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To: [IPCN Enquiries Mailbox](#)
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Subject: NORTH BYRON PARKLANDS - Response to NSW Health and Byron Shire Council Matters
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Importance: High

Dear Commissioners,

I have recently returned from leave, during which time my planners and I provided the attached response to your office dated 25 January 2019. I would like to offer to meet with you this week at your office to clarify any aspects which you feel may require further input (if any).

I am available to fly down to your office at any time this week (or next). Please let me know if a meeting would assist in clarifying any outstanding matters.

Regards

Mat Morris
General Manager

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Parklands

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25th January 2019

Prof. Richard Mackay, Ms. Catherine Hird and Mr. Andrew Hutton
Independent Planning Commission
Level 3, 201 Elisabeth Street
SYDNEY NSW 2000

Dear Commissioners,

**RE: COMMENTS IN RESPONSE TO CERTAIN MATTERS RAISED BY THE
MEETING WITH NSW HEALTH AND CONDITIONS OF CONSENT
RECOMMENDED BY BYRON SHIRE COUNCIL**

Further to our letter of 11th January 2019 containing a response to certain matters raised in the Independent Planning Commission (IPC) Transcripts, North Byron Parklands (Parklands) has now had the opportunity to review the transcript published by the IPC regarding its meeting with NSW Health. Also, Byron Shire Council has made a direct submission to the IPC recommending certain conditions of consent. Some of the matters raised in these documents require a response from Parklands.

For ease of the Commissioners, we have recited the items in the transcript which we propose to respond to, referencing the page in the transcript. Below each item, we have provided a concise response in **blue** font.

In relation to Byron Shire Council, we have recited each of their recommended conditions and provided observations.

1. TRANSCRIPTIONS FROM MEETING WITH NSW HEALTH

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PROF MACKAY: Just – thank you, Greg. It's Richard again. Just pursuing that for a moment: this application is, firstly, to make this a permanent music festival site and, secondly, to increase the maximum number of attendees at some of those festivals rather substantially from 35,000 to 50,000. And so one of the things to which we are turning our mind is whether, in fact, the whole notion of onsite treatment is a bit undercooked at the moment and whether it might not be better to separate those two things: the permanency of the festival site, you know, with removal of wastewater and effluent for treatment offsite and suggest that if the proponent wanted to pursue onsite treatment, you know, to use some of your words, it's incredibly important to have it thorough and right, and you have got all these parameters of rain and flooding and open drains that – as well as the Byron Council capacity, which are not, you know, perhaps where they should be to do it all at once.

PARKLANDS RESPONSE:

We confirm that our preference is for the implementation of an onsite OSMS. However, given the concerns expressed above, Parklands would be satisfied with a form of development consent which did not approve the OSMS currently proposes as part of the application. The disposal of wastewater to an offsite licenced facility is a standard procedure for outdoor festival across Australia and worldwide. Parklands would be content with a condition requiring wastewater to be transported to a licenced facility but worded in a way that permitted us to lodge a Development Application with Byron Shire Council in the future for an onsite OSMS.

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PROF MACKAY: It's Richard Mackay again. Could I ask, I think it's – well, whoever, just the sort of really blunt, simplistic question. In terms of this use on this site, are we likely to get a better public health outcome by trucking the waste offsite or by treating it onsite with the waste water treatment, the irrigation and the burying of the biosolids?

MR KOHLENBERG: Well, a better public health outcome is obviously removing effluent from a floodplain. So trucking it off the site would definitely be a better health outcome, however, it doesn't mean the other one can't be achieved, but there's a lot of testing and proof proving that it actually is satisfactory. It's all right having it in a document. It's all very well and good until it's not.

PARKLANDS RESPONSE:

We note the comments by Mr Kohlenberg that a "better public health outcome can be achieved from the removal of effluent from the site". However, he also expressed the view that this does not mean that the onsite OSMS cannot be achieved. Following this line of thought, Parklands would be satisfied to receive a development consent which did not approve the OSMS currently forming part of the application but requiring wastewater to be transported to a licenced facility.

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MR KOHLENBERG: Tony here. No, as far as the effluent disposal, I'm okay with that, but I would just like to mention the role that New South Wales Health does have on the site and that is with the potable water supply, and that's our direct responsibility under the Public Health Act, and over the last few years, with the festival management, we have been dealing very closely with the water crew out there, even out on site during the last festival over New Year, and there was a condition, I think condition D45, and so it's good to see that in there, but just to say that that, to date, is going well and there's been a lot of cooperation.

