

## DEVELOPMENT CONDITIONS

### 10.2008.352.1

#### Parameters of Consent

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#### 1. Description of Development and Structure of Consent

Consent is limited to the use of the site as a Temporary Place of Assembly (Bluesfest Music Festival) incorporating temporary camping and carparking, and the provision of temporary and permanent infrastructure to facilitate the event. Only the permanent infrastructure specified within this consent shall be retained for ongoing uses beyond those associated with the temporary place of assembly.

This Development Consent is divided into two (2) parts:

**Part A – contains Conditions that are applicable to the permanent infrastructure / site enhancement works as specified within the consent;**

**Part B – contains Conditions that are applicable to the operation each year of a temporary place of assembly (music festival) incorporating temporary structures and car parking areas.**

The 'Parameters of this Consent', 'Terms of Integrated Development Approval' and 'Notes' apply to both Parts of the development consent. Conditions nominated within each Part also apply to the development consent as a whole.

#### 2. Time Limit on Development Consent

This development consent provides approval for the provision of infrastructure and the use of the site for a one 5 day event each year for a period of five years from the date of the first event (ie. a maximum number of five (5) music festivals). Any person or body that enacts this development consent does so on the understanding that the works approved as part of the consent provide no leverage for future events to be carried out within the site, whether temporary or otherwise. Nor does the provision of infrastructure and the approval of this development application guarantee that any future uses of the site will be supported by Council.

Any further temporary or permanent use of the site (other than uses that may be carried out without the consent of Council) must be submitted to Council as a separate Development Application and will be assessed on its merits.

#### 3. Development to be in accordance with approved plans and documentation

The development is to be in accordance with the following plans and documentation, as modified by any conditions of this consent:

Reference	Document	Prepared by	Date
Figure 11	Site Plan	Greg Alderson & Associates	03.06.09

The development is also to be in accordance with any changes as shown in red ink on the approved plans. A copy of the approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

#### 4. Compliance with the Building Code of Australia

The temporary structures and places of public entertainment for the event must comply with the requirements of Section B, Part B1, and Section H NSW H102 of the Building Code of Australia (BCA) and relevant referenced Australian Standards.

**5. Temporary Structures and Place of Public Entertainment**

This consent includes approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 for temporary structures and places of public entertainment.

All places of public entertainment and temporary structures (of any use and type) cannot be used by patrons until an occupation certificate has been issued for the event.

Patrons occupying the festival area must strictly comply with the hours of operation approved by this consent.

Temporary structures and places of public entertainment are to be wholly within the part of the site known as the 'Festival Area'. No approval is given for any places of public entertainment and temporary structures outside of this area.

**6. Liquor Licenses**

The sale and service of alcohol to be carried out in accordance with requirements of the Liquor License issued for the event. All staff working in licensed premises to be appropriately trained in the Responsible Service of Alcohol. Bar Areas to be appropriately signposted with relevant Under 18's signage and harm minimisation signage and any other signage as required under the Liquor License for the event. Free drinking water to be provided to any patron upon request.

**7. Integrated Approvals from other Government Authorities**

This Development Consent includes the following Integrated Development Approvals issued under Section 91 of the Environmental Planning and Assessment Act 1979:

- a) Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997.

At all times this Development Consent operates in conjunction with the 'Bush Fire Safety Authority' listed at the end of this Development Consent as otherwise amended by the NSW Rural Fire Service.

This consent also includes preliminary approval from the Department of Water and Energy and the Department of Primary Industries (Fisheries) for works within and adjacent to waterways. At all times this Development Consent operates in conjunction with the 'General Terms of Integrated Development Approval' listed at the end of this Development Consent as otherwise amended by the respective Integrated Approval Authority. Accordingly, no works may be carried out within or adjacent to waterways until the relevant Permits are obtained in accordance with these 'General Terms of Integrated Development Approval'.

**8. Requirements of other Government Authorities**

At all times this Development Consent operates in conjunction with the 'Requirements of other Government Authorities' listed at the end of this Development Consent, only as amended by the respective Authority. The requirements of some Government Authorities have been incorporated within the main body of this consent, however the following Government Authorities requirements have been individually set out at the end of this consent:

- a) NSW Police Force
- b) NSW Roads and Traffic Authority

**9. Cultural Heritage**

The location of Site TBR 1, as indicated in Figure 3 of the report prepared by Everick Heritage Consultants Pty Ltd, is inserted onto all working plans of the sites of earthworks associated with the proposed festival activities. Personnel involved in earthworks should be informed of the location of the site and that under Section 86 of the National Parks and Wildlife Act 1974 (NSW) it is an offence to disturb or harm an Aboriginal Object without the prior consent of the DECC. In respect to Site TBR 1 the following is to occur:

- a) The applicant continue to consult with the Arakwal Traditional Owners over the future care of Site TBR 1.
- b) The applicant is to exercise due care and supervise works near the Site to ensure that it is not inadvertently damaged. The Proponent should adopt a cautionary approach in this regard, and if it becomes necessary that earthworks are unavoidable in the site area indicated in Figure 3 of the Everick Heritage Consultants Pty Ltd report, the Arakwal be informed and suitably qualified monitors engaged to supervise works.
- c) Subject to the approval of the Arakwal Traditional Owners, during the festival the site may be used as a park or open space. Such use would not harm the site and/or create additional disturbance. However, it would not be suitable to use the Site for any form of camping, car parking or in-ground structural festival facilities.
- d) The applicant is to consult with the Arakwal Traditional Owners over whether signage would be appropriate and what information such signs should contain.

