

Submission for IPC Hearing 10/12/18 North Byron Parklands (NBP) Chris Cherry

I am addressing you as an individual who has grown up on the floodplain and is impacted by the noise of this development.

My position is to request a further trial period to allow the concerns raised by agencies and community to be addressed. My concerns revolve around unresolved impacts of the proposed wastewater irrigation areas in the floodplain, noise levels which contravene the EPA's Noise guides and are higher than most other comparable festival sites, traffic concerns where impacts from one day events have not been trialled and crowd safety concerns which are highlighted by the police.

Noise

Apart from scale of events Noise was still the primary concern raised by objectors to this proposal even though the proponent has reported in the Response to Submissions (RTS) that "All trial events have complied with the noise criteria" since the new higher limits were introduced. The RTS also advises that "Parklands has a strong record in noise management". This strong record has not changed the experience for many of us in the community who are impacted at each major event. I live 7kms from the site and yet I have had to complain regarding the noise levels at my home for every major event where we have stayed at home. For many events our family have chosen to vacate our home rather than be exposed to this unwanted intrusion, preventing us from sleep for multiple days.

At the most recent large event we again called the hotline after putting up with it over the weekend. The noise consultants unfortunately were too busy and did not arrive until after midnight when the event main stages were closed. We could still hear the minor stages after midnight. Compliance may have been achieved during the specific 10 minutes of measurement done by the acoustic consultant at the time specified to the event organisers but the reality is the noise is disturbing and prevents my children from sleeping.

The department describes the noise limits as maintaining "an acceptable level of amenity for the community".

- I would ask the Commissioners to consider whether the development is consistent with the EPA 2013 Noise Guide for Local Government wherein it describes noise levels contributing to sleep disturbance as Background plus 15dBA. Consistent measurements for night background at our home and in this area is between 25 and 30dBA. The proposed noise limits, at 55dBA are therefore 10dBA above (and therefore twice as loud as) the noise limit defined by the NSW EPA as producing sleep disturbance and this impact is much worse for Zone 1 residents where the limit is 60dBA. The Noise Policy for Industry document, produced by the NSW EPA nominates 52dBA as the noise level producing sleep disturbance. Both of these defined levels are exceeded by the proposed noise criteria.

Noise limits proposed by DoP are:

	Zone 1	Zone 2
11am-12midnight	60dBA / 70dBC	55dBA / 65dBC
Midnight – 2am	45dBA / 60dBC	45dBA / 55dBC

Consideration of the duration of exposure and frequency needs to be considered when setting appropriate noise control limits as explained in the attached report from Acoustic Consultant Mr Jeff Parnell. The report was presented to a 2017 Acoustic conference and details the reasoning behind applying limits to large outdoor festival events. Mr Parnell has also in the past been employed as an independent acoustic consultant for the DoP in assessing noise management plans during the trial period.

In the report Mr Parnell advises that: “restricting the noise dose is a management tool that can be used to manage impacts. For example, a 1 day music event is unlikely to result in as many complaints as a 3 day event. Likewise, a 4 hour event at a certain level may be tolerated whilst a 12 hour event at the same level is likely to result in an adverse community reaction.” He explains that similarly to limiting the duration of an event to manage noise impacts, managing finishing times is also an effective tool – “similar to control of duration, where louder music levels may be tolerated if the event finishes before most people would want to sleep” p3 Acoustics 2017.

The DoP Noise consultant Mr Parnell also advised that “In practice, regulators will consider combinations of all three of these management practices in developing noise conditions.” –ibid.

Currently no example of festival noise limits in Australia permit noise above background after midnight. The noise limits imposed after 10pm on the Woodford festival site in Queensland where Splendour in the Grass was previously held, are: 50dBA or Background plus 10dBA, whichever is lower, as is listed in the table reproduced from Mr Parnell’s Acoustic 2017 paper.

Table 2. Australian Major Event Policies

State	Guiding Policy	Event Times	Noise Objectives at Receivers (unless otherwise stated)
Queensland	Environmental Protection Act	7 am – 10 pm 10 pm – Midnight	70 dB(A) 50 dB(A) or background + 10 dB
Brisbane	BCC Local Law Policy (Entertainment Venues and Events)	On a case-by-case basis	L_{eq} 55 dB(A) / L_{10} 70 dB(A). FoH: 95 dB(A) to max of 100 dB(A) and 105 dB(A) @ 63 Hz.
Victoria	State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2	Til 11 pm 10 pm if > 5 hrs Other hours	65 dB(A) Council criteria applies
Western Australia	Environmental Protection (Noise) Regulations. (Not appli- cable to approved non- conforming events)	7 am – 7 pm 7 pm – 7 am	65 dB(A) 60 dB(A)
South Australia	Adelaide City Council. Event Noise Mitigation SoP.	7 am – 11 pm	60 dB(A) / 75 dB(A) L_{max} 70 dB(lin) in 31.5 / 63 / 125 Hz FoH 110 dB(C) (recommended)

The noise limits imposed on Glastonbury festival site are reduced due to it being a multiple day festival and are reproduced from the ‘*Bath and North East Somerset Council code of practice for managing Noise from Large outdoor festival events*’ attached. They are restricted to Background plus 15dBA.

The table below indicates the maximum Music Noise Levels (MNL) recommended by the code of practice for functions that do not go beyond 23:00 hours.

Concert days per calendar year, at the same venue	Venue Category	Guideline
1 to 3	Urban Stadia or Arenas	The MNL expressed as an L_{Aeq} should not exceed 75dB(A) over a 15 minute period
1 to 3	Other Urban and Rural Venues	The MNL expressed as an L_{Aeq} should not exceed 65dB(A) over a 15 minute period
4 to 12	All Venues	The MNL expressed as an L_{Aeq} should not exceed the background noise level by more than 15dB(A) over a 15 minute period

It is clear from the data presented by Mr Parnell that the noise limits being proposed in the DoP assessment are higher than that allowed for events at Glastonbury, Blues Fest, Woodford or Centennial Park Sydney.

- Please consider restricting noise levels exceeding background to before 23:00. This limit on duration is a management tool that would allow music to be enjoyed by patrons while restricting the impact on surrounding residents.

Page 58 of the DoP assessment details modelling for predicted noise impacts for larger events which show that noise impacts are predicted to get worse for residents to the north of the site in Crabbes Creek and Wooyung (and presumably Mooball and Burringbar).

- Please insert an addition to condition D48 which requires that if a professional Acoustic Consultant report demonstrates that Festival event noise has exceeded noise criteria at a residence then noise attenuation measures are to be carried out, including, but not limited to double glazing, insulation etc or monetary compensation for required works is to be provided by the proponent.

Report states on p 59 that the applicant advised it would adjust the operating volumes for minor stages in addition to current active noise management measures “to achieve compliance for the majority of receivers”

- Please insert a condition of approval that requires combined Front of House (FOH) levels to not exceed 100dBA and 110dbc as promoted by the departments Independent Acoustic consultant, in a conference paper in 2017, as one of the most effective methods for managing festival noise impacts. See copy attached. This type of FOH limit is already applied to the Blues Festival site to limit amenity impacts.

Condition D22 proposes notification of event times and complaint hotline contact details to within a radius of 3kms only.

- Please expand this to a 10km radius around the site as that is more indicative of the noise impact.

The DOP report states that NBP have entered into noise agreements with the two closest sensitive receivers. Unfortunately there are sensitive receivers who live on Jones rd that NBP have still failed to come to an agreement for attenuation with and mitigation measures to date have not protected them from the impacts. Documents presented to RWG meetings over the trial have had errors when notifying the DoP that noise agreements were in place, which resulted in some required noise monitoring not occurring. Please therefore do not leave the onus of reporting on the applicant.

- Please adjust Condition D31 from “the Applicant advising that an agreement is in place” to “the sensitive receiver has confirmed in writing to the Department that an Agreement is in place.”
- There are also sensitive receivers which are not mapped within Appendix 5 of the DoP Assessment report and these impacted residences should be defined as sensitive receivers and mitigatory measures put in place.

Risks to Groundwater

As noted by GHD there is insufficient information to determine risks to groundwater and the further information requested by the independent consultant was not provided. Our family, and many others who live along Wooyung road have borewater licenses and depend on this water for use in our Holiday Park business, for irrigation and for stock watering. The statement that the proposed Irrigation area has less sensitive receivers, with only farms, which the proponent owns, to the north is not accurate. According to the GHD report the proposed irrigation area has groundwater levels of 0.65m – 1m and is closest to the surface waterways. GHD also states that placing irrigation areas where groundwater is less than 1m below the surface is not best practice.

GHD final response, (p4, 01/11/18) advises that there is insufficient information on groundwater condition and local hydrogeology to adequately assess the risk to groundwater and nearby surface waters and recommended additional modelling to assess if land can cater for the proposed effluent quality and suggested reviewing irrigation areas to reduce risks to groundwater. They also advise relocating irrigation areas to those where groundwater is more than 1m below the ground surface.

- Please require this in approval conditions as the DoP appear to have overlooked this.

Impact on roads

I disagree with the statement made in DoP assessment summary p vii that “smaller events (up to 25,000) are unlikely to impact the performance of roads used to access the site”. No trial of an event of 25,000 patrons arriving on the site on one day, as is proposed in this application, has occurred during the trial period. Page 48 of the DoP assessment advises that for the events held to date with 32,500 patrons, 8,250 campers arrive the day before the event, 8,000 vehicles enter and leave on one day and 8,000 vehicles leave on the bump-out day after the event.

- A further trial period would allow a trial of a medium size one-day event prior to consideration of further approvals.

Ecological monitoring and impacts

In the 2010 Environmental Assessment for the trial approval the main mitigatory measure for minimising the impacts on threatened species on the site was to limit the number of events on the site so that species could have long periods of downtime to recover normal processes. The current proposal, according to page 17 of the NBP RTS will result in bump-in, bump-out and event activity on 108 days out of 365 if all bump in and bump out periods are used. This is completely inconsistent with the ‘infrequency of events’ being the main mitigatory measure employed for impacts on threatened species on and off the site.

This proposal is inconsistent with Object 1(c) of the EP&A Act in that the proposal is considered likely to have an adverse impact on threatened species, endangered EEC’s or critically endangered EC’s in and around the site.

Monitoring data presented attached to the annual Performance reports show that although the latest review of monitoring on the site attached to the proposal states that no significant adverse impacts of the carrying out of events on the site have been found, this is not backed up by the data presented by the proponents to date. The significant inadequacy of the monitoring program has been repeatedly pointed out by OEH representatives to the proponent and community representatives in the Regulatory Working Group and has resulted in monitoring data which cannot provide conclusions regarding impacts.

All monitoring of impact on flora has failed to consider the impact of extensive drainage works, surface hardening, runoff contamination, reduction in pollinators through continual slashing and lowering of water table on the vegetation both on the site and the neighbouring Billinudgel Nature Reserve.

The three greatest failings of the monitoring to date appear to be:

- The 2010 Ecological Assessment done by Mark Fitzgerald which forms part of the 2012 PAC Approval for the previous 5 year trial of events clearly identifies 2 categories of impacts from this project: the construction of infrastructure and the carrying out of events, but to date all monitoring has targeted impacts from the carrying out of events.
- The 2010 Ecological Assessment done by Mark Fitzgerald and the 2015 Review of Ecological Impacts identify no less than 10 sources of data collected (mostly by Dr Fitzgerald) prior to the operation of the Project Approval and yet none of this has been presented to date for identification of baseline conditions and impacts.
- the Flora and Fauna Monitoring data presented to date DO show a reduction in threatened species found on the site and in the Reserve and a reduction in diversity as compared to the data pre-2012 but this is not discussed as a potential impact, although both ecological consultants contributing reports, Dr Mark Fitzgerald and Dr Rob Kooyman are careful to confine their conclusions to "no significant adverse impacts from the carrying out of events".

