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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-1062025

INDEPENDENT PLANNING COMMISSION

MEETING WITH APPLICANT

RE: NORTH BYRON PARKLANDS CULTURAL EVENTS SITE MOD 1

PANEL: **PROF RICHARD MACKAY**
STEVE O'CONNOR

ASSISTING PANEL: **OLIVIA HIRST**

APPLICANT: **MATT MORRIS**
PHIL JONES

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

DATE: **11.12 AM, MONDAY, 19 AUGUST 2019**

PROF R. MACKAY: So I'll commence proceedings. Good morning and welcome, and before we begin I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal people. I would also like to pay my respects to their elders, past and present, and to the elders from other communities who may be here today. Welcome to the meeting. Billinudgel Property Pty Ltd, the applicant, is seeking approval to modify the state significant development consent for the North Byron Parklands Cultural Events Site, SSD8169 MOD 1. My name is Richard Mackay. I am the chair of this IPC panel. Joining me is my fellow commissioner, Steve O'Connor, as well as Olivia Hirst from the Commission Secretariat. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the commission's website.

This meeting is one part of the commission's decision-making process. It is taking place at the preliminary stage of this process and will form one of several sources of information upon which the commission will base its decision. It is important for the commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you're asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I request that all attendees introduce themselves before speaking for the first time and ensure that they do not speak over the top of each other to ensure accuracy of the transcript. And perhaps I could ask the representatives of the applicant to identify themselves quickly now, please.

MR M. MORRIS: Good morning all, and thank you for that introduction. My name is Matthew Morris. I am the general manager of North Byron Parklands.

MR P. JONES: And my name is Phil Jones. I am the principal planner for PGAP, North Byron Parklands planner.

PROF MACKAY: Thank you both. Can I say that the panel has read and reviewed the application, the assessment report prepared by the department and the various submissions. So could I begin by asking or inviting the applicant to make any representations or comments that you'd like to make, please.

MR MORRIS: Thank you, Richard. It's Matt Morris again. I just think it's important to highlight that in the original environmental impact statement submitted to the department seeking permanent approval for the cultural events site at North Byron Parklands, Yelgun, New South Wales, that we had, in fact, requested an arrangement for the growth of patrons for both the events that currently take place at North Byron Parklands, which are Splendour in the Grass and Falls Festival. In the EIS, we did identify that from a precautionary principle, it would be best if we offered up a glide path of the growth of the patron numbers for each of those events, and when we received on 12 November 2018 draft conditions from the Department of Planning and Environment, we noted that there was a glide path capability for

Splendour in the Grass, but not one for Falls Festival. The one that was promoted for Falls Festival in the draft consent conditions meant that they had to start at what they'd been previously operating on for some years, which was 25,000. So Falls Festival had successfully undertaken three events with a capacity up to 25,000, yet
5 under the draft conditions were required to again commence at that level prior to moving to 30,000.

On 4 December 2018, Parklands met with the IPC in person in Sydney and tabled a document that provided the background of the project, but importantly also focused
10 on the requested glide path for Splendour in the Grass, which was included in the draft consent conditions, and Falls Festival, which was not included, as per our request of the EIS. And again, finally, on 10 September at the public meeting that was hosted by the IPC in Ocean Shores in New South Wales, our planner, Mr Steve Connolly from Planners North, presented an oral submission to the IPC, again
15 articulating our request to change the glide path for the Falls Festival such that they could commence subject to a performance evaluation report at 30,000, and I guess that's where we've now lodged the mod to try and remedy that particular oversight, if you like, and that's what we're at at the moment. It should - - -

20 PROF MACKAY: Okay. Thank you. Do you have anything to add at this stage, Phil? We have a few questions.

MR JONES: Not at this stage, Richard. No. I would just add that it seems like an administrative modification that we're proposing. The impacts were all assessed in
25 the original application and we're simply seeking a change to the staging for the Falls to match that staging that Splendour already has.

MR S. O'CONNOR: Phil, it's Steve O'Connor here. Just a question just to clarify, because we're talking about the condition that relates to the capacity of the event.
30 There's also the condition that we're looking at that relates to the water supply issues and the Department of Health's comments. So when you say this mod just relates to the one matter, it's really covering two matters; is that correct, to your understanding, that you're comfortable with both these changes?

35 MR JONES: Yes. My apologies. That is correct. The second part of the modification came in after we lodged the modification and Matt can probably explain that part of the modification in more detail.

MR O'CONNOR: But it does form part of your modification now?

40

MR JONES: Yes.