## **PART A – PERMANENT INFRASTRUCTURE / SITE ENHANCEMENT WORKS**

**The following conditions are to be complied with prior to issue of a Construction Certificate for permanent infrastructure, event preparation and/or site enhancement works**

### **10. Access Bridge Designs**

Provide a site plan indicating the exact location of all bridges to be constructed and structural engineer's details for the designs of all bridges.

### **11. Section 68 Approval for Private Potable Water Supply Connection and Management**

The applicant shall obtain section 68 approval under the Local Government Act 1993 (Part B1) for all connections and installations to the public water supply.

In addition to the approval to construct a private water supply storage and reticulation system, Council requires a water management plan be approved by Council that identifies, but may not be limited to:

- the location of all static potable water storage tanks, including provision for fire fighting reserves
- construction details for all potable water storage tanks
- detail of water safety testing, monitoring and record keeping for the private potable drinking water supply
- risk assessment on all likely sources of cross-contamination
- emergency response procedures
- the expected number of movements of water carters, frequency of water carter movements, times of water carter movements and estimated cost of operations
- how water carter movements will occur without conflicting with other event activities
- how water carters will sanitise and distribute water to the site and around the site in a manner that will not present a contamination risk and, complies with the NSW Health Private Water Supply Guidelines (April 2007).
- Note: A private water supply management plan must comply with the NSW Health "Private Water Supply Guidelines". See [http://www.health.nsw.gov.au/resources/publichealth/environment/water/pwsg\\_pdf.asp](http://www.health.nsw.gov.au/resources/publichealth/environment/water/pwsg_pdf.asp)

**12. Section 68 Approval for Temporary Camping Ground**

The application shall obtain section 68 approval under the Local Government Act 1993 (Part F2) to operation of the temporary camping ground during each event. The application must be accompanied by an application and inspection fees as set down in Council's adopted fees and charges. Section 68 approval will lapse after five years. The application shall include, and not necessarily be limited to be the following information;

- a) Certainty that the occupants of all camping sites will not be placed at risk from the activities of the licensed firearms range located to the south of the properties
- b) The maximum number of 7250 persons to occupy the camping ground. No more than 12 persons per site will be permitted, however, site constraints may limit the maximum number to less than that approved under this consent.
- c) Detail that the ground surface of the land proposed to be used for camping ground activities, which is otherwise subjected to agricultural practises, will be level, safe, adequately drained and otherwise suitable for the purpose.
- d) A camping site layout plan that clearly delineates every site within the approved site boundaries. Adequate buffers and separations between identified hazards, property boundaries, roadways, service areas, fire sources and environmentally sensitive areas to be included.
- e) A site layout plan that ensures the requirements for adequate separation between caravan, annexe or camper vans and other caravan, annexe camper van or tent in accordance with the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- f) A site layout plan that ensures access road standards, minimum safe levels of lighting (between dusk and dawn), parking or occupants and visitors, and disabled persons access requirements can satisfy the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- g) Detail of the provision and distribution of free, safe and adequate reticulated potable water supply available to all sites in the primitive camping ground in accordance with the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- h) Detail of the number and location of toilet, laundry and shower amenities provided for use by male, female and disabled camping ground occupants in accordance with the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Provision to be made for separation and adequate privacy screening from camping sites, reasonable access and sanitary napkin disposal associated with female amenities. Temporary toilet facilities must be located to ensure no offensive odour or spillage of contaminated wastewater. Access for all persons using these facilities must be maintained in a safe condition under all weather conditions. No site to be more than 100 metres from such facilities.
- i) Detail of recycling and all waste disposal facilities to be provided and maintained in accordance with the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- j) Unoccupied caravans, campervans and tents are not allowed to remain on the camping ground for more than 24 hours.
- k) Detail of the register required to be kept under section 122 of the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005 where a fee is charged. Include at least two copies of written information and the community map to be provided to camping ground occupants at registration.
- l) Detail and plan (that will be prominently displayed on the site) for evacuation of the camping grounds at the first signs of an emergency incident.

- m) Detail of security and supervision to be provided to ensure public safety and adequate response to emergency incident, fire, aggressive dispute, intoxication, noisy activity, illness or injury within the camping grounds.
- n) Detail and qualified justification for provision of adequate fire fighting facilities to protect life and property in accordance with the Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Note: Council requires that isolated fire fighting facilities be accepted and approved by the Rural Fire Service prior to any approval being granted by Council.