Patron safety

The increase in camping patrons from 20,000 to 30,000 is a huge change and it is difficult to see where these extra campers will be located with the camping areas already a chaotic maze of tents and vans with no fire safety spacing evident. The police representative has repeatedly expressed concerns during RWG meetings regarding the need for clearly delineated and separated camping sites to assist in evacuation and minimise spread of fire in an emergency.

Please see the copy of the NSW Police remaining concerns attached.

The change in definition of patron from anyone holding a valid ticket to include only paid ticket holders is not supported. For crowd safety it is the total maximum number of people on site that is the key issue. The previous trial has effectively limited maximum number of people on site to patron numbers as all staff, stall holders, volunteers, security etc held tickets for the event.

- Please define 'patron' as anyone attending an event to ensure planning for evacuation and crowd control can be as effective as possible.

The provision of temporary fencing within 10m of the forest blocks and native vegetation appears inconsistent with the Bushfire Management Plan which requires a 10m defendable zone around forest blocks to be kept clear at all times.

- Please modify Condition D37 to being “greater than 10m from..”

In the interests of crowd safety please require reporting of patron numbers for all events.

- Please adjust Condition D49 to include requirement for provision of evidence of patron numbers to be required for ALL events.

Page 18 of the NBP RTS is inconsistent regarding definitions of event days and camper arrival days.

- Please make clear in any approval that camper arrival days or leaving days where entertainment is provided is counted as an event day and is included in the 10 allowable event days for Large events.

RE: SSD 8169 and Concept Plan MOD5 for Cultural Events Site at Yelgun (North Byron Parklands)

Attention: Pamela Morales

Dear Ms Morales,

Thank you for granting me an extension of time to submit details of my submission by March 2, the application is very complex and I appreciate the time to provide meaningful feedback.

I object to the SSD 8169 North Byron Parklands Cultural Event Site and the modification of the Concept Plan (MP09_0028 Mod 3 Concept Plan).

The reasons for my objection are as follows:

- 1. The noise criteria proposed are too high and do not reflect the intrusive nature of noise associated with amplified music festivals at the frequency and duration proposed.**

Comparative data on other outdoor event venue noise limits presented in the Noise Assessment by ANE Noise Consultants in Appendix L of the Proposal show that the proposed limits are outside industry standards and much higher than the limits identified for comparable event venues.

- 2. The change in definition of 'patron' from anyone holding a valid ticket to anyone holding a paid ticket effectively provides no upper limit to the number of people potentially on site at any one time.**

The widespread practices of giving away sets of six or more free tickets to all residents of surrounding roads, paying workers with tickets and providing free tickets to vendors, bar workers and various other groups has implications for this change in definition and impacts evacuation responses, water supply, wastewater and traffic management. To include only paid tickets in patron numbers effectively leaves an open limit on how many people can be on the site at any point and is not in the public interest.

- 3. The proposed increased frequency of usage negates the main mitigating measure recommended in the 2010 Environmental Assessment to limit impacts on threatened species on the site.**

The 2010 Environmental Assessment by Dr Mark Fitzgerald identified limiting major events on site as the primary mitigation for limiting impacts on the federally and state listed threatened species found on site, accessing the wildlife corridor and in the neighbouring Billinudgel Nature Reserve. As major events were defined as having up to 25000 patrons at that time, the current proposal has up to 5 events of this size and is proposing up to 7 smaller events in between these major events, effectively removing this threatening process risk mitigation measure. This is also especially important with the proposed usage of the permanent conference centre facilities which is located right

next to what is referred to, in the 2010 EA, as the 'Jacana dam' named after the breeding Comb crested Jacana using this dam for the previous years.

4. The proposed northern patron entrance/exit route to Wooyung Rd and through Tweed Coast Rd Pottsville sends large quantities of traffic through Pottsville CBD which has created a huge traffic problem in the past.

The arrival/exit route on Wooyung Rd proposes that traffic from the northern coastal areas only will use this entrance but event organisers have no way of controlling who uses this access and it has created heavy congestion in Pottsville CBD previously when this route was used as an unapproved egress point. This route is also highly susceptible to flood as the Flood Risk Management Plan indicates.

5. The flooding evacuation plan shows that the site cannot be effectively evacuated in less than 10 hours for an event of 35000 patrons.

The Molino Stewart Flood Risk Assessment 2017 attached to the application show evacuation times of up to 14 hours and note that evacuations at night or with intoxicated patrons will require additional time. The report also fails to note that Wooyung Rd is cut in multiple places in a 1:5 ARI event and as such is not an appropriate flood evacuation route for the proposed third egress point.

6. Flood threat has not been accurately represented in the application.

The Molino Stewart Flood Risk Assessment 2017 failed to provide modelling of evacuation times for the multiple flood events on the site for which they would have BOM historical information, stream gauge readings, which have occurred during the trial period and before. Local floods from June 2005, May 2009, October 2010, January 2012, March 2013, June 2016, March 2017 all provide opportunities to model flood flows and test evacuation warning times, potential and the probabilities of evacuation success in 1:5 and 1:100 ARI events. Much is made of the 2017 flood event, which was considered a 1:100 ARI event in Wooyung and the possibility that the site would have been evacuated prior to the 2 metres of water inundating the camping area, had an event been in operation at the time. But in reality, warnings are not always properly timed as was seen with the SES evacuation order for the neighbouring Billinudgel which came 2 hours after the floodwaters had peaked. It is evident from the SITG 2017 Noise Impact Report which disclosed that the Parklands weather monitoring station was not operational during the 2017 SITG event, that systems fail. Risks may be underestimated and it is imperative that patron safety is put first. 35,000 patrons means around 40,000 people on site and needing to be evacuated. Please consider. Statements made in the proposal that no infrastructure was damaged on site during the March 2017 flood are inaccurate and photographic evidence already presented to the Department shows otherwise.

7. The requirements for the Flora and Fauna Management Program as conditioned under C20 have not been completed.

Monitoring data presented attached to the annual Performance reports show that although the latest review of monitoring on the site attached to the proposal states that no significant adverse impacts of the carrying out of events on the site have been found, this is not backed up by the data presented by the proponents to date. The significant

inadequacy of the monitoring program has been repeatedly pointed out by OEH representatives to the proponent and community representatives in the Regulatory Working Group and cannot be ignored. Some of these failings are detailed below:

A) Predicted impacts of the Operation of the Project, identified into two categories but only one category assessed.

The 2010 EA identifies in the 7 part test for impact on threatened species (p6) that impacts " fall into two broad categories, those associated with construction of infrastructure and buildings at the site and those associated with the conduct of 3 musical events in year 1 of the proposal ". Impacts of construction, excavation and drainage works eg Spine Road and the impacts of carrying out of events were again separately referred to in the Review of Ecological Impacts of NBP 2015 but the monitoring of impacts considers only the impact of the carrying out of events. The review of monitoring data to date by EcoLogical presented with the current application continues to fail to address this problem with the monitoring data presented.

All monitoring carried out to date has specifically limited their results to impacts of the carrying out of events and no monitoring of either flora or fauna on the site or in the neighbouring BNR have considered or monitored the impacts of the construction of infrastructure on the site. Environmental Performance Report -Ecology Year 3 2014-2015 confines its results as follows: "*examination of the before,during after patterns of EIM data reveal no significant adverse impacts for any of the fauna groups monitored at NBP over the current monitoring period as a consequence of the conduct of the Falls Festival 2014-2015 or of SITG 2015.*" Where are the assessments of the impact of the construction and infrastructure as referred to in the 2010 EA? Monthly monitoring was supposed to have occurred for a full year before any events took place to provide sound baseline data, but this was not done. Some monthly bird surveys were done Nov 2012 – Sept 2013, but this included the time when the spine-road tunnel was built, preparations for Splendour 2013 were done, and Splendour 2013 was held. So that monitoring did not provide the promised full year of data before the first disturbing activities took place on site.

B) Impacts on threatened species (flora) and EEC's on the site fail to consider impacts of significant earthworks and drainage works

2010 EA identifies 6 threatened plant species and 4 EEC's on the site. The vegetation report prepared by Rob Kooyman in 2009 attached to the 2010 EA identifies and details the structure of 22 representative vegetation plots prior to operation of the project in order to assess the impacts of the project on vegetation existing on the site. These 22 plots were to form the baseline data for flora impacts but have not been used since.

All monitoring of impact on flora has failed to consider the impact of extensive drainage works, surface hardening, runoff contamination, reduction in pollinators through continual slashing and lowering of water table on the vegetation both on the site and the neighbouring BNR. Results are presented in the environmental performance-ecology year 3 Report as "No significant adverse effects on flora, threatened flora species or EEC's of the site were detected as a consequence of the two events." The Kooyman report which is referred to in the Performance Report 2015 specifically states that the "*Impacts relate only to events and do not include establishment of infrastructure, e.g. hardened surfaces, roading, drainage, prior to the photo series dates.*"

Aerial photos from 2004 could be compared with those from today to examine vegetation effects of the Project as Dr Rob Kooyman suggested at an RWG meeting in 2014 but this has not occurred.

C) Impacts found do not match conclusions in Environmental Performance Reports that no adverse impacts on threatened species have been found.

Grey Headed Flying Fox EPBC

The 2010 EA predicted likely impacts on various species, including the prediction that flying foxes would be impacted if events were held at blossoming time. According to the 2010 EA, Grey headed flying foxes were recorded at the site in their hundreds in pre-operation of the project from 2006-2010.

At the first event during blossom time, at Falls festival 2013/14, grey headed flying foxes were observed displaying avoidance behaviour when feed trees were lit, returning to the trees after the lights were turned off p9 Review of ecological impacts.

The change in stage locations and orientation and carparking for the subsequent festivals coincide with the decline of grey headed flying foxes from the site AND the neighbouring Reserve. At the two most recent events for which we have monitoring data, Falls festival 2014 and SITG 2015, no flying foxes were recorded on the site or at control sites. Unfortunately the noise may also effect the control sites.

This decline in numbers is not discussed as an impact in the Review of Ecological Impacts 2015. No link is made to any national Recovery Plan for Grey headed flying foxes.

The mitigation measure to direct all event lighting downwards and direct all fixed light installations away from trees and forests have not been complied with and the Environmental Performance Report Ecology Year 3 2014-15 by Dr Mark Fitzgerald recommends a management protocol for light towers be introduced to correct this. Originally, low-pressure sodium vapour lights were to be used "where possible" to protect insects, as stated in Statement of Commitment C9(8), but that was never done.

Comb crested Jacanas NSW Threatened Sp.

In the 2010 EA the large northern dam is referred to as the 'jacana dam' due to the frequency of sightings. "The comb-crested jacana (at the jacana dam) has been recorded sporadically from the large northern dam in September 2006, August 2007 and again in February 2010 and May 2010 and it is possible that the species could nest at this site" p 13 2010 EA

The breeding season for Comb-crested jacanas is listed at this location as November - May on P755 of third performance report. It is stated in the 2010 EA, "these birds are normally present when the dam is inspected and likely breed there." Ibid.

The mitigation of impacts to protect this species committed to in the 2010 EA was to carry out plantings to screen the southern margins of the large dam. According to the 2015 ecological audit this has not been carried out.

The large northern dam is also recorded to be used to fill water tanks on site for fire-fighting purposes for each event.

No comb crested jacanas have been recorded on the site since events started occurring despite targeted searches. P12 review of ecological impacts at NBP 2015.

Yet the Environmental Performance Report Ecology Year 3 2014-2015 lists " no impacts on threatened species were detected." P20. Data does not fit the claim.

Eastern grass owl NSW Threatened Sp.

No eastern grass owls have been recorded on the site since events started occurring despite targeted searches. P12 Review of Ecological impacts at NBP 2015.

The significant reduction of available habitat on the parklands site due to closely mown Lawns, surface hardening, frequent long periods of human intrusion and sporadic intense noise and light is not discussed as a source for the lack of sightings.

QLD blossom bat NSW Threatened Sp.

Originally reported in monitoring on site and mentioned as a primary over-winterer in the BNR but not recorded since operation of the project approval.

