

## Jorge Van Den Brande

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**From:** Colleen Forbes <CForbes@tweed.nsw.gov.au>  
**Sent:** Friday, 21 December 2018 3:12 PM  
**To:** Jorge Van Den Brande  
**Cc:** Vince Connell (Tweed Council)  
**Subject:** North Byron Parklands SSD - TSC Comments / Amended Conditions for IPC Consideration  
**Attachments:** TSC Council Resolution 6 Dec 2018.docx

**Importance:** High

Dear Jorge,

Further to the meeting held between TSC, Byron Shire Council and the Commission on 11 December 2018, please find below formal comments /suggestions for the draft conditions of consent, as well as a copy of the resolution of Tweed Shire Council from the Council Meeting held on 6 December 2018 (attached).

### Condition C7 – Wooyung Road / Gate E Intersection

As discussed at the IPC meeting, the northern access road onto Wooyung Road is currently only approved as an Emergency Access Road with the existing intersection with Wooyung Road not suitable as a permanent access road. The proposed upgrade of the intersection and the upgrade of Wooyung Rd at the intersection is considered to be required prior to any events approved under the SEE, unless it is being utilised as an emergency access road under the direction of the Police.

Accordingly, the following amendment to Condition C7 is recommended (shown in bold and struck through):

- C7 Prior to carrying out ~~a large event with a capacity of 40,000 patrons or more~~ **any event that requires access to Wooyung Road other than for emergency purposes**, the Applicant must complete the construction of the Wooyung Road / Gate E intersection upgrade in accordance with the civil plans in Appendix 1, to the satisfaction of Tweed Shire Council. The Applicant must obtain approval for the works under section 138 of the *Roads Act 1993*.

### Condition C16 – Wastewater Management plan

It is requested that Condition C16(b) be amended to include a reference to Tweed Shire Council, as noted below (shown in bold):

- C16 (b) be prepared in consultation with Council **and Tweed Shire Council**.

### Condition C21 – Groundwater and Surface Water Monitoring Program

An opportunity for Tweed Shire Council to review the Groundwater and Surface Water Monitoring Program described in Condition C21 would be beneficial with regard to assessing any potential impact on water quality in Mooball Creek. It is requested that early warning of any actual or predicted increased risk to public health or negative impact on water quality in Mooball Creek from the OSMS be provided to Tweed Shire Council.

### Condition C24 – Wastewater Audit

As discussed at the IPC meeting, Tweed Shire Council officers are happy to discuss with all parties the commercial OSMS that have similar capacity that are installed and operating on Tweed Shire in order to provide additional

options for consideration given the physical constraints highlighted in the assessments reports North Byron Parkland site. It is also noted that the provisions of Condition C24 may be included as a requirement of the approval to operate issued by Byron Shire Council.

#### **Condition D7 – Notification of Events**

It is requested that Condition D7 be amended to include a reference to Tweed Shire Council, as noted below (shown in bold):

- D7 At least 14 days prior to the bump-in period of an outdoor event, the Applicant must provide Council **and Tweed Shire Council** with the time and dates of the events (and proposed sound tests and rehearsals) and the name and contact details of the event organiser and/or general liaison person who may be contacted for the duration of the event being held.

#### **Condition D8 – Medium Events**

It is requested that Condition D8 be amended to include a reference to Tweed Shire Council, as noted below (shown in bold):

- D8 At least two months prior to commencement of a medium event, the Applicant must notify Council, **Tweed Shire Council**, RMS, NSWPF and the Planning Secretary in writing about the timing and duration of the medium event. The Applicant must also provide the name and contact details of the event organiser and/or general liaison person who may be contacted for the duration of the medium event.

#### **Condition D13 – Large Event Progression Requirements**

It is requested that Condition D13 be amended to include a reference to Tweed Shire Council, as noted below (shown in bold):

- D13 In considering any PER and request to progress to the next stage, the Planning Secretary will:
- (a) Consult with RMS, Council, **Tweed Shire Council** and NSWPF; and
  - (b) Consider the findings of the PER and any other matter the Planning Secretary considers relevant.

#### **Condition D16 – Key Performance Indicators**

It is requested that Condition D16 be amended to include a reference to the **Level of Service for Wooyung Road** in dot point 2 for Traffic Management.

#### **Condition D18 – Regulatory Working Group**

It is requested that Conditions D18 (a) and (b) be amended to include a reference to Tweed Shire Council, as noted below (shown in bold):

- D18 (a) Comprise at least one representative of the Applicant, OEH, NPWS, RMS, NSWPF, State Emergency Services, RFS, **Tweed Shire Council** and Council, where these parties agree to be part of the RWG, or as otherwise agreed to by the Planning Secretary;
- (b) Comprise at least two representatives of the local community nominated by the Council **and Tweed Shire Council**. Community representatives are appointed on a rotational basis with a representative not exceeding two years.