### **13. Consent Required for Works Within the Road Reserve**

Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Concurrence from the NSW Roads and Traffic Authority will be obtained by Council, as necessary. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve. Such plans are to be in accordance with Council's adopted engineering standards, currently "The Northern Rivers Local Government Design & Construction Manuals (Version 3) and Standard Drawings (Version 1)" and are to provide for the following works:

#### a) Road Construction

Full width road and drainage construction for the northern extension of Tanner Lane (called Yarun Lane by applicants consultants) to meet the new temporary southbound off ramp, including a turning facility (such as a cul-de-sac or similar) past the proposed off ramp.

#### b) Driveway Access

Each driveway access to the site shall be constructed/reconstructed to Council's driveway standards. The layout of the driveways shall comply with Council's standards for a rural intersection.

### **14. Access Roads**

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. The access, parking and manoeuvring for the site is to comply with the requirements of AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2002 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section;
- e) cross sections;
- f) drainage (pipes, pits, headwalls, catchment details and calculations, etc.);
- g) turning paths;
- h) signage for emergency vehicle access and flood evacuation paths, including depth indicators;
- i) cut and fill details;
- j) quantities of any materials being imported to the site;
- k) each driveway access must be sealed from the property boundary for at least 20 metres into the subject properties;
- l) a clear passage of minimum 4 metres width, without any height restrictions, must be available within the site for emergency vehicles; and

- m) details to satisfy other authorities in regard to works within, under or over easements or services.

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 adopted engineering standards, currently *"The Northern Rivers Local Government Design & Construction Manuals (Version 3) and Standard Drawings (Version 1)."*

**15. Stormwater Drainage Works**

The application for a Construction Certificate is to include plans and specification for stormwater drainage works (new diversion drains, new open drains and rectification works for existing drains, etc.). The plans must be in accordance with Council's adopted engineering standards, currently *"The Northern Rivers Local Government Design & Construction Manuals (Version 3) and Standard Drawings (Version 1)"*. Such works must be approved as part of the Construction Certificate.

The stormwater drainage works shall comply with Water Sensitive Urban Design (WSUD) principles in order to protect the creeks and drainage lines adjacent to festival access roads. Stormwater runoff from the access roads shall be directed to vegetated swales and the swales directed to the existing drainage lines and creeks. Culverts with energy dissipaters shall be provided under the access roads to discharge the stormwater runoff from the swales.

The proposed parking areas shall be adequately drained to ensure they are useable during the proposed festival period.

**16. Flood Certificate**

A certificate from a suitably qualified engineer with documented experience in hydraulic analysis is to be submitted to Council prior to issue of the Construction Certificate, certifying that the engineering works will not increase flood levels and have no detrimental effects on the flood plain or floodways. The certificate must identify the engineering plans showing the proposed engineering works and be accompanied by hard and electronic copies of the final input and output computer files, together with catchment and layout plans. The computer modelling must be consistent with Council's adopted engineering standards, currently *"The Northern Rivers Local Government Design & Construction Manuals (Version 3) and Handbook of Stormwater Drainage Design."*, and must include Council's adopted climate change scenarios.

**17. Public Safety Management Plan required**

Consent from Council must be obtained for a public safety management plan for those works within the road reserve pursuant to Section 138 of the Roads Act 1993. This public safety management plan is to include provision for (but not be limited to):

- a) a pedestrian barrier, alternative footpaths and ramps as necessary;
- b) an awning sufficient to prevent any substance from, or in connection with, the work falling into the road reserve;
- c) lighting of the alternative footpath between sunset and sunrise;
- d) the loading and unloading of building materials;
- e) parking space for tradesman's vehicles, where such vehicles must be located near the site due to tools and equipment contain within the vehicle;

Removal of any such hoarding, fence or awning as soon as the particular work has been completed.

**18. Sediment and erosion measures required**

The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

The sediment and erosion control plan is to be prepared 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 DCP 2002 Part N and Council's adopted engineering standards, currently "*The Northern Rivers Local Government Design & Construction Manuals (Version 3) and Standard Drawings (Version 1).*"

**19. Traffic Management Plan**

The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

The plan shall incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site".

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

**20. Bond Required to Guarantee Against Damage to Public Land**

A bond of \$20,000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure *during construction of the permanent infrastructure and for the event each year*. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads.

**21. Long Service Levy to be Paid**

A Long Service Levy must be paid to the Long Service Payments Corporation. These payments may be made at Council's Administration Office, Station Street, Mullumbimby. Cheques are to be made payable to 'Byron Shire Council'.

This is a State Government Levy and is subject to change.