Rose - crowned fruit dove NSW Threatened Sp.

Species was reported on site in 2006-2010 monitoring, in isolated forest blocks. Has only been recorded on site once since beginning of operation of project even though regular reporting in control sites (n=14 sightings in Control sites in SITG 2015). No discussion of this.

Swamp wallabies

"Patterns of data indicate the possible development of increased wariness in local swamp wallabies." P5 Env Perf Report Ecology Year 3. Swamp wallabies were recorded on site in the 2010 EA. The Review of Ecological Impacts 2015 advisers that the " lack of wallaby sightings on Parklands and paucity of other evidence of wallaby presence (scats) may indicate increased wariness and avoidance of humans by these animals" p21

- D) Low or no recordings of various threatened species on the site are not listed as potential impacts from the operation of the project. Low diversity on the site is also not discussed as an impact of the project.**

"Lower than average species counts at IM3B likely to reflect its habitat values, small size, isolation (2ha patch) and resource availability. It is also the transect most exposed to event influences and bird counts may reflect adverse influences of noise and close human presence during events, including intrusion into the centre of the patch" p15 environmental performance report ecology year 3.

The three greatest failings of the monitoring to date appear to be:

- The 2010 Ecological Assessment done by Mark Fitzgerald which forms part of the 2012 PAC Approval for the previous 5 year trial of events clearly identifies 2 categories of impacts from this project: the construction of infrastructure and the carrying out of events, but to date all monitoring has targeted impacts from the carrying out of events.
- The 2010 Ecological Assessment done by Mark Fitzgerald and the 2015 Review of Ecological Impacts identify no less than 10 sources of data collected (mostly by Dr Fitzgerald) prior to the operation of the Project Approval and yet none of this has been presented to date for identification of baseline conditions and impacts.
- the Flora and Fauna Monitoring data presented to date DO show a reduction in threatened species found on the site and in the Reserve and a reduction in diversity as compared to the data pre-2012 but this is not discussed as a potential impact, although both ecological consultants contributing reports, Dr Mark Fitzgerald and Dr Rob Kooyman are careful to confine their conclusions to "no significant adverse impacts from the carrying out of events".

Billinudgel Nature Reserve Adjoins the site. Please consider the following comments in relation to the impact of the project on the Billinudgel Nature Reserve.

- 1. The significance of the Billinudgel Nature Reserve (BNR), particularly as a primary over-wintering habitat for 44 threatened species is clearly defined in the BNR Plan of Management.*
- 2. According to the BNR PoM no processes which threaten or destroy this vegetation or reduce the diversity or abundance of species within the Reserve are permitted.*
- 3. For any process which may threaten the Reserve the NPWS should request an assessment of the impacts, including those which may lower the water table or discharge acid sulphate soil runoff into the Reserve.*
- 4. It is probable that the extensive drainage works completed on the Parklands site, significant surface hardening and road installations have altered the hydrology of the site and may be potentially effecting the Reserve in terms of contaminated runoff and hydrology, which may in turn impact threatened species and habitat.*
- 5. This has not been assessed in monitoring to date.*
- 6. The 2010 Ecological Assessment carried out by Dr Mark Fitzgerald identified many different sources of data for baseline data for pre operation of the project but to date these have not been provided as comparisons to assess impacts post operation of the project.*
- 7. The 2010 Ecological Assessment carried out by Dr Mark Fitzgerald identified two broad categories of impacts from the project, those relating to construction of infrastructure and those related to carrying out of the events. To date only the impacts from carrying out of events have been assessed.*
- 8. Monitoring of Threatened species such as grey-headed flying fox, comb- crested jacana, eastern grass owl, rose crowned fruit dove and Qld blossom bat do show*

species appear to be gone from the site since the operation of the project but this is not discussed as an impact of the project.

9. The grey-headed flying fox also appears to be gone from the Reserve but this is not discussed as an impact of the project.

10. Most conclusions of impacts reported to date confine their findings to "no adverse significant impacts as a result of carrying out of individual events" - leaving open (and unmentioned) the possibility that the impacts may still be the result of the operation of the project.

The proposal increases activity on the site, with 17 weeks of event related activity proposed each year on the site including bump-in and bump-out phases. The proposed increased event activity and increased size of events both have an identified impact by weakening the primary mitigation method for limiting identified impacts on threatened species on the site.

Over 50% of the year would involve disturbing activity if this proposal is approved: Two large 5-day events and three 1-day medium events will each require 35 working days of bump-in + bump-out (21 setup, 14 dismantle), so that's $5+5+1+1+1 = 13$ event days and $35 \times 5 = 175$ setup/dismantle days. That's a total 188 days out of 365 (52%) but does not count the days of activity associated with minor community events OR ongoing maintenance work on site, such as sewage disposal, which would have to be done outside of festival times.

To assess the likely impact of the proposed increase in usage of the site it is useful to look at the Ecological Assessment and response to the Director Generals requirements provided in the original PAC application in 2012. This technical report identifies the risks associated with carrying out of events on the site and the impact on threatened species on the site. The primary recommended action taken to avoid and mitigate the identified impacts is "Limited activity on the site" as is seen in the extract below:

9.0 Mitigation of impacts on threatened species

Predicted impacts of the proposal on threatened fauna species are described in Section 6.2.4. These include disturbance of fauna from event activities: noise, human presence, lighting, vehicular and pedestrian traffic. Threatened fauna species present on the site during events will vary seasonally and according to the presence of key food resources. Actions taken to avoid and mitigate impacts for these species include: limited activity on the site (8 large event days in year 1 and no more than 12 large event days annually in subsequent years of operation); plantings to screen southern margins of the large northern dam, tree plantings to restore habitat connectivity and increase overall treecover at the site; traffic management to reduce the risk of roadkill; management of lighting to avoid illumination of any forest habitats, and monitoring to identify levels of fauna presence, alterations in abundance during events, and to develop adaptive strategies to minimise impacts.

Source: Technical Paper E: Ecological Assessment Mark Fitzgerald 2010. Ecological Assessment and response to Director-General's Environmental Assessment Requirements Application Number: 09_0028 North Byron Parklands

The main mitigation measure proposed in the Ecological Impact Assessment for the protection of the identified threatened species on site, submitted with the original

proposal was to “limit major event days on site” (please keep in mind the definition of minor community events in the original application was up to 300 people only). The long time of non-activity between events was also considered one of the impact limiting factors. Please see extract below:

“Because the range of activities proposed is variable in scale, duration and location, so will the ecological consequences also vary. Unpredictable synergistic and interactive effects between events and other activities at the site may also occur, if and when these overlap in time. Conversely the time between events (up to several months) will allow time both for recovery and for ‘normal’ ecological functions to occur at the Parklands site relatively undisturbed and ultimately enhanced by habitat plantings and weed removal. Table 2 lists activities, impacts, their intensity and duration.”

P21 Parkland Ecological Assessment provided in Appendix E to the original PAC application.

Please note the inconsistency of the current proposal to increase frequency of site usage by three fold by incorporating 5 smaller events up to 5000 patrons.

This intensification will remove the periods of regeneration that were proposed to occur on the site to minimise impacts on threatened species.

8. Multiple significant breaches of consent conditions have occurred during the trial period.

The following compliance table records non compliance in more than 26 conditions at the two most recent events on the site for which monitoring data is publicly available: Splendour in the Grass 2017 and Falls Festival 2016. This represents compliance with only about 80% of the conditions required in the trial and does NOT represent satisfactory performance during the trial. This table also does not include the multiple non compliance's with the Statement of Commitments which also form part of the conditions for Approval granted for the trial.

Consent Conditions: Project Approval

MOD3 = red type

MOD4 = blue type

Part A	Administrative Conditions	
A1	Structure of Approval	
A2	Staging and Project Approval MOD3 changes to A2(a)(2), infrastructure approval MOD4 changes of date from “end of 2017” to “31 August 2019”	Not complied
A3	Project in Accordance with Plans MOD3 changes to specific drawings under which project is to be undertaken	

A4	Project in Accordance with Documents MOD3 changes to documents that govern the approval. (June 2011 Molino Stewart still relevant here.) MOD4 changes to (g) and (h) referring to Trial Period Extension Modification EA	
A5	Inconsistency within Documents	
A6	Building Code of Australia	
A7	Lapsing of Approval	
A8	Other Approvals	

Part B Trial of Outdoor Events – Parameters

B1	Definitions MOD3 replaces original definitions with new ones. MOD4 replaces “end of 2017” with “31 Aug 2019”	
B2	Trial Period for Outdoor Events	
B2 (1)	Three events allowed: large, medium, small	
B2 (2)	Maximum number of patrons for five trial years MOD4 added (and subsequent trial events) after “fifth trial”	Not complied
B2 (3)	Approval can be amended after considering (a) performance of previous events (b) any monitoring data about event impacts (c) management plans applying to future events	
B2 (4)	D-G may impose additional mitigation measures, e.g., reducing numbers of patrons, imposing stricter noise limits, amending plans of management	
B2 (5)	MOD3 adds: approval for FIVE minor community events	
B3	Noise restrictions	

B3 (1)	11am to midnight for all stages MOD3 changed this to allow operation of main stages to 1AM on NYE	Not complied – see Noise Impact Assessment Reports
B3 (2)	Between 11am-midnt, noise levels must not exceed background plus 10dBA MOD3 changed this to new Zone 1 and Zone 2 conditions: Zone 1, 11am-12m, 60dBA and 60dB(lin) Zone 1, 12m-2am, 45dBA and 60dB(lin) Zone 2, 11am-12m, 55dBA and 65dB(lin) Zone 2, 12m-2am, 45dBA and 55dB(lin) All LA3e, 10-min; dB(lin) in 63hetz 1/1 octave band	Not complied – see Noise Impact Assessment Reports
B3 (3)	Music from bars, etc. cease at 2am	Not complied – private monitoring shows breach
B3 (4)	Midnt-2am, noise levels at sensitive receivers must not exceed background plus 5 dBA outside bedroom windows DELETED IN MOD3	
B3 (5)	RWG can recommend increase or decrease in noise limits after considering the Noise Impact Report in C52. MOD3 made this B3(4)	
B3 (6)	D-G may amend noise limits after considering the advice of the RWG. MOD3 revised this to: The Secretary may amend the noise limits imposed under this condition for specific future events after considering the results as presented within the Noise Impact Report referred to in Condition C52.	
B4	Traffic management and parking	
B4 (1)	Minimum Level of Service C at Yelgun interchange and on TVW	Not complied SITG 2017
B4 (2)	Queue lengths 7m maximum on TVW and at Yelgun interchange	

B4 (3)	Queue lengths on northbound off ramp cannot extend more than 210m from the Give Way yield sign	
B4 (4)	No car parking south of Yelgun Creek. If ever used in future, flooding issues must be considered.	
B4 (5)	Southern car park (north of Yelgun Creek) to be used only for events with more than 20,000	
B5	Timing and Duration of Events	
B5 (1)	Total event days not to exceed 10 per year	
B5 (2)	Trial even must not exceed 4 event days	
B5 (3)	Bump in no more than 21 days; bump out no more than 7 days MOD3 changed bump out to 14 days	
B5 (4)	D-G must consult with RTW and Council before approving dates for any trial event	
B5 (5)	Only one event at a time	
B6	Campers	
B6 (1)	25,000 campers max at one time and only during events	
B6 (2)	Campers may arrive the day before first event day; must leave day after last day	
B6 (3)	Total camper arrival and departure days not to exceed 6 days	
B7	Performance Report	
B7 (1)	Performance report each year or when D-G requires MOD3 replaced this with Perf Report submitted by 30 Nov each year for all previous events and Perf Report “shall also include a summary of the overall progress against the baseline conditions at the commencement of the approval”	
B7 (2)	Report must address compliance with conditions	
B7 (3)	Required contents of Performance Reports	
	(a) assessment of performance and compliance, including evacuation	Not complied with 3(b), 3(c), 3(d) and 3(h)