PARKLANDS RESPONSE:

Parklands appreciates the supportive comments provided by NSW Health confirming the strong level of cooperation that exists between the Department of Health and Parklands.

2. CONDITIONS RECOMMENDED BY BYRON SHIRE COUNCIL

Byron Shire and Tweed Shire Councils have recommended certain conditions to the IPC, below we have recited the conditions recommended by the Council and have provided brief observations in relation to the workability of the conditions proposed.

Amend Condition C24 Wastewater Audit to read

C24. Wastewater Audit

Within 12 months of the operation of the first event under this consent, the proponent must carry out an independent audit of the Wastewater Treatment, Compost Management System and Irrigation System. The audit must

- a) be conducted by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Planning Secretary;*
- b) Be submitted to the Planning Secretary within Six weeks of its completion;*
- c) Include consultation with Byron and Tweed Shire Council and other relevant agencies;*
- d) Assess the performance of the wastewater Treatment, **Compost Management System** and Irrigation System;*
- e) Detail any corrective actions or continuous improvement measures to be implemented; and*
- f) **The audit to be carried out every three years (on the anniversary of Development Consent being issued) thereafter in accordance with this conditions (sic)***
- g) **A copy of the audit to be provided to Tweed and Byron Shire Council.***

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PARKLANDS RESPONSE:

The text in the above condition that is recommended for change by Council is shown in red. Parklands raises no objection to consultation including both Byron and Tweed Shires is suggested at C24(c). Also, Parklands has no issue with the performance and assessment including compost management system as recommended by Council in draft condition C24(d). In our view, the addition of item C24(f) is not required as rigorous conditions in relation to the conducting of site audits are set out at Part E of the draft consent. Further, Parklands has no objection to the inclusion of the additional provision C24(g).

Insert Audit conditions as follows:

Noise Management Audit

Within 12 months of the operation of the first event under this consent, the proponent must carry out an independent Noise Audit of the Noise Management Plan. The audit must

- a) be conducted by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Planning Secretary*
- b) Be submitted to the Planning Secretary within Six weeks of its completion*
- c) Include consultation with Byron and Tweed Shire Council and other relevant agencies*
- d) Assess the performance of the noise management plan*
- e) Detail any corrective actions or continuous improvement measures to be implemented*
- f) The audit to be carried out every three years (on the anniversary of Development Consent being issued) thereafter in accordance with this conditions (sic)*
- g) A copy of the audit to be provided to Tweed and Byron Shire Council.*

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PARKLANDS RESPONSE:

The specific condition recommended by the Council relating to Noise Management Audit is not required as it replicates requirements already embodied in the Draft Consent at Part E.

Biodiversity Audit

Within two years of the operation of the first event under this consent, the proponent must carry out an independent Biodiversity Audit of the Weed Management Plan, the Koala Plan of Management, the flora and fauna Adaptive Management Plan and the Billinudgel Nature Reserve strategy. The audit must

- a) be conducted by a suitably qualified, experienced and independent person whose appointment has been endorsed by the Planning Secretary;*
- b) Be submitted to the Planning Secretary within Six weeks of its completion;*
- c) Include consultation with Byron and Tweed Shire Council, OEH and other relevant agencies;*
- d) Assess the performance of the Weed Management Plan, the Koala Plan of Management, the Flora and Fauna Adaptive Management Plan and the Billinudgel Nature Reserve strategy plan;*
- e) Detail any corrective actions or continuous improvement measures to be implemented;*
- f) The audit to be carried out every three years (on the anniversary of Development Consent being issued) thereafter in accordance with this condition.*
- g) A copy of the audit to be provided to Tweed and Byron Shire Council.*

PARKLANDS RESPONSE:

In the view of Parklands, strong audit requirements are clearly defined in Part E of the draft consent and accordingly a specific condition relating to Biodiversity Audit is not required.

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Standard Conditions for the Conference Centre, Golden View Bar, Cabins and Spa and treatment Rooms

PARKLANDS RESPONSE:

In this header and some other conditions Council seems to have construed that the "Golden View Bar" is a facility that will be operated in conjunction with the Conference Centre. That is not the case. The Golden View Bar is a festival facility currently provided in a temporary form at the site. The plans propose embellishment of Golden View Bar to improve festival amenity.