**22. Consent from Department of Lands**

Roads Act consent from the Department of Lands must be obtained for any works located in a Crown road. A copy of these consents must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

**23. Consent from Department of Water and Energy**

A controlled activity approval under the *Water Management Act 2000* must be obtained from the Department of Water and Energy for certain types of developments and activities

that are carried out in or near a river, lake or estuary. A copy of this approval relating to the proposed engineering works must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

**24. Report Demonstrating Compliance with Conditions**

A report is to be submitted with the application for Roads Act consent and Construction Certificate demonstrating how the plans and specifications satisfy the conditions of development consent, including those required by Other Authorities.

**25. Certificate of Compliance (Rous Water)**

Written evidence from Rous County Council is to be obtained stating that satisfactory arrangements have been made with Rous County Council for the provision of adequate water supply and that payment of all relevant capital contributions toward head works has been made.

Note : Rous have advised that based on 630 litres/day per ET the Head Works Charges have been calculated at 26.96 ET at \$3,600 (2008/2009 rate) = \$97,056.00.

**26. Preparation of a Biodiversity Conservation Management Plan**

The preparation of a Biodiversity Conservation Management Plan (BCMP) that incorporates the approved Koala Plan of Management (in accordance with SEPP 44) (KPoM) and an addendum to the KPoM that addresses outstanding information required by Council and the Dept. of Planning, and the relevant components of the Vegetation Management Plan, Ecological Site Management Plan and the Stormwater Management Plan (provided as part of the Development Application). The BCMP is to include reference to, and address, all items following the framework provided in BCMP checklist (this is attached to the Notice of Determination – Notes)

The Annual Event Management Plan (also referred to in the Statement of Environmental Effects as the Annual Operational Plan) is to have formative links to the BCMP.

The applicant will ensure an Annual Report, including an audit of the effectiveness of the monitoring and management in conserving biodiversity before, during and after the proposed festival events, is prepared. The applicant will ensure the reporting is prepared by a qualified ecologist, with consideration to the approved monitoring, evaluation, corrective action-adaptive management framework in the approved BCMP. The applicant is to provide the Council with a copy of the Annual Report for review. Council's ecologist may require additional monitoring and/or application of corrective measures-adaptive management to be applied to future events should the review reveal such measures are warranted.

**27. Preparation of Ecological Management Guidelines**

Ecological management guidelines (in accordance with the BCMP framework) are to be prepared for the Wallum Froglet, Aquatic Habitat, Koala Plan of Management Addendum, and Pre-construction-Construction Management Guidelines and Checklist for Workers. These guidelines are to include maps and locations of infrastructure and avoidance-mitigating measures, and details for implementation. These management guidelines are to be approved by Council's ecologist, and included as Appendices in the BCMP.

**The following conditions are to be complied with prior to the commencement of any construction, event preparation and/or site enhancement works**

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**28. Public Safety Management Plan**

The approved public safety management plan is to be implemented.

**29. Traffic Management Plan**

The approved traffic management plan is to be implemented.

**30. Erosion & sediment measures**

Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

**31. 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 to be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

**The following conditions are to be complied with during any construction, event preparation and/or site enhancement works**

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**32. Construction times**

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

- a) Monday to Friday, from 7 am to 6 pm.
- b) Saturday, from 8 am to 1 pm.
- c) No construction work to take place on Sundays or Public Holidays.

**33. Builders Rubbish to be contained on site**

All rubbish is to be contained on the site in a 'Builders Skip' or an enclosure. Road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

**34. Maintenance of sediment and erosion controls**

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control plan/s must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

The Site Manager is responsible for checking the adequacy of erosion and sediment control measures at least weekly and following all rainfall events to ensure that the controls are working effectively. The Project Manager is responsible for initiating any improvements to erosion and sediment control measures.

Dust shall be controlled to ensure that surrounding residents are not adversely affected.

**35. Burning of felled trees prohibited**

The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.

**36. 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.

**37. 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.

**38. Noise Management****Construction Noise**

The level of noise permitted from the site during the construction period is dependent on the level of background noise and the length of the construction period.

- Should the construction period be less than four (4) weeks, noise emanating from the site is to be less than the Background noise level plus 20 dB(A).
- Should the construction period be between four (4) and twenty six (26) weeks, noise emanating from the site is to be less than the Background noise level plus 10 dB(A).
- Should construction period be greater than twenty six (26) weeks, noise emanating from the site is to be less than the Background noise level plus 5 dB(A).

An ambient noise survey is to be carried out prior to construction works to determine background noise and corresponding maximum construction noise targets in dB(A). Prior to construction works commencing, results of the ambient noise survey and a nominated construction noise goal are to be provided to Council, noting that a construction time period of between four (4) and twenty six (26) weeks is indicated in the Acoustical Assessment.

**39. Acid Sulfate Soil Management**

Any potential acid sulfate soils encountered during excavation works are to be managed in accordance with the Acid Sulfate Management Plan prepared by Greg Alderson & Associates dated 26 May 2008 and the Acid Sulfate Soils Manual (ASSMAC, 1998).

Any ponded water is to comply with the more stringent of the following standards prior to being released.