	<p>plans, monitoring and management plans, etc.</p> <p>(b) comparison of environmental impacts and performance against predictions from EA</p> <p>(c) list of all occasions where performance goals were not achieved with discussion</p> <p>(d) identification of trends in monitoring data over the life of the project to date</p> <p>(e) copy of the Complaints Register and details of how complaints were resolved</p> <p>(f) list of variations obtained to approvals</p> <p>(g) environmental management targets and strategies for the following reporting period, taking into account identified trends</p> <p>(h) results of consultation with RWG in relation to matters listed above</p>	See 2010 EA predicted impacts and Performance Report 5 appendices
B7 (4)	Performance Reports to be submitted to D-G by date specified	
B7 (5)	Copy of Performance Report must be sent to Council and electronic copy placed on proponent's website for public access	
B7 (6)	D-G may specify conditions that must be complied with for the management of future events, having regard to the performance reports	
B7 (7)	MOD 3 added Perf Report must be prepared for Minor Events...	Not complied
Part C Conditions that Apply To the Trial		
Community Consultation, RWG, Environmental Representative		
C1	Documentation	
C2	<p>RWG</p> <p>(a) composition of group</p> <p>(b) at least 2 community reps for 2-year terms</p> <p>(c) chaired by person approved by D-G</p>	

	<p>(d) meet at least once before first event to review proposed management related to Habitat Restoration Program, Wildlife Corridor, impacts on threatened species and EECs, monitoring protocols for pre-construction ecological surveys, illegal camping, litter, security services, noise, traffic/car parking, flooding, bushfires, and evacuation procedures</p> <p>(e) meet to review performance with respect to environmental management and community relations and make recommendations to D-G for improved performance</p> <p>(f) undertake periodic inspections of the site</p> <p>(g) review community concerns or complaints</p>	
C3	<p>Proponent to assist RWG</p> <p>(a) at least one NBP rep to attend meetings</p> <p>(b) provide regular information on environmental performance and management</p> <p>(c) provide meeting facilities,</p> <p>(d) arrange site inspections</p> <p>(e) take minutes</p> <p>(f) make minutes publicly available</p> <p>(g) respond to advice/recommendations</p> <p>(h) provide copy of minutes to RWG</p> <p>(i) pay reasonable travel expenses for members</p>	
C4	<p>Complaints Procedure</p> <p>(a) maintain 24-hour phone number for complaints</p> <p>(b) provide postal address for complaints</p> <p>(c) provide email address for complaints</p>	

	This contact info must be maintained throughout life of trial and must be advertised in a local paper on at least one occasion before each event	
C5	<p>Complaints Register</p> <ul style="list-style-type: none"> (a) date and time of complaint (b) means by which complaint was made (c) personal details of complainant as provided (d) nature of complaint (e) action taken, including follow-up (f) date and time action was taken (g) if no action taken, reasons why <p>Register to be available to D-G on request</p>	
C6	<p>Environmental Representative</p> <ul style="list-style-type: none"> (a) primary contact point in relation to environmental performance (b) responsible for implementing all environmental-based management plans and monitoring plans required under the approval (c) responsible for considering and advising on matters specified in these conditions and all other licences and approvals related to environmental performance and impacts of project (d) responsible for receiving and responding to complaints (e) given the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to recommend to the Director-General that relevant actions be ceased should an adverse impact on the environment be likely to occur. 	
Conditions that Apply to Commencement of Outdoor Events		
C7	Management Plans and Monitoring Programs	

C7 (1)	Plans and programs must be finalised and approved before commencement of trial events	
C7 (2)	Required plans and programs include (list follows)	
C7 (3)	Must implement and comply with plans and programs	Not complied – See Performance Report 5
C7 (4)	Environmental Health and Safety Manual of Aug 2010 must be regularly updated to include performance criteria and requirements that apply under the approval, including any changes made by D-G	
C7 (5)	Plan or program may cover or be submitted in support of more than one event	
C8	Event Management Plan (details of what must be included in this plan, items A-J)	<p>Non compliance. Official Caution issued by DOP for SITG2017, irregularity of maps and plans associated with Event Management Plan, noted in DOP's monthly compliance report of Sept 2017.</p> <p><i>Also, campers in areas not designated for camping: see SoC17, Camping Management</i></p>
C8 (minor)	MOD3 added this new condition relating to preparing a Management Plan for Minor Community Events	
C9	Transport Management Plan (details of what must be included in this plan, items A-G)	
C10	Traffic Control Plan (details of what must be included, items A-G) and second set of details (A-G) on specific Levels of Performance MOD3 revision	
C11	Notification of Other Authorities	

C12	Traffic Monitoring Program (Details A-J)	Not complied, no aerial photography provided
C13	Car Parking Areas	
C14	Bicycle Parking	
C15	Speed Changes MOD3 revised this to require Council approval of any speed changes to be submitted to the RMS	
C16	Noise Management Plan	
C16 (1)	Background noise survey to identify criteria for each sensitive receiver	
C16 (2)	Noise Management Plan to include: (a) identification of all major sources of noise emitted during the carrying out of an event; (b) identification of nearby sensitive receivers, including the adjoining Billinudgel Nature Reserve; MOD3 (b) identification of the zones and limits of the nearest sensitive receivers and the adjoining BNR (c) identification of appropriate noise limits/criteria for sensitive receivers; MOD3 (c) identification of noise limits within the site, including camping areas between midnight and 8am to support peaceful rest during events (d) identification of noise limits within camping areas between midnight and 8:00 am to support peaceful rest during events; MOD3 (d) identification and implementation of best practice management techniques for the minimisation of noise from the site. For example, appropriate siting and orientation of performance stages and speakers, acoustic barriers, insulation/double glazing of sensitive receivers etc.; (e) identification and implementation of best practice management techniques for the	

	<p>minimisation of noise from the site. For example, appropriate siting and orientation of performance stages and speakers, acoustic barriers, insulation/double glazing of sensitive receivers etc.;</p> <p>MOD3 (e) procedures and limits for carrying out sound checks prior to and during events and rehearsals to ensure compliance with the relevant noise criteria, and measures to be undertaken if any noncompliance is detected;</p> <p>(f) procedures and limits for carrying out sound checks prior to and during events and rehearsals to ensure compliance with the relevant noise criteria, and measures to be undertaken if any noncompliance is detected;</p> <p>MOD3 (f) requirements for sound engineers at each stage and their ability to enact noise mitigation measures;</p> <p>(g) requirements for sound engineers at each stage and their ability to enact noise mitigation measures;</p> <p>MOD3 (g) community consultation requirements</p> <p>(h) community consultation requirements;</p> <p>MOD3 (h) procedures for responding to any noise complaints received during an event. As much as is reasonable and feasible, the proponent must arrange for noise levels emanating the site to be monitored at the location of any complaints as soon as possible after a complaint has been received; and,</p> <p>(i) procedures for responding to any noise complaints received during an event. As much as is reasonable and feasible, the proponent must arrange for noise levels emanating</p>
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	<p>the site to be monitored at the location of any complaints as soon as possible after a complaint has been received; and,</p> <p>MOD3 (i) measures to address and respond to the outcomes of a Performance report required under Condition B7, including updating plans for subsequent events.</p> <p>(j) measures to address and respond to the outcomes of a Performance report required under Condition B7, including updating plans for subsequent events.</p>	
C17	<p>Acoustic Monitoring Program, prepared in consultation with RWG and consistent with the NMP as noted in C16. AMP to include:</p> <p>(a) locations (identified on a map) at which monitoring will be undertaken. As a minimum monitoring locations must include the most sensitive noise receivers (residential and the adjoining nature reserve) as identified in the proponent's Noise Impact Assessment Report prepared by Benbow Environmental for North Byron Parklands, dated 9 August 2010;</p> <p>MOD3 (a) locations (identified on a map) at which monitoring will be undertaken. As a minimum monitoring locations must include the most sensitive noise receivers (where no noise agreement is in place between the proponent and the receiver) and the adjoining nature reserve as identified in the Noise Management Plan.</p> <p>(b) procedures and protocols in accordance with OEH's Noise Guide for Local Government 2010 and Australian Standard AS1055 Acoustics - Description of measurement of environmental</p>	Not complied SITG 2017

	<p>noise (or any subsequent versions thereof);</p> <p>(c) a program for periodic attended and unattended monitoring of noise at each of the set monitoring locations, including:</p> <p>(1) Unattended monitoring must be undertaken at a minimum of eight monitoring locations (to be determined in consultation with the RWG) before, during and after each event;</p> <p>(2) Attended monitoring must occur on at least one (1) occasion prior to the commencement (including during sound check) and during the operation of each event; and,</p> <p>(d) procedures for the reporting of monitoring results to enable an assessment of the noise performance of the event.</p> <p>The AMP must be submitted for the approval of the Director-General at least 60 days prior to the commencement of the event, or as otherwise agreed by the Director-General. (MOD3 deletion)</p>	
C18	<p>Noise Mitigation</p> <p>Upon receiving a written request from any of the sensitive receivers identified in the NMP or the AMP, or the landowner of a residence where subsequent noise monitoring shows that the noise generated by activities on site is greater than the specified noise criteria, the proponent shall implement additional noise mitigation measures at the residence in consultation and agreement with the landowner. Mitigation measures may be in the form of double glazing, secondary glazing of 'weak' areas, insulation and must be reasonable and feasible.</p>	Not complied see submission from sensitive receivers

	<p>MOD3: Upon receiving a written request from any sensitive receiver within Zone 1, identified on the plan in Schedule 4 of this approval, where subsequent noise monitoring shows that the noise generated by activities on site is:</p> <ul style="list-style-type: none"> greater than the specified criteria with Condition B3; a) is sustained in duration for that event (i.e., over 3 x 10 minute samples; and b) that such inner noise criteria exceedances have occurred over two large, medium, or small events within the preceding 18 months, the proponent shall implement additional noise mitigation measures at the residence in consultation and agreement with the landowner. Mitigation measures may be in the form of double glazing, secondary glazing of ‘weak’ areas, insulation and must be reasonable and feasible. <p>If within three (3) months of receiving this request from the landowner, the proponent and landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.</p>	
C19	<p>Flora and Fauna Management Plan</p> <p>A Flora and Fauna Management Plan is to be prepared by a suitably qualified ecologist(s), in order to manage the impacts to flora and fauna arising from the carrying out of events at the site. The Plan is to be prepared in consultation with the OEH, Council and the RWG having regard to the Ecological Assessment</p>	

	<p>and Response to Director-General's Environmental Assessment Requirements – prepared by Mark Fitzgerald, Ecological Consultant, June 2010 and Environmental Health and Safety Management Manual .</p> <p>The Plan is to include, but not be limited to the following:</p> <ul style="list-style-type: none"> (a) details of a monitoring and reporting framework required under Condition C20 to monitor any ecological impacts as a result of events being carried out at the site, particularly any impacts on fauna within the site and within the adjoining Billinudgel Nature Reserve; (b) measures to ensure there are no significant impacts from the carrying out of events upon the functioning of the Marshall's Ridge wildlife corridor, threatened species, or endangered ecological communities within the site; (c) measures to protect vegetation from human intrusion/ trampling; (d) measures to protect adjoining State Environmental Planning Policy No. 14 – Coastal Wetlands and Billinudgel Nature Reserve; (e) measures to minimise impacts of noise and lighting from events on surrounding bushland; (f) contingency measures to be implemented in the event of significant impacts occurring; and (g) measures to address and respond to the outcomes of a Performance report required under Condition B7, including updating Plans for subsequent events. <p>The Plan must be submitted for the approval of the Director-General at least 60 days prior to the</p>	
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	commencement of the first event, or as otherwise agreed by the Director-General	
C20	<p>C20 Flora and Fauna Monitoring Program</p> <p>MOD4 changes: Within three months of the determination of MOD4, a suitably qualified ecologist must prepare and implement a revised Flora and Fauna Rehabilitation Program, to the satisfaction of the Secretary, to monitor, assess the impact, and specify management and rehabilitation requirements at the site.</p> <p>MOD3 changes: Prior to the commencement of the first event, Within three months of the determination of MOD3, a suitably qualified ecologist must prepare and implement a Flora and Fauna Monitoring Program to monitor and assess the impact of the project on flora and fauna within and adjacent the site. The Program must provide a summary of the baseline condition (prior to commencement of the Project Approval) and present detail of the impacts that the previous events have had upon flora and fauna within and adjacent to the site. The program must be prepared in consultation with the RWG. The Program shall include, but not necessarily be limited to:</p> <p class="list-item-l1">(a) identification of predictions relating to changes that may occur to the baseline condition (prior to the commencement of trial events) and detail the changes that have occurred upon in regard to flora and fauna within and adjacent the site as a result of the events to date as a result of the operation of the project;</p>	Not complied. No revised FF Rehabilitation Program submitted meeting the required criteria and incorporating KPIs

