the RTS as well.

PROF MACKAY: Yes.

10 MR RITCHIE: Yes. So it’s just we haven’t replicated the 40,000 in there.

PROF MACKAY: Okay. There’s the – so - - -

MR RITCHIE: So what - - -

15 MS HIRD: C13, I think - - -

PROF MACKAY: So what’s in C13 is absent from C1.

20 MR RITCHIE: C13? But the intent - - -

PROF MACKAY: It’s not in the ..... table.

MR HUTTON: No. It says, “In accordance with C16.”

25 MR RITCHIE: It says “C16.”

PROF MACKAY: I see. All right.

30 MR RITCHIE: No. C16 talks about the RTS. The RTS talks about the timing and ..... but we will come back and clarify this with you.

PROF MACKAY: I think to help us - - -

35 MR HUTTON: Okay.

MR RITCHIE: So the expectation would be 40,000. That’s .....

PROF MACKAY: Yes. Got it.

40 MR HUTTON: Yes.

PROF MACKAY: I think if you were able to even present it similar to that - - -

45 MR RITCHIE: Replicate – yes, yes.

- PROF MACKAY: - - - but based on the way you see it unpacking as part of your draft - - -
- MR RITCHIE: We will do that.
- 5 PROF MACKAY: - - - that would be useful - - -
- MR RITCHIE: We will do that. Yes.
- 10 PROF MACKAY: - - - just in terms of timing.
- MR RITCHIE: Yes.
- PROF MACKAY: And we will take that this table 5 represents the - - -
- 15 MR RITCHIE: As proposed.
- PROF MACKAY: As proposed. Yes.
- 20 MR RITCHIE: Yes. And the idea of the 5000 is we wanted to pare it back and make it a smaller progression.
- PROF MACKAY: Yes. The logic of that is .....
- 25 MS HIRD: Yes. No, no.
- PROF MACKAY: Just while we're in these consent conditions, just harking back to a question perhaps for Jeff, if I'm reading these correctly, then D16, in combination with table 7, what's numeric limits on to zone 1?
- 30 MR J. PARNEL: Yes.
- PROF MACKAY: So it doesn't matter whether they have reached an agreement with the receptor, the limits still apply. I mean, it's nice - - -
- 35 MR PARNEL: They have got - - -
- PROF MACKAY: - - - for the receptor that they're getting a deal, but, in fact, that doesn't abrogate the responsibility of the proponent to meet these numbers or be in breach.
- 40 MR PARNEL: No, that's exactly right. It's not necessarily – normally, if it was around a mine site, once you've got an agreement, then we don't - - -
- 45 PROF MACKAY: Yes.

MR PARNEL: - - - look at the numbers. You've got an agreement for higher noise levels. We – these still put some limits on what they're supposed to achieve so that the - - -

5 PROF MACKAY: No. Thank you.

MR RITCHIE: Just - - -

10 MR PARNEL: Sorry. Sorry. They're the levels, so we say, for the - - -

PROF MACKAY: Okay. So you've actually got an out clause.

15 MR PARNEL: They do not apply if they have agreement. They can have different arrangements in those agreements. One of those agreements specifically with those people can be to have no limits if they so desire.

PROF MACKAY: Okay. Okay. Yes.

20 MR PARNEL: You know, in the absence of that, though, we have set criteria that are, you know, slightly above the zone 2 area.

PROF MACKAY: Yes. Okay. Thank you.

25 MS C. HIRD: I've got some - - -

PROF MACKAY: Catherine.

30 MS HIRD: - - - comments on the C15, which is where we're very specific about total nitrogen less than 50, total phosphorous less than 20. In my experience, those sort of numbers are established through doing a proper – what we call a nutrient budget and going through the whole process from treatment to the end, so, in actual fact, total nitrogen of less than 50 would be a disaster unless we are taking – we're harvesting the material off-site all the time. Similarly, phosphorous – exactly the same situation. It's going to pretty quickly get into the system, so if someone follows that section 68 process as described on the net, you will go a proper process where you will establish where the nutrients are coming out of the system and make sure they don't end up the groundwater table.

40 MR RITCHIE: So we can consult with GHD and come back around – that particular question.

45 MS HIRD: Yes, yes. He hasn't mentioned the term "nutrient budget" in any of his material. There's a lot of stuff done on this using the HCCP principles, which, again, I didn't sort of see in the report. And I've – the reed beds are not going to be particularly effective in taking a lot out. You will need those harvesting regimes at the other end. Yes.

PROF MACKAY: Okay. Have we – I think we’ve covered wastewater.

MR .....: Yes, I think .....

5 PROF MACKAY: Yes. I think you guys have covered everything you told us you were going to cover.

MR RITCHIE: Probably the key issues. There’s obviously other issues, either raised in submissions or relevant to the application, and in our report, there’s a table  
10 towards the latter part where we similarly look at those issues.

PROF MACKAY: Yes.

MR RITCHIE: So in table 16, of which there’s biodiversity issues and crowd  
15 management, which was a policing issue raised initially, and flooding and evacuation.

PROF MACKAY: Bushfire, etcetera. Yes.