- pH within range recorded during background water quality monitoring, and turbidity less than the lowest result recorded during background water quality monitoring.
- pH within the range 6.5 to 8.5, and turbidity less than 50 NTU.

Note: A person, who pollutes waters, as defined in the *Protection of the Environment Operations Act 1997*, is guilty of an offence.

**40. Groundwater Management**

Any groundwater encountered on the site is to be protected from contamination.

Note: Dewatering is not permitted in NSW until such time that an approval has been obtained from the Department of Water and Energy (DWE). The DWE can be contacted on the following website <http://www.dwe.nsw.gov.au/home/index.shtml>

**41. Fill for Construction Works**

Prior to any fill being imported onto the site for construction of an access road, the applicant is to provide documentation to Council that demonstrates that the fill does not contain contaminants at levels that may be harmful to human health or the environment. Documentation may include soil sample analytical results from a NATA accredited laboratory.

**42. Cultural Heritage**

The following requirements relate to cultural heritage matters during any construction works on site:

- a) If human remains are located at any stage during earthworks within the Subject Lands, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), the Tweed Byron LALC and the DECC Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the site for criminal activities, the Aboriginal community and the DECC should be consulted as to how the

remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations. It is also recommended that in all dealings with Aboriginal human remains, the proponents should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

- b) If it is suspected that Aboriginal material is uncovered as a result of earthworks activities within the Subject Lands:
  - i. works in the surrounding area is to stop immediately
  - ii. a temporary fence is to be erected around the site, with a buffer zone of at least 10 meters around the known edge of the site
  - iii. an appropriate qualified archaeological consultant is to be engaged to identify the material; and
  - iv. if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the DECC guidelines: 'Interim Community Consultation Requirements for Applicants' (2005).
- c) All effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the proponents and the Aboriginal Community. The process of Aboriginal consultants be ongoing and that the Arakwal Aboriginal Corporation Byron Bay or their representatives be involved in all further Aboriginal cultural heritage matters pertaining to the Project.

#### **43. Biodiversity Conservation Management Plan (BCMP)**

The BCMP is to be prepared by the applicant (and qualified consultant(s)) and approved by Council's ecologist 180 days (6 months) prior to the commencement of the proposed event. The approved monitoring program for the baseline data collection (contained within the approved BCMP) is to be undertaken over the 6 months prior to the event.

### **The following conditions are to be complied with after any construction, event preparation and/or site enhancement works**

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#### **44. Internal driveways in accordance approved plans**

All internal roads/driveways and parking areas, including associated drainage works and signage, are to be constructed in accordance with the approved plans. A final compliance certificate for the satisfactory completion of the works in accordance with the approved plans must be obtained.

#### **45. Roadworks in accordance Roads Act (Council)**

All road construction and driveway access works within the road reserve must be constructed in accordance with the Roads Act consent. A final letter of approval for the satisfactory completion of the works in accordance with the approved plans must be obtained.

#### **46. Certificates for Engineering Works**

The submission to Council of all test certificates for civil works, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's adopted engineering standards.

#### **47. Works-As-Executed Plans**

Works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, are to be submitted to Council.

#### **48. Road Widening**

The location of the new road formation, including the turning facility, and fences in relation to the property boundaries are to be shown on a survey plan to be submitted to Council.

Any encroachments onto the property are to be dedicated as “Road Widening” at no cost to Council. A copy of any necessary registered road widening plan must be submitted to Council.

**49. Roadworks in accordance Roads Act (RTA)**

The extension of the southbound off ramp at the Mullumbimby interchange and part time connection to Yarun Lane must be constructed in accordance with the Roads Act consent to the satisfaction of the Roads and Traffic Authority (RTA). All conditions relating to these works from the RTA must be complied with and copy of the final approval letter from the RTA must be obtained.

**50. Gazettal of Controlled Access Point**

A copy of the gazettal notice for extension of the southbound off ramp at the Mullumbimby interchange and part time connection to Yarun Lane, in accordance with the requirements of the RTA, must be submitted to Council.

**PART B**

**Conditions that are applicable to the operation each year of a temporary place of assembly (music festival) incorporating temporary structures, camping and car parking areas and approved biodiversity management plan**

**Parameters of consent**

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**51. Description of Development**

Consent for the Temporary Place of Public Assembly is limited to the following operating schedule:

a) Music Festival and associated bars/restaurants/markets/stalls:

- Thursday 4pm to midnight
- Friday 12.00 noon to 12.00 midnight
- Saturday 12.00 noon to 12.00 midnight
- Sunday 12.00 noon to 12.00 midnight
- Monday 12.00 noon to 12.00 midnight

Camping ground and associated facilities:

- Wednesday 9am until the following Tuesday until 10pm.

b) Attendance Numbers

This consent is limited to a maximum daily crowd number as described below:

Thursday, Friday, Saturday, Sunday & Monday

- 20,000 patrons;
- 1500 management, VIP/performers, volunteers, staff, guests (other than patrons) and associated personnel (Note: this maximum includes those who are also camping within the site);

The occupation of the temporary camping ground to be limited to numbers approved via the Section 68 application and only occurred between Wednesday prior to the event and Tuesday following the event.

c) Temporary Structures

The duration of the use of the temporary structures used as Places of Public Entertainment shall be limited to Thursday to Monday.