	<p>(b) identification of predictions relating to changes that may occur to flora and fauna within and adjacent the site as a result of the continued operation of the project</p> <p>(c) a revised ecological structure plan incorporating the requirements of Commitment B12, and detail of the implementation of the plan within the period of the existing trial approval and timing for when the required parcels of land will be dedication to the OEH</p> <p>MOD4 deleted MOD3's (c)</p> <p>MOD4 changes beyond MOD3:</p> <p>(d) in MOD3, originally (b): locations at which monitoring will be undertaken, including a map showing locations, ensuring data collected enables a management response to be implemented, if required As a minimum, monitoring locations must include areas near amplified sound and lit areas, Billinudgel Nature Reserve and Marshall's Ridge fauna corridor;</p> <p>(e) in MOD 3, originally (c) and (d) in MOD4: identification of the key performance indicators to be monitored at each location that would determine whether the operation of the project is having a detrimental effect on the fauna;</p> <p>(f) in MOD 3, originally (d) and (e) in MOD4: procedures and protocols for the sampling and analysis methodology to be undertaken for the monitoring, including sample design, statistical analyses and reporting. Procedures must be consistent with any relevant government publication and/ or Australian Standard; and</p> <p>(g) in MOD3, originally(e) and (f) in MOD4: a program for periodic</p>	
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	<p>monitoring of the parameters at each of the monitoring locations. As a minimum, monitoring must occur on at least one occasion prior to the commencement and after the conclusion of operation of each event.</p> <p>(g) in MOD 4: a revised ecological structure plan developed in consultation with OEH, incorporating the requirements of Commitment B12. The ecological structure plan must include:</p> <ul style="list-style-type: none"> i) the full scope of rehabilitation works over the entire NBP site; ii) parameters and a map delineating the preferred plant community type(s) to be created over the site, in consultation with OEH; iii) performance based actions, including a staged approach to the rehabilitation, if required, to achieve the preferred plant community type(s); iv) a timeframe to achieve the preferred plant community type(s) to be established with the period of trial events; and v) timing for then the identified parcels of land will be dedicated to the OEH (See Condition 20A) <p>The Monitoring Program final (MOD4 changed “final” to “revised”) Rehabilitation Program must be submitted for the approval of the Director General Secretary within three months of this approval. at least 60 days prior to the commencement of the first event, or as otherwise agreed by the Director General.</p>	
C20 (A)	MOD4 addition: Dedication of land to OEH, which has to be done before 31 Dec 2017, or as otherwise determined by the Secretary.	Not complied, dedication is not finalised

C21	MOD 3 changes: C21 Updated Koala Plan of Management The Draft Vegetation Management and Biodiversity Plan – submitted as Appendix M to the Ecological Assessment is to include an updated Koala Plan of Management (KPoM) if a resident population (within the meaning of SEPP 44) of koalas becomes established at the site. The KPoM is to include a contemporary assessment of any existing and/or potential areas of core Koala habitat within the site, and results of further Koala surveying efforts. The KPoM must also address the operation of ongoing events carried out at the site and the potential impacts that this will have on areas of core Koala habitat and any existing Koala populations.	
C22	C22 Human Exclusion Fencing Temporary human exclusion fencing closely bordering (within 10m of) designated forest blocks (Fitzgerald 2007a, 2007c) and other native vegetation must be provided. All temporary human exclusion fencing used in these locations must be “fauna-friendly”, incorporating a minimum 250 mm continuous gap at the base of the fence or 250mm square gaps at 10m intervals along the base of the fence.	
C23	C23 Grassy Owl Searches The proponent must ensure searches for any Grassy Owl (<i>Tyto capensis</i>) species on the site are undertaken by a suitably qualified person(s) prior to any events being carried out. Search techniques are to include call-playback response methods in addition to physical site searches. Should any Grassy Owl species be found to be nesting on the site, an area of at least a 100m	

	radius is to be excluded from any mowing/slashing.	
C24	C24 Bushfire Management Plan A Bushfire Management Plan must be prepared that includes the prevention, mitigation and management of the potential for peat fires, including the responsibilities of fire wardens and bonfire management procedures and controls. The plan is to be submitted to the Rural Fire Service (RFS) and RWG for consideration and endorsement. A copy of the endorsed Plan is to be submitted to the Director-General for final approval.	
C25	C25 Bushfire Emergency Evacuation Plan In order to ensure appropriate bushfire safety management, a Bushfire Emergency Evacuation Plan for is to be prepared for review by the RFS and RWG, and approved by the Local Emergency Management Committee. The approved plan must be reviewed by the RFS and RWG prior to any event carried out at the site. Such a review is to include event and site management, representatives of the Police, RFS and security provider.	
C26	C26 Location of Structures All stages/facilities/camping areas shall be set back a minimum of 10 metres from areas of unmanaged bushland with this area kept clear of obstructions at all times during events.	Not complied, photos supplied to the DPE for FF2016 and SITG2017
C27	C27 Flood Evacuation Plan Any event must be carried out in accordance with the responsibilities and management actions as outlined in the Flood Risk Management Plan prepared by Molino Stewart on behalf of North Byron Parklands	

	(Billinudgel Property Pty Ltd), dated June 2011.	
C28	C28 Minimum Ground Level – Camping/Event Area An area of no less than 0.75ha must be provided for campers with children, the elderly, and less mobile patrons. This area must be located above the 1 in 100 year ARI flood level with suitable grading (i.e. no greater than 1 in 20 fall (5%)) to meet the criteria for infants, small children and frail/older people, as described in Australian Rainfall and Runoff Feb 2011, for a 100 year ARI flood event. This area must also be in reasonable proximity to, and readily accessible via the Spine Road.	
C29	C29 Southern Car Park Access In the event of a ‘Red Alert - Refuge’ flood evacuation procedure being carried out in accordance with the Flood Risk Management Plan prepared by Molino Stewart; appropriate measures to prevent patrons from accessing the southern car parking area via the Spine Road must be employed. Access is to be denied in the vicinity of the Jones Road underpass to ensure patrons are prevented from accessing vehicles.	
C30	C30 Emergency Assembly Area – Flood Evacuation An emergency assembly area located on flood free land (i.e. above the Probable Maximum Flood level) is to be provided within the site as a designated emergency assembly area in the event of an on-site flood evacuation. The emergency assembly area must be sufficient in size to cater for all patrons proposed for any single event carried out at the site, and must be readily accessible via the Spine Road.	

C31	<p>C31 Emergency Access Road</p> <p>The proponent shall provide an all-weather two-way emergency access road from the northern property boundary to Wooyung Road. A copy of any required approvals must be submitted to the Certifying Authority prior to issue of the Occupation Certificate for the first event held at the site. Any works within a road reserve must be carried out to the satisfaction of Tweed Shire Council and the Department of Primary Industries.</p>	Not complied – TSC have not provided approval for these works
C32	<p>C32 Installation of Flood Monitoring Equipment</p> <p>The proponent is required to install flood monitoring equipment to monitor the site's flood behaviour. The flood monitoring equipment is to include the following:</p> <ul style="list-style-type: none"> (a) an automatic rainfall recording station; (b) at least two (2) soil moisture sensors installed by a suitably qualified person; and, (c) stream gauges installed at an appropriate off-site location and linked to the existing EnviroMon system to monitor stream height readings of Crabbes Creek and Billinudgel Creek. <p>The data obtained from the flood monitoring equipment must be made available for collection remotely via telemetry, with data connections to the on-site administration office on the site and available for the Director-General and Council. A certificate from a suitably qualified engineer, with experience in flood matters, together with suitable documentation from the installer, certifying that the flood monitoring equipment has been installed</p>	Not complied – updated Flood Risk Management plan with stream gauge readings not submitted

	<p>correctly and at appropriate locations, must be submitted to the Director-General and Council prior to the first event. In addition, the alert matrices contained within the Flood Risk Management Plan prepared by Molino Stewart on behalf of North Byron Parklands (Billinudgel Property Pty Ltd), dated June 2011 are to be updated to include the appropriate stream gauge readings to determine threshold actions. The stream gauge readings are to be developed in collaboration with the Bureau of Meteorology. A copy of the updated Flood Risk Management Plan is to be provided to the Director-General.</p>	
C33	<p>C33 Surface Water Management Plan</p> <p>A Surface Water Management Plan is to be prepared outlining measures to control and manage surface water (including erosion and sedimentation) and stormwater infrastructure associated with the carrying out of events. The Plan must include, but not necessarily be limited to:</p> <p>(a) Surface Water, Erosion and Sediment Management:</p> <p>(1) measures to minimise the potential for erosion from the site during the carrying out of events and measures to maintain all erosion mitigating works at, or above design capacity; and,</p> <p>(2) measures to rehabilitate erosion-affected areas and any areas the subject of excavation.</p> <p>(b) Stormwater Management:</p> <p>(1) a detailed plan showing the design of the stormwater management system, with an emphasis on</p>	

	<p>water sensitive design practices;</p> <p>(2) demonstration that the stormwater control infrastructure will conform with, or exceed all relevant requirements and guidelines within Council's adopted engineering standards, currently The Northern Rivers Local Government Design & Construction Manuals (Version 3) and Standard Drawings (Version 1); and,</p> <p>(3) description of any procedures for planting and maintaining vegetation along stormwater channels and detention systems to minimise the potential for erosion.</p>	
C34	<p>C34 Notification of Relevant Authorities</p> <p>A copy of this project approval and approved plans must be provided to Byron Bay Police, Ambulance, Rural Fire Service and State Emergency Services and the conditions of approval specifically relating to noise, traffic and crowd control are to be highlighted.</p>	
C35	<p>C35 Community Notification</p> <p>Prior to the commencement of any event, the proponent must notify the community via:</p> <p>(a) a letterbox drop to all local residents and businesses directly affected by the traffic management arrangements advising the details of the event. An outline of the hours of the event, traffic management arrangements and the telephone contact details of the event coordinator are to be provided to these parties; and</p> <p>(b) a notice published in at least two local newspaper outlining traffic management arrangements and how complaints can be made through the methods outlined in condition C4.</p>	<p>Non compliance with C35(b): Community notification of event gave incorrect days and times of event (Documented by DOP as a breach for FF2016)</p>
C36	C36 Notification of Council	

	At least 14 days prior to the ‘bump in’ period of an event, the event organiser must provide Council with the time and dates of the event (and of any proposed sound tests and rehearsals) and the name and contact details of the event organiser and/ or a general liaison person who may be contacted for the duration of the event being held.	
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CONDITIONS THAT APPLY TO TEMPORARY STRUCTURES