20 MR RITCHIE: So when an event is held, there is quite a significant emergency agency presence, so there is an emergency compound. There’s a police bus. There’s ambulance. There’s fire brigade. There’s fire control. There’s security. There’s policing. One of the early issues was around policing resourcing, and the applicant and New South Wales Police have come up with an arrangement for a cost-share  
25 process to provide – I think one of the key issues was around accommodation, ensuring there’s enough accommodation for all police to attend the event. So when the event is on, there is a significant emergency service presence on the site.

PROF MACKAY: Look, could I just ask one more, sort of, again, facile general  
30 question. In reading all of this, at the end of it, it seemed to me that we’ve been through this whole series of trials and learning, and yet when you look at the package of consent conditions and the commitments of the owner, there’s still quite a lot of stuff, content, be it wastewater management or be it traffic management, that is still kind on the never-never, in that we’re ramping up and will adjust as necessary –  
35 okay, we’ve got some performance indicators there and measures, be it noise, be it water quality, but I guess my question is should there be more of that content that’s locked away, given the six years of trial events and learning?

MR RITCHIE: So one of the key reasons for recommending still that progressive  
40 basis - - -

PROF MACKAY: Yes.

MR RITCHIE: There is still a lot of community concern in terms of the event  
45 themselves, so people just still feel like they are impacted by – whether it’s noise or traffic management. So we believe that we should keep that going to ensure that there is continued good performance in terms of traffic management, continued

improvements on how other aspects of the event is being run. So we believe that that's important to provide some confidence in around how the site and the events will be managed over time, rather than just allowing up to the - - -

5 PROF MACKAY: Yes.

MR RITCHIE: - - - capacity as proposed.

10 PROF MACKAY: I kind of get that, but what I don't get is that after five years, you still don't know whether you're going to treat on site or ultimately ship off site, which is sort of surprising. I mean, putting on the community hat, shouldn't there be more – if I'm Byron Council and I'm objecting, shouldn't there be more certainty about that? You know, are you going to ship it to us or aren't you? I mean, you have five years of experience. I'm putting on my community objector tone of voice,  
15 too. I realise that. I mean, I just think I'm asking for a department's reaction to that. Should it not be more resolved at this point? Wasn't that the reason to have the staged process?

20 MR RITCHIE: Maybe it's best if I – we'll take that away.

PROF MACKAY: Yes.

MR RITCHIE: We'll come back with a formal response.

25 PROF MACKAY: Yes, I think it would be helpful to us.

MR RITCHIE: Sure. Yes.

30 PROF MACKAY: I mean, I, just to be clear, have absolutely not formed a view on that.

MR RITCHIE: Yes. Yes.

35 PROF MACKAY: But in reading about the early history, it kind of builds up to, "We're going to get it all sorted out," and then where it ends is some bits are still not sorted out.

MR RITCHIE: Yes. Yes.

40 PROF MACKAY: And that – I agree that's a sort of - - -

MS HIRD: I'll ask the question. I'm a technical expert but not a planning expert. So in the end of the day, they're not meeting those KPIs. What is the process, then, to get them to meet the KPIs?  
45

MR RITCHIE: Well, there's – I mean - - -

PROF MACKAY: Shut it down.

MR RITCHIE: First of all, there's the recommended instrument.

5 MS HIRD: Yes.

MR RITCHIE: That's what you're required to satisfy. If you don't, then you're not going to increase as you propose to increase. Equally, if there's continued can't meet those criteria, whether it's noise, etcetera - - -

10

MS HIRD: Yes.

MR RITCHIE: - - - the department does have a strengthened compliance function, and there are compliance officers. There's a compliance team that will consider

15 those issues in accordance with their department compliance related policies and take any necessary action that's deemed required.

MS HIRD: And those actions are extraordinarily broad in - - -

20 MR RITCHIE: Very broad. There's - - -

MS HIRD: Yes. Anything.

MR RITCHIE: - - - penalty notice powers or ordering powers, and that's one thing  
25 to say, is that certainly over the last number of years, we've endeavoured to ensure that there's a presence, whether it's a compliance present or an acoustic presence. When we're assessing the project, we wanted to make sure that the staff could visualise and understand what the event is like for them to be able to more clearly articulate and understand the issues that are relevant to the project. So certainly from  
30 a compliance point of view, for the last number of years, there's been a lot of presence. But if they - it's sort of an incentive. If you don't perform, then you're not going to get the increase, but then there's compliance powers if there's no - - -

35 MS HIRD: Yes.

MR RITCHIE: - - - continued improvement.

MS HIRD: Okay.

40 PROF MACKAY: Okay. Are there any further questions?

MR HUTTON: Yes, I'm happy.

PROF MACKAY: Happy?

45

MS HIRD: Yes.

PROF MACKAY: Anything from staff? Well, I think it remains for me to thank you for very – a very clear – I mean, very cogent and clear presentation. I think if there is a complaint, it's that everything's in such tiny font and the book's so enormous, but apart from that - - -

5

MS HIRD: And there's such a lot of it.

PROF MACKAY: Yes. Apart from that, it's actually – I mean, for a very complicated set of issues, it's very clearly put before us, so thank you. Thank you. And I think, for the purposes of the tape, then, I should declare this meeting closed.

10

**RECORDING CONCLUDED**

**[2.18 pm]**