**52. Compliance with Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificates was made).

**53. Holders of public liability insurance**

The Organisers and all of their consultants and sub-contractors involved in carrying out work on public roads during infrastructure construction works, the installation and removal of traffic management measures and the control of traffic during the event, are to hold public liability insurance in the sum of not less than \$10 million. Documentary evidence of currency of insurance for the Organisers and all consultants and sub-contractors is to be submitted to Council prior to the commencement of any work on the public roads. No consultant or sub-contractor will be permitted to work on the roads until such time as this evidence has been produced. Council is not held responsible for any negligence caused by the undertaking of the work.

**54. Protection against projectiles fired from within the pistol club zone**

The applicant shall provide Council with formal written agreement between East Coast Blues & Roots Music Festival Pty Ltd and the Cape Byron Pistol Club Inc. which provides a guarantee that no person will be placed at risk of injury by a projectile escaping the licensed shooting ranges located on the southern boundary of the property. The guarantee shall include pre- and post event construction time periods as well as the total duration of the festival event and associated activities.

No pre-event construction to commence without certainty to the safety of the people entering the subject property from any projectiles fired on the licensed shooting ranges. A copy of the agreement to be provided to NSW Firearms Registry at least three months prior to every event.

This condition would cease to apply if NSW Firearms Registry advised Council that the subject property is no longer at risk from any licensed shooting range activities.

**The following conditions are to be complied with 60 days prior to the commencement date of the event and with the application for construction certificate**

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**55. Event Management Plan**

An event management plan is to accompany the application for construction certificate. The event management plan is to contain the following information:

- a) The size, type, internal layout and location of all temporary structures, including stages, food stalls and sanitary facilities and places of public entertainment on the festival site
- b) Emergency evacuation details and plans for structural fire and bushfire emergency scenarios
- c) Disabled access and egress details and plans for access and egress to, within, around and out of the festival site and camping areas
- d) Lighting of the festival and camping areas
- e) Location of all fire fighting facilities throughout the site
- f) A hazard reduction management plan indicating how to implement safe work sites including stages including examples of hazard reduction measures

- g) The type number and location of toilet facilities associated with the use of each temporary structure
- h) Proposed open fires
- i) Lighting to and within the event
- j) Details on a regular security guard surveillance service (day and night) for the Tyagarah airfield, adjoining wreckers yard, Grays Lane, Fox Lane and the site boundary with adjoining properties to the north (Lot 103) and south (Lot 105).

**56. Transport Management Plan**

The submission of a Transport Management Plan (TMP) prepared in accordance with the *“Guide to Traffic and Transport Management for Special Events”*, to the Principal Certifying Authority prior to commencement of every event.

- a) The Transport Management Plan must include, but not be limited to:
  - i. Details for the efficient management of parking, including provision for overflows from the southern parking area to the northern parking area. The management of overflow parking must ensure that the overflow vehicles exit the site from where they entered the site.
  - ii. A contingency plan for unplanned incidents that may disrupt traffic and transport before, during or after the event. The contingency plan must be fully documented and include emergency contact names and phone numbers.
  - iii. A copy of an approved Traffic Control Plan.
- b) The Traffic Control Plan (TCP) must address the following matters:
  - i. The TCP must be designed in accordance with the requirements of the Roads and Traffic Authority’s Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, ‘Traffic Control Devices for Works on Roads’.
  - ii. The TCP must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.
  - iii. The regulation of traffic must be authorised under the Roads Act 1993 and the use of traffic control devices authorised under the Road Transport (Safety & Traffic Management) Act 1999.
  - iv. Reduced speed zones must be approved by the Roads and Traffic Authority.
  - v. The TCP must incorporate a monitoring program to assess the traffic volumes and peak parking numbers associated with each event. Twenty four hour traffic counts are to be undertaken before, during and after the first two events (and as further required by Council or the Roads and Traffic Authority) for the traffic on the frontage and surrounding roadways.
  - vi. The TCP must provide for all relevant conditions of the Roads and Traffic Authority.
  - vii. The TCP must be submitted to the Local Traffic Committee prior to approval under the Roads Act 1993 and **adequate time must be allowed** for this to occur and for the preparation of any necessary reports and amendments necessary to meet the Local Traffic Committee recommendations.
  - viii. The TCP must satisfactorily address any concerns or issues raised by the Council, Police and/or Roads and Traffic Authority from the previous years event, including any necessary reduction in patron numbers.
  - ix. The TCP must provide appropriate signage to prohibit parking in the surrounding road network and to prohibit access to the airport by festival patrons. Adequate provision must be made to allow residents of Grays Lane to

park in Tanner Lane near the end of Grays Lane when through access is closed due to flood.