The following conditions are to be complied with prior to issue of a Construction Certificate for building works

1. *Tree Removal*

No trees or vegetation to be cleared or removed until a Construction Certificate has been issued.

PARKLANDS RESPONSE:

Parklands raises no objection in relation to the proposed tree removal condition.

2. *Long Service Levy to be paid*

A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at www.longservice.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. When paying to Council, cheques are to be made payable to 'Byron Shire Council'.

For further information regarding the Long Service Payment please refer to the website above.

PARKLANDS RESPONSE:

The payment of Long Service Leave contributions is a statutory responsibility. Parklands does not see the need to include this condition in the consent.

3. *Car parking layout, vehicle circulation and access plans required for Conference Centre, Golden View Bar, Cabins and Spa and Treatment Rooms.*

The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent.

a) The internal access, car parking and manoeuvring areas must generally be in accordance with the plans approved as part of this development including Site Plan 05 (Rev06) dated 16/11/2017 prepared by Dominic Finlay Jones.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

Such plans and specifications must be approved as part of the Construction Certificate.

NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

PARKLANDS RESPONSE:

Parklands has no objection to the requirement for engineering plans and specifications to be designed by a practicing engineer but we see no need to specify this particular plan in a condition when that plan forms part of the applicable list at Appendix 1 of that consent. We recommend removal of the reference to Golden View Bar in the heading.

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The note proposed by Council is, in our view, unrealistic. The Northern Rivers Local Government Design and Construction Manual is for subdivision type construction work, not for development of the type of the conference facility.

4. **Section 7.12 Levy to be paid**

Prior to the issue of a construction certificate the section 7.12 levy required by the Byron Developer Contributions Plan 2012 must be paid to Council.

The levy will be calculated as follows:

Levy payable = % C x \$C

%C is the levy rate applicable as set out in the latest Ministerial Direction issued under section 7.17.

\$C is the proposed cost of carrying out the development.

The rate of %C is:

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001–\$200,000	0.5 percent
More than \$200,000	1.0 percent

The cost of development must be calculated in accordance with clause 25J of the Regulation. The Cost Summary Report (copy attached) as set out in schedule 2 of the Section 7.12 contributions plan must be submitted to Council with the payment. The cost summary report must be prepared by a quantity surveyor. Copies of Cost Summary Report are available at Council's main office or may be downloaded from Council's website.

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PARKLANDS RESPONSE:

This condition is not required as the draft consent recommended by the Department contains this requirement at Condition A20.

On-site sewage management facility Section 68 approval required

An approval under Section 68 of the Local Government Act 1993 for on-site effluent disposal must be obtained from Council prior to issue of a Construction Certificate. Such approval must be issued after the date of this consent. The application for Section 68 approval must be accompanied by a report prepared by a suitably qualified professional with demonstrated experience in effluent disposal matters, which addresses the site specific design of sewage management in accordance with the requirements of the NSW Local Government Act, and Approvals Regulation and Guidelines approved by the Director General.

PARKLANDS RESPONSE:

This condition merely replicates a statutory requirement under the *Local Government Act*. We see no need for its inclusion in the approval but raise no objection if the IPC considers it appropriate.

Site Waste Minimisation and Management Plan

Chapter B8 of Byron Shire Development Control Plan 2014 (DCP 2014) aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information

www.byron.nsw.gov.au/files/publication/swmmp-pro-forma-.doc

PARKLANDS RESPONSE:

A SWMMP was submitted with the development application. We see no need to produce a further SWMMP.

The following conditions are to be complied with during any building or construction works

Erosion and sediment measures

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion & Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

PARKLANDS RESPONSE:

We see no need for this condition as it merely incorporates a component of the work required under the construction environmental management plan defined at Conditions C2, C3 and C4.

6. Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$10 million, is to be maintained for the duration of the construction of the development. Council is not held responsible for any negligence caused by the undertaking of the works.

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PARKLANDS RESPONSE:

We see no need for the development consent to specify public liability insurance cover. This is a matter for the applicant and its insurers.

The following conditions are to be complied with during any building or construction works

7. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a) Monday to Friday, from 7 am to 6 pm.*
- b) Saturday, from 8 am to 1 pm.*

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

PARKLANDS RESPONSE:

This condition simply replicates the constructions times set out at draft consent Condition C8. Accordingly, we do not think that this condition should be incorporated in the consent.