### Condition D20 – Community Consultation Plan

It is requested that Condition D20 be amended to include a reference to Tweed Shire Council, as noted below (shown in bold):

- D20 No later than one month before the commencement of the first large or medium event a Community Consultation Plan must be prepared and submitted to the Planning Secretary for approval. The Community Consultation Plan is to provide mechanisms to facilitate communication between the Applicant, the Council , **Tweed Shire Council** and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the operation of the development. The Community Consultation Plan must include...

### Condition D22 – Community Notification

It is requested that Condition D22 be amended to increase the radius for the require letter box drop to 10km, as noted below (shown in bold and struck through):

- D22 At least two weeks prior to the commencement of a large or medium event, the Applicant must notify all local residents and business within a ~~3~~ **10** kilometre radius of the site via a letterbox drop. The letterbox drop must include details of...

### Condition D27 – Traffic Management Plan

Council's submission to the Department of Planning made comment on the Applicant's commitment to discuss Kiss and Ride / Shuttle services with Tweed Shire Council. It is considered that the demand management strategies to reduce private car usage & promote alternative forms of transport of Condition 27 are appropriate.

Council's submission also requested a condition in terms of Gate E being a suitable distance from Wooyung Rd (to avoid queuing cars impacting upon the traffic flow of Wooyung Road). It is considered that Condition 27 should be able to accommodate such a requirement.

Accordingly, it is requested that Condition D27 (b) be amended to include a reference to Tweed Shire Council, as noted below (shown in bold):

- D27 (b) be prepared in consultation with Council, **Tweed Shire Council** and RMS.

### Condition D29 – Traffic Control Plan

Council's submission to the Department of Planning requested a specific condition in terms of the No Stopping signs on Wooyung Rd being removed from the traffic control plans.

It is requested that Condition D29 (b) be amended to include a reference to Tweed Shire Council, as noted below (shown in bold):

- D29 (b) be submitted to the **Byron and Tweed** Local Traffic Committees for endorsement and submitted to Council **and Tweed Shire Council** for approval **on roads under their control**.

### Condition D48 – Noise Impact Report

Given that the bump out period could be as long as 14 working days after the actual event, it is requested that consideration be given to amending Condition D48 such that the Noise Impact Report is submitted and made public within **30 days** of the conclusion of the bump out period.

Please contact me if any further clarification of the abovementioned matters is required.

Regards,  
Colleen

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**Colleen Forbes**

Team Leader Development Assessment



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**TWEED SHIRE COUNCIL  
MEETING TASK SHEET**

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**Action Item - COUNCIL MEETING Thursday, 6 December 2018**

Action is required for Item **10** as per the Council Resolution outlined below.

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**TITLE: LATE [NOM-Cr C Cherry] North Byron Parkland**

**LATE ITEM**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that Item 10 being an Addendum item be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was **Carried**

**FOR VOTE - Cr C Milne, Cr C Cherry, Cr J Owen, Cr R Cooper, Cr P Allsop, Cr R Byrnes**

**AGAINST VOTE - Cr W Polglase**

**NOTICE OF MOTION:**

**Cr C Cherry  
Cr K Milne**

**RESOLVED** that Council:

1. Whilst supportive of the economic and social benefits of festivals, it does not support a permanent approval at this time as traffic impacts have not been trialled in the proposed configuration, including having a patron entrance on Wooyung Road or having one day events larger than 2,000 patrons.
2. Advises the Independent Planning Commission (IPC) that it does not support the Department of Planning and Environment's recommendation for approval of permanent activity in regard to SSD 8169 - North Byron Parklands Cultural Events Site.

3. Advises the IPC that it supports a further trial period to assess traffic implications of increased numbers of patrons, holding of small, medium or large one day events and the proposed Northern Gate.
4. Continues to hold concerns regarding public safety particularly in regard to crowd control and evacuation as expressed in the Police submissions.
5. Advises the IPC that the proposed Wastewater Treatment facility has the potential to adversely impact surrounding flood plains and that some of the independent consultant's recommendations have not been adopted in the current proposal.
6. Advises the IPC that it reiterates the concerns raised by the OEH in the proposal inadequately addressing the Koala Plan of Management for the site especially considering the recent documented evidence of koala activity on the site.

The Motion was **Carried**

***FOR VOTE - Cr C Milne, Cr C Cherry, Cr W Polglase, Cr R Cooper, Cr P Allsop, Cr R Byrnes***

***AGAINST VOTE - Cr J Owen***

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