**57. Installation of Flood Monitoring Equipment**

An automatic rainfall recording station, at least two stream height gauging stations and at least two 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 available for Byron Shire Council. It is recommended that the flood monitoring equipment 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 Council prior to the first event.

**58. Flood evacuation/contingency plan required**

A flood evacuation/contingency plan for the proposed development in accordance with Part K – Flood Liable Lands of Development Control Plan 2002 must be submitted to Council. 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 Council.

**59. Section 68 Approval for Sewage and Trade Waste Management**

The applicant shall obtain section 68 approval under the Local Government Act 1993 (Part C6) for all connections and installations of temporary on-site sewage management devices, including liquid waste storage and transfer facilities to be located on the land.

The applicant shall provide a sewage and trade waste management plan to Council that identifies, but is not necessarily limited to:

- a) the location of all static greywater, blackwater and trade waste storage tanks,
- b) the location of all portable facilities during construction, event and post-event periods, noting that a minimum 30 metre buffer be provided to ensure adequate separation between potentially conflicting uses such as wastewater management and sensitive ecological environments, food stalls and camping sites,
- c) the expected number of movements of mobile wastewater tankers, frequency of tanker movements, times of tanker movements and estimated cost of operations,
- d) how mobile wastewater tanker movements will occur without conflicting with other event activities,
- e) measures to be implemented to ensure that no effluent is lost from static storage and mobile wastewater tanks, and in the case of an environmental pollution event, the best practice methodologies to be implemented to clean up spills that maximise protection of the environment and human health,
- f) A contingency plan is to be provided should Council's sewage treatment plants not be able to receive sewage. Should the contingency plan include disposal at sewage treatment plants outside of the Byron Shire, written confirmation that liquid waste can be accepted by an external managing organisation.

**60. Payment of Fees and Bonds (in accordance with Council's fees and charges)**

The following approval fees, venue inspection fees and security bonds must be paid to Council into the accounts nominated:

Fee description	Account
Venue inspection fees by Environmental Health Officers: minimum of 40 hours (@ the hourly rate under Council's fees and charges)	1631.3.614
Venue inspection fees for Traffic Management, places of public entertainment, temporary structures & associated infrastructure: minimum of 10 hours (@ the hourly rate under Council's fees and charges)	1631.3.614
The payment of fees as per Council's fees and charges per campsite for approval pursuant to Section 68(F) of the Local Government Act 1993	1625.1
The payment for an Approval to Operate an Onsite Sewage Management System pursuant to Section 68(C6) of the Local Government Act 1993	1625.5
The payment for an Approval to carry out water supply work pursuant to Section 68(B1) of the Local Government Act 1993.	1611.13
The payment for an Approval for the car park pursuant to Section 68(F1) of the Local Government Act 1993.	1611.13
The payment of a bond of (\$5,000 (for 1 <sup>st</sup> event) plus GST each subsequent event) to cover clean up expenses associated with the removal of litter from the roads adjacent to the site. The bond will be refunded seven days after the event if the organisers to the satisfaction of Byron Shire Council have removed any rubbish.	~

NOTE: Council may invoice the applicant for any additional costs that arise from a failure in the management of the festival activities. Council will also charge sewage disposal fees at its Sewage Treatment Plants. Any variation to the fees above may be made only by Council's Director of Planning Development and Environmental Services.

**61. Sustainable Waste Management Plan**

The applicant to provide to Council detail on the actual arrangements for 'A Zero Waste Festival' as proposed in the "Sustainability Strategy: Byron Bay East Coast Blues & Roots Festival" prepared by Lynton Burger, Jane Oliver and Greg Hallett dated 3 June 2008. Educational strategies, recycling and waste minimisation strategies and site specific layout of related waste collection and storage to be included, prior to every festival event.

**62. Documentation for Occupation Certificate**

Details to be submitted with the Occupation certificate demonstrating compliance with the relevant provisions of the BCA pertaining to the Erection of temporary structures and place of public entertainment and as outlined under the EP& A (General) Regulation 2000.

Where alternate solutions are proposed to vary the deemed to satisfy provisions of the BCA reports by appropriately qualified people must be submitted with the Occupation Certificate application.

**63. Positioned and maintained structural fire fighting facilities**

In recognition that no reticulated water supply exists within the festival area, 25,000 litres dedicated static water supplies, installed in accordance with AS2419 and AS3500 shall be provided at the time of setting up any structures greater than 500sqm prior to the event and during periods of occupation for the use of the event. Each 25000L static water supply must be within 90 metres of temporary structures over 500sqm and places of public entertainment. Details of the location of each nominated static water supply shall be provided with the application for occupation certificate.

**64. Occupation Certificate**

Application for Occupation Certificate(s) is to be submitted to the Consent Authority for determination prior to commencement of the event. Should any of the consent conditions within this section not be complied with 60 days prior to the event an occupation certificate shall not be issued and the event will not proceed.