C37	<p>C37 Notice to be Given Prior to Commencement</p> <p>The erection of temporary structures must not commence until:</p> <ul style="list-style-type: none"> (a) the proponent has appointed a PCA for the building works; and, (b) the proponent has given at least two (2) days notice to Council and the PCA outlining intentions to commence the erection of temporary structures. <p>Note: the Principal Certifying Authority must, no later than 2 days before the building works commence, notify the Director General and the Council of his or her appointment.</p>	
C38	<p>C38 Erection of Temporary Structures</p> <p>(a) This approval includes approval under State Environmental Planning Policy (Temporary Structures) 2007 for temporary structures as described in the Temporary Structures Assessment prepared by Mark Norris and Associates, dated 14 July 2010. All temporary structures (of any use and type) cannot be used by patrons until an Occupation Certificate has been issued for the event.</p> <p>(b) Temporary structures are to be wholly within the part of the site designated as ‘Event Area’. No</p>	<p>Not complied – NBP infrastructure such as effluent tanks were recovered from multiple neighbouring properties after 1 : 100 ARI event</p> <p>(g) Not complied: Official Caution issued by DOP for construction of temporary structures before allowed in lead up to SITG2017, noted in DOP’s July 2017 monthly compliance report</p>

	<p>approval is given for any temporary structures outside of this area.</p> <p>(c) The proponent must ensure that all temporary structures are positioned on a level stable surface and sufficiently weighted to ensure stability at all times.</p> <p>(d) The temporary structures are to be erected and supported in a secure manner for safety purposes. Should adverse weather conditions (such as strong winds) arise during an event, the proponent must mitigate potential safety concerns, for example, by removing the temporary structures from the public domain.</p> <p>(e) All temporary structures that cannot be readily moved and/or dismantled are to be designed so that they will remain stable during a 100 year ARI flood event. This includes measures to resist flow velocities and buoyancy forces.</p> <p>(f) All temporary structures requiring assembly/installation in the Event Area must provide original structural certification from a practising certified structural engineer to the Certifying Authority certifying that the structures can adequately support the proposed loads to comply with the Structural Provisions Part B1 including Performance Provisions BP1.1 and BP 1.2 of the Building Code of Australia and relevant Australian Standards.</p> <p>(g) The erection of temporary structures shall only be carried out during daylight hours and shall not exceed 21 days before the commencement of an event.</p>	
C39	C39 Flora and Fauna Management	

	<p>During construction of temporary structures, all trees not approved for removal within or immediately adjoining the construction footprint are to be suitably protected by way of tree guards, barriers or other measures to protect root systems, trunk and branches.</p>	
CONDITIONS THAT APPLY DURING OUTDOOR EVENTS		
C40	<p>C40 Noise Management</p> <p>(a) Event noise shall be managed to not exceed the noise criteria set out in condition B3, and the NMP prepared under Condition C16.</p> <p>(b) Noise within the camping area between midnight and 8:00 am of each event day shall support peaceful rest for overnight patrons during events.</p>	<p>Not complied – noise impact reports for FF2016 and SITG2017 detail multiple event noise criteria exceedances</p>
C41	<p>C41 Positioning of Event Stages and Sound Equipment</p> <p>The layout of each event, including stages, sound equipment and the like, where reasonable and feasible, must be located in a manner that is capable of meeting the noise limits developed in the Noise Management Plan:</p> <p>(a) Public address speakers, event stages and speakers shall generally be directed away from sensitive receivers;</p> <p>(b) Where possible, amplified noise is to be directed away from forested areas;</p> <p>(c) Where speakers are mounted on poles, they are generally to be inclined downwards at a minimum angle of approximately 45 degrees from the horizontal, unless otherwise approved in the NMP; and</p> <p>(d) Event stages and speakers shall be positioned to take advantage of any potential noise attenuation to</p>	

	sensitive receivers provided by the natural topography of the site.	
C42	<p>C42 Acoustic Monitoring</p> <p>(1) The proponent shall engage the services of a suitably qualified acoustic consultant to conduct noise testing before, during and after each relevant event in accordance with the requirements of the Acoustic Monitoring Plan (Condition C17). Noise testing is to comply with Australian Standard AS1055</p> <p>Acoustics - Description of measurement of environmental noise and the OEH's Noise Guide for Local Government 2010.</p> <p>(2) The proponent shall provide an event stage manager onsite at all times (in direct contact with the acoustic consultant) in case the noise level is required to be reduced. The event stage manager if so required by an authorised officer, the manager onsite, the acoustic consultant or the NSW Police Force, must have the authority to order the reduction of noise level reduced, and shall comply with any such directions.</p> <p>(3) The qualified acoustic consultant shall be present at all times during the attended monitoring regime set out in Condition C17.</p> <p>(4) A detailed record of the meteorological conditions prevailing at the time of noise monitoring; shall be kept and included in the noise impact report required by Condition C52.</p> <p>(5) At any time, when the noise level exceeds the set noise criteria during monitoring, the acoustic consultant is to implement adequate</p>	Not complied – FF2016 and SITG2017 noise impact reports detail non compliance

	noise reduction strategies to reduce the noise level. The acoustic consultant is to conduct further noise testing at the subject site immediately after the proposed noise mitigation action occurs until the noise level is reduced to the requirement set in the NMP.	
C43	C43 Security Personnel Suitably qualified security personnel must be on site at all times during an event and at bump-in and bumpout times. The proponent shall be responsible for ensuring effective crowd management is utilised at all times to prevent unsafe conditions for patrons, staff or the general public.	
C44	C44 Monitoring of Stormwater Management System The stormwater drainage system shall be monitored in accordance with the approved Stormwater Monitoring Plan prior to each event to demonstrate that it satisfactorily complies with the intended design. Amendments to the system may be required to ensure compliance.	
C45	C45 Car Parking Management The proponent shall ensure that vehicles parking on the site are distributed in such a way that areas least affected by potential flood waters are utilised first.	
C46	C46 Access for Emergency Vehicles The proponent shall ensure that a satisfactory passage for emergency vehicles is provided to the site for all event types during the event, including bump-in and bump-out times.	
C47	C47 Pedestrian Access from Day Parking Area	

	<p>(1) The pedestrian access way from the day parking area to the event site is to be appropriately illuminated to achieve at least 0.2lux at ground level. The pedestrian access is to be patrolled regularly by security staff to ensure that patrons do not stray from the approved thoroughfare.</p> <p>(2) The pedestrian access way from the day parking area to the event site is to be clearly signed at regular intervals providing appropriate directions, detailing the remaining distance to the event site, and outlining the need for patrons to stay within the designated area</p>	
C48	<p>C48 Disabled Access</p> <p>Disabled access to, within and from the site must be in accordance with AS1428.1 (2009), or the most recent version.</p>	
C49	<p>C49 Dogs</p> <p>No dogs (with the exception of trained assistance dogs) are permitted on the site. Trained security guard dogs are allowed at all times, while under the control of an authorised person.</p>	
C50	<p>C50 Bushfire Management</p> <p>(a) A 10,000 litre dedicated water supply shall be provided for each stage and camping area for fire fighting purposes;</p> <p>(b) Only open fires approved under this project approval may be carried out; and,</p> <p>(c) No open fires are permitted on days whereby a Total Fire Ban (TOBAN) has been declared.</p>	
C51	<p>MOD3 changes: C51 Emergency Evacuation Plans Emergency evacuation plans for flooding and bushfires must be available on site under the control of the site/event manager and copies located at the</p>	

	<p>Emergency Management Centre.</p> <p>This plan is These plans are to be located at each stage, at all exits from the site and at the site office.</p> <p>A copy is Copies are also to be given to all security personnel and patrons.</p>	
CONDITIONS THAT APPLY AFTER AN OUTDOOR EVENT		
C52 -54 (Reporting)	<p>C52 Noise Impact Report</p> <p>The results of the AMP carried out for an event are to be submitted to the Department at such times as the Director- General directs . This report must include details demonstrating compliance with the conditions of approval relating to noise/acoustic management, a summary of any complaints or requests received and actions taken, records of noise levels and data from acoustic monitoring, and any other information relevant to the consideration of the noise impact on residents. This report shall also be attached to the Performance Report required by Condition B7.</p> <p>C53 Evidence of Attendee Numbers</p> <p>Within 28 days of the conclusion of an event, evidence must be submitted to the Director-General to confirm that patron numbers within the event did not exceed the numbers specified within this approval.</p> <p>C54 Water Use and Wastewater Volume Data</p> <p>Water use and wastewater volume data must be collected for each event to assist with the planning of future events and the detailed design of the permanent water supply and wastewater treatment infrastructure. This data should be included in the Section 68 application to Council for the relevant infrastructure.</p>	<p>C53 non complied – patron exceedances documented at FF2016 (noted in DOP's monthly compliance report of July 2017). PIN of \$15,000</p> <p>Patron exceedance also noted for SITG 2017 (noted in DOP's monthly compliance report of October 2017). PIN of \$15,000</p> <p>* * * *</p> <p>(Note: Official cautions issued for exceedance of patron numbers at SITG2015 and SITG2016, as noted in DOP's compliance report of July 2017.)</p>

C55-58 (Removal)	<p>C55 Traffic Management Devices All traffic management devices on public roads that have been established for an event are to be removed from the public roads within the time period specified within the TCP required under condition C10 of this approval.</p> <p>C56 Effluent Removal Within two (2) days of the conclusion of an event, all liquid waste must be measured and recorded prior to disposal by the transport contractor. Council must be supplied with a complete record of all loads delivered to Byron Shire Council's sewage treatment plants.</p> <p>C57 Rubbish Removal At the end of any 'bump out' period, all litter and solid waste is to have been removed from the road reserves of Jones Road and Tweed Valley Way where they adjoin the site.</p> <p>MOD3 changes: C58 Removal of Temporary Structures Within seven (14) days of the conclusion of an event, all temporary structures, lighting towers, event facilities and temporary fencing are to be removed from the site.</p>	Not complied – some temporary structures left on site permanently
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GENERAL HEALTH AND SAFETY CONDITIONS FOR EVENTS

D1	Fire Safety Schedule	
D2	Essential Services	
D3	Exits – Temporary Structures	
D4	Electrical Services Certification	
D5	Lighting	
D6	Fire Fighting Services	
D7	Portable Fire Extinguishers	
D8	Certification of Blinds, Curtains, and Tent Fabrics	
D9	Greywater	
D10	Sullage Water	

D11	Solid Waste	Not complied – solid waste issues during and after each event
D12	Potable Water Supply	
D13	Sewage and Trade Waste Disposal	
D14	Sewage and Trade Waste Disposal Contractor	
D15	Portable Toilet Waste Management	
D16	Temporary Toilet Facilities	
CONDITIONS THAT APPLY TO PERMANENT INFRASTRUCTURE AND SITE ENHANCEMENT FOR STAGES 1 AND 2		
E1	Approvals for Works within the Road Reserve	
E2	Detailed Design Drawings for Underpass	
E3	Construction of the Spine Road and Associated Culverts	
E4	Construction the East-West Laneway – Southern Car Park	
E5	Detailed Design Drawings for Drains	
E6	Stormwater Drainage Works	
E7	Stormwater Monitoring Plan	
E8	Stormwater Management	
E9	Construction Environmental Management Plan	
E10	Erosion and Sediment Control Plan	
E11	Construction Traffic and Pedestrian Management Plan	
E12	Construction Noise Management Plan	
E13	Acid Sulphate Soil Management Plan	
E14	Groundwater Management and Monitoring Plan	
E15	Aboriginal Cultural Heritage	
E16	Bond to Byron Shire Council	
E17	Ecological Restoration (1) Draft Vegetation Management and Biodiversity Plan to be finalised (2) NBP to consult with RWG as required under C2 in preparing habitat restoration works	Not Complied - VMBP not finalised.
E18	Permanent Human Exclusion Fencing	