MR O'CONNOR: Thank you.

45 PROF MACKAY: And could I just – it's Richard. Could I just clarify that applicant has seen the submission made by the environmental health branch of New South Wales Health dated 9 July and could I just question whether the proposed

condition in that submission is something that the applicant is comfortable with or whether there are any comments of alternative suggestions, please.

5 MR MORRIS: Richard, it's Matt here. Look, we're 100 per cent confident with that. Back on 12 November 2018, when I reviewed the draft conditions given to me by the department, I pointed out to them very clearly in those notes that I gave them that the Department of Health was not in the business or endorsing quality water management plans. However, it was still drafted that they were still required to endorse it. When I prepared my quality water management plan according to the
10 consent, the Department of Health sought legal advice and they were advised that they, in fact, could not endorse it, and I've said we're in a bit of a stalemate here, and the department said, "Well, the remedy is that we're comfortable with it now, that if you're comfortable with these conditions, we will" – we will add this to this modification that we've lodged in relation to the, um, capacity to remedy the stand-
15 off, if you like.

PROF MACKAY: Okay. Thank you for that. I think – I'm just looking to Steve. That covers all - - -

20 MR O'CONNOR: A hundred per cent satisfied with that.

PROF MACKAY: - - - we wish to ask about that issue.

25 MR O'CONNOR: Thank you very much.

PROF MACKAY: Then could I just query, how many attendees did you actually have at this year's Splendour in the Grass, please?

30 MR MORRIS: So we had, ah, an approval for 42,500 and, ah, we sold out for that event. We had 18,000, ah, patrons that were camping, or 18,500 to be exact – patrons camping with us and the balance were day patrons, and the mode of – the main modes of, ah, transportation to the site were by – there's only really three ways that you can come to the site: either purchase a, ah – a car park, ah – a car parking pass; or catch one of our many, ah, buses from, ah, 13 or 14 different bus routes; or,
35 um, ah, get a ride with a – an Uber or a registered taxi driver to the site.

And, to that effect, the public transport worked magnificently this year. We had the largest event we've ever operated at the site and we had the least traffic impact, ah, on site and off site, and just to give you a little bit of a – a feel for it, we sold over
40 104,000 one-way bus tickets, which basically meant that there were 16 or 17,000 individuals coming by bus to the site, ah, each day. The balance were coming either as parking, ah, their private vehicle or through an Uber or taxi, um, mode shares.

45 PROF MACKAY: Thank you for that information. Can I just ask as a supplementary, was gate E, the gate to the north, in use at all, and if it was are you able to comment on that?

MR MORRIS: So gate E this year, it was a decision was made that we would use for the duration of the event, being Friday, Saturday and Sunday, was that gate E would be used by service vehicles and also by the Ubers and taxis, and this worked very, very well. Where gate E was then tested the most, ah, was in relation to what we call the camper bump-out day, which was on Monday the 22nd, and we – we used that road, um, to discharge, ah, in the vicinity of about 1,000 vehicles, or 1,200 vehicles, ah, from gate E onto Wooyung Road. There were turned in two different, ah, directions, either to – if they were heading – well, all – all traffic were heading north, but they were either turned left out of gate E and joined back up with Tweed Valley Way and then head back up and along Tweed Valley Way, eventually getting onto the Pacific Highway, or they would turn right and go along the coast road, which also required them to go through Pottsville. And we did some – we put, ah, some traffic dampers out at Pottsville because we were very interested to see what the traffic impacts were, and for the, ah, Friday, Saturday and Sunday periods, there was no discernible increase in background traffic levels. We – we had the counters out for two weeks, ah, in total, and there was no discernible increase or decrease, for that matter, in traffic during those days. On the important day, being the Monday the 22nd, um, there was an increase in traffic, but, ah, most importantly, during that sort of peak period, if you like, and that was the first day back at school, um, the period between 8.30 and 9.30, there was no – there was no discernible change from background, um, measurements that we'd done in the previous two weeks.

From about, ah, 9.40 to around 11, there were, um, an increase in congestion, and typically we're talking between seven and – and 10 minutes to get from one side Pottsville to the other. So there – there was some localised congestion. Um, traffic normally operated, you know, at – the speed limit was 50 kilometres in Pottsville – normally operated between 40 and 50 kilometres, but in those peak, ah – peak periods of times, traffic tended to operate from about 15 to 30 kilometres. So there was some reduction in service there, but the delays were – were, ah, minimal and the periods of times that we – that we were talking about, those delays, were, you know, of the order of about an hour and a half in total.