8. Construction Noise

Construction noise is to be limited as follows:

- a) For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).*

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- b) *For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)*

Note: Council may impose on-the-spot fines for non-compliance with this condition.

PARKLANDS RESPONSE:

This condition replicates part of the requirement set out at draft Condition C10. Accordingly, we do not think that it should form part of the final approved condition set.

9. ***Signs to be erected on building and demolition sites***

A sign must be erected in a prominent position on the work site:

- a) *stating that unauthorised entry to the work site is prohibited, and*
b) *showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.*

Any such sign is to be removed when the work has been completed.

PARKLANDS RESPONSE:

The Act and Regulations provide specify signage in relation to building and demolition work. The development consent is not assisted by setting out part of the Act and Regulation requirements.

10. ***Builders rubbish to be contained on site***

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure.

Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

PARKLANDS RESPONSE:

Given the building work is wholly conducted within the site and not near any footpaths, public road or public reserves, we do not think this condition is appropriate for the approval.

11. ***Fill to be retained on the subject land***

Fill material must not encroach onto any adjoining land.

PARKLANDS RESPONSE:

Any cut and fill associated with the Conference Centre facility is well away from adjoining land we do not see the need for this condition.

12. ***Prevention of water pollution***

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

PARKLANDS RESPONSE:

This condition merely replicates a statutory requirement under the *Protection of the Environment Operations Act*. Parklands does not see that it needs to be incorporated in the consent but it would not be vigorously opposed to the IPC including it if it thought it would be beneficial.

13. **Maintenance of sediment and erosion control measures**

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

PARKLANDS RESPONSE:

This matter is comprehensively addressed by Condition C4 in the draft conditions prepared by the Department of Planning and Environment.

14. **Muted bushland tones external finishes**

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible.

PARKLANDS RESPONSE:

Parkland has no objection to this condition.

15. **Inspection for on-site sewage management**

All plumbing and drainage works is to be installed by a suitably qualified person. The plumber must adhere to the requirements of the NSW Code of Practice and AS/NZ 3500. The plumber is to arrange for the following inspections to be undertaken:

- a) *Internal drainage prior to covering of the works.*
- b) *External drainage prior to the covering of works.*
- c) *Irrigation installation prior to the covering of works.*
- d) *Final*

PARKLANDS RESPONSE:

There is a statutory requirement to have qualified persons carrying out plumbing work. Parklands sees no need to include this condition in any consent.

16. **Protection of Native Trees**

All trees nominated to be retained by notation or condition as a requirement of the development consent shall be maintained and protected during construction on the site in accordance with AS 4970-2009 – Protection of Trees on Development Sites.

PARKLANDS RESPONSE:

Parklands does not have an issue in relation to the incorporation of Council recommended Condition 16.

The following conditions are to be complied with prior to occupation of the building

17. **Works to be completed prior to issue of a Final Occupation Certificate**

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

PARKLANDS RESPONSE:

The issue of final occupation certificate is a matter governed by statutory requirements and the Principal Certifying Authority. We do not see any benefit in incorporation of Council suggested Condition 17 in the approval.

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18. **Access and parking areas to be completed.**

The access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent.

PARKLANDS RESPONSE:

The consent as drafted requires development to be carried out in accordance with the approved plans. Conditions will be provided under the *Roads Act* in relation to any *Roads Act* road alterations. Accordingly, Parklands does not see the need for this condition.

19. **Stormwater disposal**

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a) Clear of buildings and infrastructure,*
- b) Clear of effluent disposal areas,*
- c) Not concentrated so as to cause soil erosion,*
- d) Not directly to a watercourse, and*
- e) Not onto adjoining land.*

PARKLANDS RESPONSE:

The matters raised in Council recommended condition 19 are already addressed in Conditions drafted by the Department.

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20. **On-site sewage management system must be completed**

The on-site sewage management system is to be constructed in accordance with approved plans and in accordance with current specifications and standards. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.

PARKLANDS RESPONSE:

The draft development consent conditions already require the development to be carried out in accordance with the approved plans. The onsite sewerage management system will need to be approved pursuant to the provisions of the *Local Government Act* and accordingly we do not see a need to incorporate this condition in the consent.

21. **Approval to Operate required**

In accordance with the Local Government Act, an Approval to Operate the onsite sewage management system must be obtained from Council. Forms may be downloaded from Council's website with '<http://www.byron.nsw.gov.au/on-site-sewage>'.