E19	Habitable Floor Levels	
E20	Notice to be Given Prior to Commencement / Excavation	
E21	Contact Telephone Number	
E22	Structural Details	
E23	Erosion and Sediment Control	
E24	Flora and Fauna Management (during construction)	
E25	Existing Services	
E26	Aboriginal Cultural Heritage Induction Training	
E27	Approved Plans On-Site	
E28	Site Notice	
E29	Erosion and Sediment Control	
E30	Dust Control Measures	
E31	Construction Noise Objective	
E32	Hours of Work	
E33	Construction Vibration Management	
E34	Vibration Criteria	
E35	Wastewater Treatment Ponds	
E36	Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects	
E37	Impact of Below Ground (Sub-surface) Works – Aboriginal Objects	
E38	Part 4A Certificates	
E39	Works as Executed	
E40	Damage to Council or Public Authority Assets	
E41	Bushfire Management	
E42	Certificates for Engineering Works	
E43	Geotechnical Report	
E44	Ecological Restoration	
Statement of Commitments which form part of the Approval		
B6 Pre-Construction ecological surveys/monitoring	Preconstruction ecological surveying and monitoring will be completed prior to commencement of construction activities as	Not complied

to be undertaken	recommended by the Ecological Assessment in Technical Paper F. The monitoring protocols will be developed in consultation with the relevant agencies in the Parklands Regulatory Working Group and will be complied with.	
B7 Ecological Management - adopt and implement	Requirement for sediment interception structures	Non compliance advised in 2017 Ecological Assessment by Dr Mark Fitzgerald
C9 Environmental Management	<p>Parklands will adopt, implement, monitor and review NBP Standard 003 – Environmental Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:</p> <ul style="list-style-type: none"> 1. Event operators shall only operate within the approved event area as defined in the attached event area map; 2. All staff and contractors are to undertake Parkland's Environmental induction prior to accessing the site. Documented records shall be maintained covering the environmental induction process; 3. No dogs will be allowed on site; 4. Implement the environmental repair works described in Commitment B12; 5. All temporary drain crossings shall be managed to minimise sedimentation and potential discharge of contaminants; 6. Implement a suitable buffer between edge of forest blocks and any event lighting wherever possible; 7. Direct all event lighting downwards, where possible; 8 . Use low pressure sodium vapour lights which are less attractive to insects or bats, where possible; 	

	<p>9. Any installations which rely on artificial lighting should be located in open areas away from forest or trees where possible;</p> <p>10. Minimise or avoid lighting throughout the entire night i.e. once performances cease, lighting should be reduced or eliminated to allow a dark period for fauna to use or traverse the site. Where lighting is required for safety purposes provide the minimum necessary and avoid illuminating forest habitats;</p> <p>11. No use of fireworks;</p> <p>12. Use footlights instead of overhead lights where possible;</p> <p>13. Overhead lighting should be shielded and directed downwards to minimise light spill;</p> <p>14. All internal traffic not to exceed 30 km/h;</p> <p>15. Minimise the time that temporary fencing is erected to reduce barriers to fauna and conduct fauna search prior to securing fenced area;</p> <p>16. Experienced fauna management crew to be on-site for the duration of the event; and</p> <p>17. Environmental monitoring to be undertaken prior to, during and post all moderate and major events.</p> <p>18. Provision of additional rangers from the Parks and Wildlife Group of DECCW provided (at Parklands cost) for Major events.</p> <p>19 An annual conditional performance 'bond' of \$25,000 will be lodged by Parklands with DECC/PWG. The bond will be available to the DECC/PWG to rectify any unforeseen or otherwise unaddressed impacts upon the BNR from event operations. Unused portions of the bond may be carried over and held in respect of the</p>	
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	<p>following year, or refunded annually as appropriate, following approval by the Regulatory Working Group. The bond will be reviewed annually.</p>	
C10 Water Management	<p>Parklands will adopt, implement, monitor and review NBP Standard 004 – Water Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:</p> <ol style="list-style-type: none"> 1. Engage water cartage contractor(s) with the capacity to deliver quantities of potable water for the event usage and camping as follows; <ul style="list-style-type: none"> • Events - 1 kL/1000 persons/day • Camping (with showers) - 28kL/1000 persons/day • Camping (with pay for use showers) - 7kL/1000 persons/day 2. Where possible, utilise larger capacity water cartage vehicles to reduce truck movements; 3. Develop a potable water delivery schedule covering ‘bump in, bump out’ and event days to ensure an adequate supply of potable water; 4. Fill the Parkland's temporary bulk potable water storage tank(s) to a minimum 30% capacity prior to ‘bump in’; 5. Fill the Parkland's temporary bulk potable water storage tank(s) to a minimum 100% capacity 3 days prior to event; 6. Have samples of bulk potable water storage tested at a NATA registered laboratory prior to use for the event; and 	

	<p>7. Appoint a representative with sole responsibility for arranging water supply, delivery, testing (where applicable) and monitoring of water reserve levels.</p>	
C12 Fire Management	<p>Parklands will adopt, implement, monitor and review NBP Standard 006 – Fire Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:</p> <ol style="list-style-type: none"> 1. An Asset Protection Zone (APZ) of a minimum 10 metres from areas of bushland are required for all stages, facilities and camping; 2. Rural Fire Service personnel shall be engaged for the duration of the event; 3. Woodpiles, combustible material storage sheds, large quantities of garden mulch and stacked flammable building materials shall not be located within the APZ; 4. A 10,000 litre dedicated fire-fighting water supply shall be provided for the duration of the event for each stage and camping area. 5. All temporary tent structures must satisfy the flammability index as nominated by the Building Code of Australia; 6. All curtains and blinds, stage backdrops and attached décor to be provided to all place of public entertainment stages, will satisfy the Building Code of Australia; 7. Provision of portable fire extinguishers to service each temporary structure required to satisfy the Building Code of Australia provisions (i.e. not limited 	<p>Non compliance with item 10 of this SoC. DOP issued Official Caution for 4 of 9 bonfires not properly fenced, as noted in the DOP's monthly compliance report of Sept 2017.</p>

	<p>to but including performance stages, front of house mixing desks, VIP, artists, administration, bars, restaurants, cinemas, etc);</p> <p>8. Additional Portable Fire Extinguishers will be provided throughout the temporary camping areas under the control of the Fire and Camping Marshals; and</p> <p>9. Certification confirming the adequacy of the type, size and location of portable fire extinguishers and fire blankets shall be submitted prior to the commencement of the event.</p> <p>10. Prior to each major event a bonfire management plan shall be submitted to and approved by the Rural Fire Services.</p> <p>11. The Bushfire Management Plan will address peat fire prevention and contingencies.</p> <p>12. The RFS will be a key governmental agency invited to attend the Regulatory Working Group as necessary.</p> <p>13. A Bushfire Emergency Evacuation Plan shall be prepared prior to use of the site. The objective of the plan is to ensure the co-ordinated response to emergencies by all agencies having responsibilities and functions in emergencies.</p> <p>The draft Bushfire Emergency Evacuation Plan will be reviewed by NSW RFS. The plan shall specifically include:</p> <p>a Roles and responsibilities of person's co-ordinating the event.</p> <p>b Roles and responsibilities of persons remaining on site following evacuation.</p>	
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	<p>c Procedures for contacting emergency services e.g. NSW Rural Fire service District Office, NSW Fire Brigades, NSW Police Service, NSW Ambulance Service and the State Emergency Service.</p> <p>d Training of event staff and security personnel</p> <p>e Number of Police Officers to be on site for the duration of the event.</p> <p>f Number of RFS personnel to be available on site during the event and available equipment.</p> <p>g Location of assembly areas.</p> <p>h Location of access and egress roads.</p> <p>i Situations where the site will be evacuated.</p> <p>j Location/s where evacuated persons will be directed.</p> <p>14. The Emergency Evacuation Plan shall be reviewed following each major event. Such review to include event and site management, representatives of the Police, RFS and security provider.</p> <p>15. A Bushfire Management Plan shall be prepared prior to use of the site. The draft Bushfire Management Plan shall be reviewed by NSW RFS. The plan will specifically include:</p> <ul style="list-style-type: none"> • Demonstration that North Byron Parklands has the necessary experience, resources and funds to undertake the directions contained within the BMP in perpetuity. • The range of specific management options available to the development, its prescription and its location; 	
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	<ul style="list-style-type: none"> • The predicted timing intervals of the management options. • The range of specific management options for managing the risk of the potential for ignition of peat soils <p>16. All habitable permanent structures to be assessed as Special Fire Protection purpose.</p> <p>17. All events involving the conference centre and associated accommodation and cabins be approved subject to specific reference in the Evacuation Emergency Plan.</p> <p>18. Major Events shall be notified to the RFS a minimum of three (3) months prior to such event. Small and moderate events shall be notified a minimum of 4 weeks prior to such event(s).</p>	
C13 Off site Management	<p>Parklands will adopt, implement, monitor and review NBP Standard 007 – Off-site Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:</p> <ol style="list-style-type: none"> 1. Develop an Off-site Response Strategy that includes but is not limited to the provision of an offsite response team; 2. Provide a dedicated community hotline for the duration of the event; 3. Place advertisements in all local papers regarding event times, traffic considerations, road closures, community hotline details and any other relevant community information; 4. Provide security services along Jones Road to ensure patrons or 	

	<p>unauthorised persons are not permitted either on the road, adjacent to the road or within the vicinity of residential dwellings;</p> <p>5. Provide security services, in consultation with the Parklands Regulatory Working Group, within the immediate locality to manage any potential for unauthorised persons to enter private property or the Billinudgel Nature Reserve;</p> <p>6. Provide a litter response team for the duration of the event covering Jones Road, Tweed Valley Way, Yelgun Road and the Yelgun Interchange and adjacent to and within the Billinudgel Nature Reserve;</p> <p>7. Provide a litter response team for the duration of the event covering designated event shuttle bus stops;</p> <p>8. Provide resources to identify illegal camping and/or illegal parking within a 3 kilometre radius of the event site. Such identified activities shall be reported to the Byron Shire Council and records of such maintained;</p> <p>9. Provide ongoing coordinated consultation with local communities and businesses through the Parkland's Community Liaison Committee; and</p> <p>10. Provide ongoing consultation with statutory authorities including but not limited to the Police, National Parks and Wildlife Services, Byron Shire Council, Roads and Traffic Authority and the Rural Fire Service through the Parklands Regulatory Working Group.</p>	
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C14 Noise Management	<p>A. Parklands will adopt, implement, monitor and review NBP Standard 008- Noise Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following Standard Parameters:</p> <ol style="list-style-type: none"> 1. Develop a noise management strategy to manage noise prior to, during and after events. 2. Hand deliver information leaflets outlining event operation times and provide a continuously manned complaints hotline number to the nearest residential receptors (details to be provided by the General Manager, Parklands); 3. Provide a continuously manned complaints hotline number and written records of all complaints received; 4. Advertise in one or more local newspapers event operating times and the complaints hotline number at least 2 weeks prior to the event; 5. Engage an independent noise consultant who will attend the boundary of a complainant's property to monitor noise levels. If noise levels are found to be excessive the consultant will contact the stage manager(s) via radio and/or mobile phone to request a reduction in volume; 6. Provide attended monitoring and unattended noise logging at a minimum of two locations for ecological purposes (decided in consultation with the General Manager, Parklands) twice per 24 hour period the day before, during and the day after the event; 	
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	<p>7. Provide attended monitoring at the boundary of residents in close proximity to the venue (decided in consultation with the General Manager, Parklands and the independent noise consultant) during the day, evening and night time of each event day. The number of measurements undertaken would be determined by the independent noise consultant;</p> <p>8. Continuous front of house music levels shall be monitored for all main stages and shall provide sound engineers with warnings when specified noise criteria is approached;</p> <p>9. Noise levels shall initially not exceed 102 dB(A) at all front of house mixing desks until sound checks confirm that compliance with the noise criteria stipulated in the Noise Management Plan for North Byron Parklands is achieved (note, the 102 dB(A) level is for main stages when measured 5 metres away from its respective speak systems. For dance areas, bars and cafes the level is 98 dB(A) when measured 5 metres away from its respective speak systems);</p> <p>10. Comply at all times with the noise criteria stipulated in the Noise Management Plan for North Byron Parklands;</p> <p>11. Achieve the following noise management objectives at residential receptors:</p> <ul style="list-style-type: none"> • Control LAeq levels; • Control the bass frequencies by control of the dB(C) max levels; and • After midnight achieve a 55dB(A) level outside bedroom windows. 	
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	<p>12. Event PA's shall be designed and installed to minimise noise spillage;</p> <p>13. Event stage managers shall be allocated to each PA based music stage;</p> <p>14. Event stage managers shall be authorised to override mixing desks if sound exceeds the above level (including removal of power if the music act's own sound engineer refuses to comply with direction from stage management);</p> <p>15. Event stage managers shall comply with all directions from the independent noise consultant to ensure that recommended noise levels are being met; and</p> <p>16. A post event noise report shall be provided to the General Manager, Parklands detailing complaints, remedial action, noise levels and data from unattended noise loggers.</p> <p>B Parklands will implement best practice mitigation measures listed within the Noise Management Strategy (Technical Paper D) in consultation with the three residents identified as potentially being exposed to elevated noise emissions (R05, R13 and R13). Parklands will undertake noise monitoring during events to confirm effectiveness of noise mitigation measures.</p>	
C15 Evacuation Management	review NBP Standard 009 – Evacuation Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:	