PROF MACKAY: Thank you for that, and I presume – well, obviously that information will be incorporated within the 2019 Splendour in Grass performance report.

MR MORRIS: It will, indeed.

PROF MACKAY: Yes.

MR MORRIS: And we've also, just as a matter of transparency, sent off that information to Tweed Shire Council. So as you're no doubt aware, um, we – this modification, there was, um, consultation with Tweed Shire, Byron Shire, New South Wales Police and Roads and Maritime Service, and – and the – the, ah – the latter three, being Byron Shire Council, the police and RMS had no issues whatsoever with, um, the modification. Tweed did raise, ah, some concerns around that congestion at Tweed – on the Tweed Coast Road, and I think what we've

demonstrated with the – the data sets that we've got from this most largest is that, ah – ah, there is typically some congestion, but – but really not – not a five or seven or eight minute delay through a small country town, while inconvenient, didn't happen at the peak time, which, ah, is sort of 8.30, 9.30, when we're trying to get kids and
5 other to school and work, um, but happened during the, ah – the morning period, ah, after that time.

PROF MACKAY: Thank – thank you. I was going to take you to the submissions, um, and you've mentioned the one from Tweed Shire Council dated 7 June, which
10 obviously pre-dates, um, this year's Splendour in the Grass. Um, on the final page of that submission, ah, they raise two, ah – particularly raise two substantive concerns. One relates to, ah, some non-compliance with KPIs for traffic, ah, during three of the four event days during Splendour of the Grass last year. And in their penultimate
15 paragraph, they are highlighting that, um, the new traffic management plan has an altered traffic management process, and the – the use of the northern access gate E on to Wooyung Road, and saying that it hasn't been trialed for the Falls Festival. So I think it would – it would help us if you, as applicant, would, um, like to comment on those two paragraphs, please.

MR MORRIS: Yes. Sure. So the first – the first one there where they're talking
20 about the non-compliances were in relation to traffic that was on Tweed Valley Way between 11.30 pm and 1 am, um, on three of the four evenings, where we had, ah, a history of having vehicles come on site to drop, ah, family, relatives, friends, to the site and then collect them later in the evening, ah, which would cause us all sorts of
25 headaches. For this year, we banned the use of – well, we banned, ah, patrons or any person being able to drop someone to the event. They had to come by the three modes I mentioned to you before, either by buying a car pass, coming on one of our extensive bus routes, or by an Uber and taxi, and what that did was it removed the, um – the 1,500 or some vehicles or so that would normally come along and drop
30 people off such that there was zero congestion on our site or on the roads outside of the event area.

And so two things – and I'm sorry to labour the point, but two things that happened since 2018, one was we had – had asked the department to include, ah, a four-hour
35 period where we could drop to a level of service B on Tweed Valley Way, um, to allow for these, um – this late-night congestion, which doesn't interfere with other traffic because there is no background traffic at 11.30 at night at Tweed Valley Way. But the second thing was since we got rid of the drop-offs and pick-ups, um, we're back to level service B or A. It is free-flowing. I have camera footage at 11.30 to 1
40 am each night for Splendour in the Grass that shows no traffic except for our buses. So that resolved that matter very successfully and that will continue into the future. Sorry, if you can hold for one second, I just have a mower outside and I'll, ah – I'll just close my front door. I beg your pardon.

MR JONES: Yeah. Phil here. I'd – I'd just reinforce that point that Matt said, that
45 the exceedance of the picked up did occur around midnight during the nights

when there's no background traffic, um, on the roads. So the congestion is Splendour traffic and not traffic.

5 PROF MACKAY: Thank you, Phil. I presume that that explanation about it being late night, um, and the quantum of exceedance is covered in the performance report for Splendour in the Grass 2018 if we wanted to go back to it.

MR JONES: Um, Matt would have to answer that one.

10 MR MORRIS: Yes.

MR JONES: I can say that it is addressed in the response to submissions for the modification itself, um, but yes. It is – it is covered in the traffic evaluation reports.

15 PROF MACKAY: Thank you.

MR MORRIS: Yes. And – and – sorry; Matt back again. Look, the – the success of, ah, what I've just explained to you will, in fact, be included in the performance evaluation report that we're preparing currently for Splendour in the Grass to allow it to grow from 42 and a half to 50. So, ah, that information will be there, but as yet hasn't really been detailed, but I can still send, um, the IPC the traffic evaluation report, um, including that, um, information from, ah, the Pottsville area, if you'd like for, your, ah, perusal prior to making a decision.