PARKLANDS RESPONSE:

Council's suggested Condition 21 merely replicates a statutory requirement of the *Local Government Act*. We do not see the need to have this condition incorporated in the development consent.

22. **Bushfire Certification for Conference Centre, Cabins, Golden View Bar, spa and Treatment rooms**

Documentary evidence from a suitably qualified professional is to be submitted to the PCA demonstrating that

- *the Conference Centre, Cabins, Golden view Bar, Spa and Treatment rooms comply with the AS3959 -0 2009 Construction of Buildings in Bushfire Prone Areas as required by Condition C30;*

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- *All new roads that are part of the development are constructed in accordance with Section 4.2.7 of Planning for Bushfire Protection 2006 as required by Condition C31; and*
- *That relevant Asset Protection Zones are in place as required by Condition C32;*
- *That any gas service has been installed to comply with the requirements of Condition C34.*

PARKLANDS RESPONSE:

Conditions 30, 31, 32 and 34 already require the works to be carried out in a specified fashion. Parklands does not see any need for those requirements to be repeated as is suggested by Council's recommended Condition 22.

23. Access and parking areas to be completed.

The access and parking areas are to be constructed in accordance with the approved plans and Roads Act consent.

PARKLANDS RESPONSE:

Council recommended Condition 23 appears to be a "double up" of Council recommended Condition 18.

24. Food Preparation and Kitchen Facilities

Any food preparation areas, kitchens, and restaurant facilities associated with the Conference Centre and Golden View Bar to comply with the requirements of Australian Standard AS4674 – 2004 Design, construction and fit-out of food premises and NSW Food Authority Food premises – Design, construction and fit-out guide demonstrating necessary construction standards for the food premises.

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PARKLANDS RESPONSE:

Australian Standards and requirements under the NSW Food Authority premises guidelines regulate the fitout of food preparation areas. We do not see the need to have Council recommended Condition 24 included in the consent.

25. Register with Council as per Public Health Regulation 2012

The Treatment rooms to be registered with Council (contact tel 02 66 26 7000) under the requirements of the Public Health Regulation 2012. All nail technicians that carry out skin penetration procedures as defined by the Public Health Regulation 2012 must also register with Council. Note: Notification forms are available from NSW Health website www.health.nsw.gov.au/phact/Pages/default.aspx

PARKLANDS RESPONSE:

The *Public Health Regulation 2012* specifies requirements in relation to treatment rooms. We do not see the need to recite the requirements of that regulation in the development consent.

The following conditions are to be complied with at all times

26. Must not interfere with the amenity of the neighbourhood

The use of the tourist and visitor accommodation must not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy. All sources of noise and vibration must be effectively managed so as not to be intrusive or 'offensive' within the nearest residential properties.*
- b) Only clean and unpolluted water is permitted to be discharged to the stormwater drainage system or any waters.*

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- c) *All wastes shall be contained within appropriate containers fitted with a tight- fitting vermin-proof lid.*
- d) *All trade waste pre-treatment devices and other waste storage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.*
- e) *Goods deliveries shall be restricted to daytime operating hours.*

PARKLANDS RESPONSE:

This component of this condition relating to the conference facility not interfering with the amenity of the neighbourhood is not objected to by the applicant. However, items a-e list matters specifically covered by other draft development consent conditions or are unreasonable in the circumstances.

27. ***Laundering of Linen, towels, sheets***

All laundering of linen towels, sheets and the like to be carried out off site.

PARKLANDS RESPONSE:

No objection is raised in relation to this condition.

28. ***Guest Numbers at the Conference Centre and cabins***

Guest numbers to be limited to

- *180 patron per day for the conference Centre*
- *120 guests in the onsite cabins*

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PARKLANDS RESPONSE:

No objection is raised in relation to this recommended condition.

29. ***Pets prohibited at the Conference Centre or Cabins***

Pets are prohibited other than (sic) Guide Dogs.

PARKLANDS RESPONSE:

No objection is raised in relation to this recommended condition.

30. ***Hours of operation of the Conference Centre and Golden View Bar***

The Hours of operation of the Conference Centre and Golden View Bar as follows:

- *Sunday to Thursday 8am to 8pm*
- *Friday and Saturday 8am to 10pm*

PARKLANDS RESPONSE:

The reference to the Golden View Bar should be deleted. That element is part of the use for which festival operating hours are specified.