	<p>1. Develop an evacuation management plan covering but not limited to fire, flood, structural collapse, serious injury/serious assault, bomb threat, contamination/spills and outbreak of disease;</p> <p>2. A copy of the final evacuation management plan prepared in consultation with Byron Shire Council, District Emergency Management Officer, local Police and State Emergency Services shall be provided to these organisations;</p> <p>3. Appoint a dedicated emergency coordinator; and</p> <p>4. Designate dedicated assembly and evacuation points and include these on all maps and plans</p>	
C15 Evacuation Management	<p>review NBP Standard 009 – Evacuation Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:</p> <p>1. Develop an evacuation management plan covering but not limited to fire, flood, structural collapse, serious injury/serious assault, bomb threat, contamination/spills and outbreak of disease;</p> <p>2. A copy of the final evacuation management plan prepared in consultation with Byron Shire Council, District Emergency Management Officer, local Police and State Emergency Services shall be provided to these organisations;</p> <p>3. Appoint a dedicated emergency coordinator; and</p>	

	<p>4. Designate dedicated assembly and evacuation points and include these on all maps and plans</p>	
C17 Camping Management	<p>Parklands will adopt, implement, monitor and review NBP Standard 0011 – Camping Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:</p> <ol style="list-style-type: none"> 1. Develop a camping management plan in accordance with the project application approved camping prescriptions covering but not limited to camping layout, toilets and shower amenities, camp marshal and fire marshal locations, potable water suppliers, wastewater storage tanks, fire fighting water tanks and fire extinguishers; 2. Vehicle speed limits in camp grounds shall be limited to 15 km/h; 3. All camping areas are to be provided with camp marshals for the purposes of monitoring and maintaining camper safety and amenity and any fire safety provisions ancillary to the event fire fighting services. 4. All camping areas are to be provided with fire marshals (in addition to the camping marshals who oversee the general patron camping areas). All fire marshals will be trained and competent in the use of portable fire extinguishers and emergency management procedures; 5. An area shall be designated for disabled campers adjacent to the disabled toilet and shower 	<p>Non compliance. DOP issued an Official Caution for campers in areas not designated for camping at SITG2017, as noted in DOP's Sept 2017 monthly compliance report. (Also noted under C8)</p>

	<p>amenities, and adjoining the all weather surface road providing direct access to the event site; and</p> <p>6. Appoint a dedicated camping coordinator for the duration of the event.</p>	
C18 Flooding Management	<p>Parklands will adopt, implement, monitor and review NBP Standard 0012 – Flooding Management. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:</p> <p>1. Develop and implement a significant rainfall event forecasting system. An automatic rainfall recording station, stream height gauging stations and soil moisture sensors must be installed on site by a suitably qualified person. The data must be made available for collection remotely via telemetry, with data connections to the administration office on the subject site and relevant agencies. The flood monitoring equipment shall be installed as early as possible to support the preparation of the flood evacuation plan. A certificate from a suitably qualified engineer, with experience in flood matters, together with suitable documentation from the installer, certifying that the flood monitoring equipment has been installed correctly and at appropriate locations, must be submitted to the Department prior to the first event.</p> <p>2. A flood evacuation/contingency plan for the proposed development in accordance with Part K – Flood Liable Lands of Byron Shire Council</p>	

	<p>Development Control Plan 2002 must be submitted to relevant agencies.</p> <p>The plan must clearly identify evacuation routes, ground levels of those evacuation routes, depth and time of flooding along the evacuation routes, method of evacuating the number of people and vehicles at the site, critical rainfall events for cancellation or evacuation of the event, and methods and location of flood monitoring. Development of the flood evacuation / contingency plan must be carried out in liaison with the local State Emergency Services. The plan must be assessed and updated by a suitably qualified engineer for each event utilising the data collected from the flood monitoring equipment and any previous evacuation review. A certificate from a suitably qualified engineer, with experience in flood related matters, certifying the adequacy of the plan and that the event structures left on site will not have any impact on flood levels, must be submitted to relevant agencies.</p> <p>3. Review Bureau of Meteorology website information prior to, during and after the event covering rainfall events, expected flood peaks, road closures, weather forecasts and emergency services;</p> <p>4. Liaise with SES local coordinator and utilise the SES text extreme weather alert notification system;</p> <p>5. Provide flood evacuation signage and fencing stored in strategic flood free areas;</p>	
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	<p>6. Maintain all drainage channels (free of obstructions);</p> <p>7. Develop a car park management plan that distributes the maximum number of vehicles to more flood free areas of the site (as a precaution regardless of imminent flood risk or not);</p> <p>8. This plan should also cover how patrons and their vehicles might be safely transported off flood affected areas of the site in the event of a flood;</p> <p>9. Ensure there is an appropriate flood evacuation plan as part of the event's overall emergency evacuation planning; and</p> <p>10. Consult with and provide flood evacuation plans to the Byron Shire Council, District Emergency Management Officer, local Police and State Emergency Services.</p> <p>11. Utilise that part of the carpark not effected by a 5 year ARI flood first to minimise cars parked within the flood affected area.</p>	
C19 Temporary Structures	<p>Parklands will adopt, implement, monitor and review NBP Standard 0013 – Temporary Structures. In accordance with Clause 3 of the standard, Parklands/event operators will conform with the following applicable Standard Parameters:</p> <p>1. All temporary structures shall meet the requirements set out in the project application approved temporary structures prescriptions;</p> <p>2. Provision of the live and dead loads that each temporary structure is designed to meet;</p> <p>3. A list of any proposed fire safety measures to be provided for the use for each temporary structure;</p>	

	<p>4. In the case of a temporary structure proposed to be used as an entertainment venue - a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with;</p> <p>5. Documentation for any accredited building product or system sought;</p> <p>6. Details on the heights of any temporary structure and their construction materials; and</p> <p>7. An occupation certificate for each temporary structure.</p>	
C20 Waste Management	Parklands will adopt, implement, monitor and review BNP Standard 014 – Waste Management. In accordance with Clause 3 of the Standard, Parklands/Event Operators shall prepare and implement a management plan to control littering adjacent to and within the Billinudgel Nature Reserve and other DECCW land parcels.	
C21 Water Management	<p>Parklands will comply with all statutory requirements relating to water management. In particular:</p> <p>1. All groundwater licences for monitoring bores shall be obtained and associated works appropriately authorised prior to works commencing. All Form A's associated with the construction of bores must be submitted to NOW at the time drilling is undertaken.</p> <p>2. For all areas on the site that require dewatering, a water licence under Part 5 of the Water Act 1912 shall be obtained prior to commencement of work. This water licence application must be</p>	

	<p>accompanied by a groundwater and excavation monitoring program and acid sulphate soils contingency plan, developed to the satisfaction of NOW.</p> <p>3. Where taking surface water, all works shall be appropriately licensed. If and where the storage capacity of the constructed dams exceeds the maximum harvestable right for the property or such works are proposed to be constructed on a river, as defined under the Water Management Act 2000, then a water volume reflecting the water taken from the relevant water source will also be required to be licensed.</p> <p>4. To aid in the protection of receiving water source quality, all stormwater runoff must be adequately treated at its source and/or diverted through the stormwater treatment process designed for the site, prior to the stormwater being discharged to surface water and groundwater sources.</p> <p>5. All wastewater treatment ponds (effluent holding ponds, effluent polishing wetlands) shall be constructed above the water table or must be appropriately lined with an impermeable liner to prevent groundwater contamination.</p>	
C22 Soil Management	Parklands will prepare and implement a management plan to monitor bulk soil density to ensure the soil structure is not degraded and soil compaction is minimised.	

9. Multiple significant ongoing breaches resulted in unsatisfactory performance during the trial.

The breaches identified in the above table impact on safety of patrons and amenity of residents in the area. They also have the potential to impact on the significant ecological values of the site. Many of these identified breaches have been recorded for previous events and have been tabled at Regulatory Working Group Meetings and brought to the attention of the Department of Planning and yet they continue to occur and indicate an inherent inability or unwillingness to comply. Inaccurate conclusions from monitoring results is displayed repeatedly in the Performance Report #5 which falsely claims 98% compliance with consent conditions despite presenting data which contradicts the claim.

10. Mitigation measures as required for sensitive receivers under Condition C18 have not been enacted despite specific directives to do so by DPE.

The issue of attenuation or compensation of sensitive receivers who have enacted the previous C16 and C18 Condition is ongoing. North Byron Parklands has failed to monitor at some of the closest sensitive receivers and falsely state in their Noise Impact Assessment (Performance Report #5) that a noise agreement is in place with these most highly impacted residents. They have shirked their responsibility to report breaches at this closest residence so that accurate records of noise emissions can be maintained, and this needs to be acted on by the Department. No further approval should be given before this issue is settled to the satisfaction of the sensitive receivers. The department needs to require written evidence from all sensitive receivers where it is claimed Agreements are in place. North Byron Parklands has repeatedly made false claims about the existence of these agreements that the Department appears to have regularly accepted.

11. Requirements under the approved Concept Approval have not been met.

Condition B4(1) requires satisfactory performance during the trial before approval is obtained for events after the trial period. As stated above, this has not been achieved. Non compliance with at least 26 consent conditions indicates significantly unsatisfactory performance.

Condition B4(2) requires that necessary infrastructure is built prior to holding any more events after this trial concludes. This condition was designed to ensure wastewater is effectively dealt with in a best practice manner. This condition needs to be retained unamended. The current plans for handling sewage raise many questions, especially because of the documented “moderate to major” constraints presented by the site itself (see Appendix R).

12. The traffic conditions generated by one day events of up to 25,000 patrons have not been trialled during the trial period and have the potential to impact negatively on levels of service available on the surrounding road network.

According to the SITG 2017 Traffic Impact Assessment, at the largest trial event held to date, most camping patrons arrived on the bump-in camper arrival day and most day patrons arrived on the event days. Specifically, on any event day only around 13,000 day patrons were arriving and leaving each day. The current application now seeks approval for up to 25,000 day patrons arriving each day in the 3 medium event days without ever having a trial of this number of people arriving in a single day event

scenario. This is not supported by traffic impact data from the trial period and should not be supported.

13. Ecological monitoring during the trial period has failed to assess criteria identified in the Environmental Assessment thereby invalidating the conclusions of ecological monitoring programs conducted during the trial.

As in point 7, the conclusion that no adverse impacts from the carrying out of events have occurred is not supported by the ecological monitoring data supplied by the consultants.

14. Because performance so far has been uneven, with many unpredictable problems and breaches, permanent approval should not be granted, especially since the proposed usage is more intense than the highest intensity of the trial. If any further post-trial festivals are allowed, year-to-year approval, by Byron Council, should be required, with Byron Council having the authority to set new consent conditions as needed. (Council approval of any post-trial festivals is required in the current Concept Plan.)

Please consider these points and reject the proposed changes to the Concept plan and the application for a permanent event site at this location.

Regards

Chris Cherry

[REDACTED]
Mooball NSW 2483



Wooyung



Burringbar

Mooball

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Crabbes Creek

Woolgoolga Rd

Wooyum



