25 PROF MACKAY: I – I think that that can only be helpful. It would, of course, be posted on the, ah, commission's website.

MR MORRIS: And that's – that's completely fine. We've got, um – that information should – will certainly be made public as part of the, ah, performance evaluation report moving forward anyway.

30 PROF MACKAY: All right. And then just going to the second issue that Tweed Shire Council has raised, what – what is proposed in relation to the northern access gate E, um, in relation to the next Falls Festival, please?

35 MR MORRIS: Well, the Falls Festival have proposed that they'll do a similar, ah, usage arrangement for, um – a similar arrangement for, ah, allowing Ubers and taxis to ingress the site during the event, and then a similar discharge of, um – of campers on the, ah – the – the camper bump-out day. We'll take some of the learnings from, um, the Splendour 2019, um, and then, um, if – make any fine – fine, sort of, tuning that we might need to do, just to assist with – with the flow of traffic, um, in – in – north of the, ah – of the site.

45 PROF MACKAY: Okay. Thank you for that. Can I just then query – I mean, look, the other – we've read the other submissions from, among other, RMS, from Byron Shire, um, council, um - - -

MR O'CONNOR: Police.

PROF MACKAY: From the police.

5 MR O'CONNOR: Yeah.

PROF MACKAY: Have you any other comments on any of them?

10 MR MORRIS: Yes. I do. So, um, as part of the Splendour in the Grass, ah, debrief process, ah, a week after Splendour was held – so in early August – we held a meeting with, ah, some key agency stakeholders that included the New South Wales Police, ah, Roads and Maritime Service, Byron Shire Council, and I don't believe there was a representative from Tweed Shire Council because of a clash, um, and the overall – the overall response, um, from those agencies was, ah, a very positive and –
15 and, ah, significant reinforcement of the, um, improvements to traffic flow, not only externally to the site but internally as well.

So New South Wales Police said this was the best festival that they've worked at, that the traffic worked incredibly well. Byron Shire Council were also very happy,
20 and I think that most important thing that we have to also look at here is that from the community hotline perspective, we received one call that we did put into the traffic, um, category, albeit it was a complaint about a traffic controller at Yelgun Road, as opposed to traffic flows. So the general public did not make any complaints at all about traffic congestion externally to the site for our largest event to date, and the
25 same was said – the New South Wales Police advised me that they did not receive any calls from the public with respect to traffic congestion, ah, or problems accessing in and around the site, ah, which I was very pleased with.

30 PROF MACKAY: Thank you for that. Um, I think – I'll just check with Steve. Do you have any - - -

MR O'CONNOR: No. Thanks. That's answered my questions.

35 PROF MACKAY: And then, um, can I just – I don't have any further questions. Can I just ask whether there's any other facts, matters, you wish to draw to the attention of the commission, please?

MR MORRIS: Look, I think the only other thing to – to really say is that the original traffic modelling that we, ah, submitted as part of the EIS demonstrates that
40 Falls Festival, at a capacity of 35,000 – not 30,000, but at 35,000 – has a lower impact on the Pacific Highway, ah, than Splendour in the Grass at 42 and a half thousand or 50,000. So I think, ah, we – we probably should put in perspective that while we note that, um, the New Year's Eve period in the Northern Rivers can be, um, a busy time, um, the – the modelling that's been done, and, certainly, then the
45 actual traffic data that we've been gathering from the largest event that we've held to date, ah, do demonstrate that, um, the impacts on the surrounding, um, ah, localities

and local roads and the Pacific Highway, ah, appear to be less than have been modelled in what was submitted as part of the EIS.

5 PROF MACKAY: Thank you for that, and I think we note that that's, ah – that point is made on p.10 of the, um – of the application. So thank you. Um, any – anything else that you'd like to add?

MR MORRIS: Um, I'm fine. Phil, have you got anything else you'd like to add?

10 MR JONES: Nothing from me.

15 PROF MACKAY: Look, can I – can I thank you both for joining us this morning, um, remind you that a transcript of this meeting will, um, be posted very soon on the commission's website, as will, um, the information on the Splendour in the Grass 2019, ah, traffic report, if you send that to us, or anything else that you, ah, send to us will all be posted, and then the commission will, um, make its determination as expeditiously as possible. Thank you.

20 MR MORRIS: Thank you.

PROF MACKAY: So I will, um, formally close the meeting. Thank you very much, indeed.

25 MR JONES: Thank you.

MR MORRIS: Thanks. Thanks, finally.

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[11.37 am]