In relation to the use of the Conference Centre, that facility will provide food and beverage to the conference participants after the completion of the conference proceedings each day. The facility is located about 600m from the nearest residence. Recently, Byron Shire Council approved a Conference Facility located about 500m from the nearest residence. That consent [DA 2013/562] specified:

" 51. *Hours of operation*

The daily hours of operation of each of the uses within the central facilities buildings are limited to the following (subject to the terms of respective liquor licenses):

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<i>Use</i>	<i>Hours of operation</i>
<i>Cafe</i>	<i>6.30am to 12 midnight</i>
<i>Conference Rooms (and adjoining Terrace and Bar)</i>	<i>8am to 1am the following morning</i>
<i>Restaurant and Pizza Bar (and adjoining dining terrace and Garden Dining)</i>	<i>6am to 1am the following morning</i>
<i>Lobby Bar</i>	<i>6am to 1am the following morning</i>
<i>Reception</i>	<i>Unlimited</i>
<i>Day Spa</i>	<i>7am to 10pm</i>
<i>House Keeping</i>	<i>Unlimited</i>

Given the requirements of Council recommend Condition 26, we do not see a need to condition hours of operation for the Conference Facility, but if the IPC chooses to add an hours of operation conditions we would be content with a "8am to 1am the following morning" requirement as Council specified for DA 2013/562.

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31. Spa and Treatment Rooms

The spa and treatment rooms to be used only in conjunction with the Conference Centre and associated Cabins at all times as follows.

- *Hours of operation limited to 8am to 6pm.*
- *The Spa and Treatment rooms to comply with the Public Health Act and Public Health Regulations*
- *The operator to comply with the Work Health (sic) & Safety Act 2011 statutory requirements. Adequate amenities, lighting, ventilation and washing facilities are essential to maintain a safe and healthy workplace. NSW WorkCover should be consulted in the event that further information is required in regard to this condition*

PARKLANDS RESPONSE:

Given the requirements of Council recommend Condition 26, we do not see a need to condition hours of operation for the Spa facility, but if the IPC chooses to add an hours of operation conditions we would be content with a "7am to 10pm" requirement as Council specified for DA 2013/562.

The reference to the *Public Health Act and Regulations* and the *Work Health & Safety Act 2011* are statutory matters which do not need to be replicated in the development consent.

32. Swimming pool health requirements

The spa pool water is to be re-circulated, filtered and disinfected in accordance with the requirements of Council and NSW Health. The spa pool water is to be maintained at satisfactory levels of purity for bathing at all times

PARKLANDS RESPONSE:

No objection is raised in relation to this recommended condition.

INDEPENDENT PLANNING COMMISSION
PARKLANDS RESPONSE TO CERTAIN TRANSCRIPT & COUNCIL COMMENTS

Use of Conference Centre and Golden View Bar

The use of the premises shall not interfere with the amenity of the surrounding neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater, vehicle noise or otherwise. In particular:

33. *The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy. All sources of noise and vibration must be effectively managed so as not to be intrusive or 'offensive' within the nearest residential properties.*
34. *Only clean and unpolluted water is permitted to be discharged to the stormwater drainage system or any waters.*
35. *All wastes shall be contained within appropriate containers fitted with a tight- fitting vermin-proof lid.*
36. *All trade waste pre-treatment devices and other waste storage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.*
37. *Goods deliveries shall be restricted to daytime operating hours.*

PARKLANDS RESPONSE:

This recommended condition appears to be a repeat of Council recommended Condition 26.

38. *Food Preparation and Kitchen Areas*

Any food preparation areas, kitchens, and restaurant facilities associated with the Conference Centre and Golden View Bar must be operated and maintained to ensure that the requirements of the Food Act 2003 and Food Regulation 2015 (incorporating Food Standard Code) are satisfied at all times. Access to the Food Standard Code is available at <http://www.foodstandards.gov.au>. The operator is required to ensure that the business is registered with the NSW Food Authority. Notification may be carried out or updated when required at <http://www.foodnotify.nsw.gov.au>.

PARKLANDS RESPONSE:

This recommended condition appears to be a repeat of Council recommended Condition 24.

Should the Commission require any additional information or wish to clarify any matter raised by this response, please feel free to contact the writer.

Yours faithfully,



for
Mat Morris
General Manager
North Byron Parklands