**65. Waste Disposal**

Notification shall be given to Council, in writing, of prior arrangements made concerning the disposal of waste at least two weeks prior to the event. This is to include; details of licensed contractors and plumbers for the event, details of arrangements for the provision of a standby pump-out truck and confirmation of those responsible for the paying of disposal fees and charges.

**66 Amusement Devices**

The applicant shall obtain Section 68 approval under the Local Government Act for all amusement devices

**67 Water Meter Reading**

Record the water meter readings each day at 0700 hours during the Event period and 4 days either side of the Event. These records shall be given to the Manager Operations Water by the second Friday after the event.

**68 Implementation of Approved Biodiversity Conservation Management Plan – Baseline Monitoring and Reporting**

The submission of a draft baseline monitoring report in the first year, including monitoring methodology, preliminary results and analysis, including from previous studies, is to be provided in accordance with the approved BCMP. The preliminary results from the approximate four months of baseline monitoring are to be considered in a corrective action-adaptive management framework, and recommendations are to be made whether to continue with the current monitoring program, whether to modify the monitoring program, or whether additional monitoring will be required prior to the event. The submission of an Annual Report for each of the following years, including the monitoring methodology, results and analysis, and recommendations for corrective action-adaptive management are to be provided in accordance with the approved BCMP.

**69 Report Demonstrating Compliance with Conditions**

A report is to be submitted to Council prior to every event/festival demonstrating how the conditions of development consent within this section have been complied with. Such report shall include copies of all documentation relied upon for evidence of compliance with the conditions.

**The following conditions are to be compiled with prior to the Issue of Occupation Certificate and prior to commencement of the event**

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**70 Provision for Bicycle Parking**

The provision for bicycle parking on the site shall be publicised and appropriately signposted. Any sign posting on the public roads shall be included in the Traffic Control Plan.

**71 Notification to Emergency Services**

The Event Organiser must notify the local Fire Brigades and Ambulance about the event.

**72 Traffic Control Plans to be submitted to Other Authorities**

A copy of the approved Traffic Control Plans, including an endorsed "Responsible Organisations Contact Persons and Signatures", must be submitted to, the RTA (Grafton) and the Police (Byron Bay). Details of the contractor who has been engaged to carry out the Traffic Control are to be provided to Council.

**73 Holders of public liability insurance**

The Organisers and all of their Consultants and sub-contractors involved in carrying out work on the public roads during the installation and removal of traffic management measures and the control of traffic during the event are to hold public liability insurance in the sum of not less than \$20 million. Documentary evidence of currency of insurance for the Organisers and all consultants and sub-contractors is to be submitted to the Council a minimum of fourteen (14) days prior to the commencement of any work on the public roads. No consultant or sub-contractor will be permitted to work on the roads until such time as this evidence has been produced.

**74 Community Notification – advertising in paper and letterbox drop**

Traffic Management Arrangements to be advertised prior to the event. The advertising should be in the local newspaper on two (2) separate occasions. All costs are to be borne by the applicant.

A letterbox drop to all local residents and businesses directly affected by the traffic management arrangements is to be undertaken. An outline of the hours of the event, traffic arrangements and direct contact details of the event coordinator responsible is to be provided to these residents/businesses.

**75 Speed Changes**

A copy of the RTA's approval for any proposed temporary change of speed must be submitted to Council.

**76 Traffic Management Plan**

The approved traffic management plan is to be implemented to the extent necessary to ensure efficient operation during the bump in period.

**77 Report Demonstrating Compliance with Conditions**

A report is to be submitted to Council prior to every event/festival demonstrating how the conditions of development consent within this section have been complied with. Such report shall include copies of all documentation relied upon for evidence of compliance with the conditions.

**78 Work Cover Requirements**

All activities shall comply with all WorkCover Authority safety requirements. Work Cover Authority documentation shall be complete and available for inspection by authorised officers as required.

**79 Location, number and maintenance of toilet facilities (20000 patrons and 1500 workers and performers)**

Adequate toilet facilities are provided, and maintained, for the patrons, operators, and staff for the duration of the proposed event. Inclusive of the existing site toilet facilities, the applicant must supply, clean and service:

- a) Patrons (20000)
  - i. Twenty-one (21) male toilets and one hundred (100) equivalent width urinals. (Note: a urinal is estimated to have a minimum equivalent width of 600 mm). Sixty-seven (67) hand wash basins to be provided for the use of male patrons;
  - ii. One hundred and thirty-five (135) female toilets and sixty-seven (67) hand wash basins to be provided for the use of female patrons;
  - iii. Adequate facilities for the disposal of sanitary towels must be provided
- b) Staff (maximum 1500)
  - i. Thirty-eight (38) male toilets and seventy-five (75) equivalent width urinals (Note: a urinal is estimated to have a minimum equivalent width of 600 mm). seventy-five (75) hand wash basins and seventy-five (75) showers to be provided for the use of male staff;
  - ii. Seventy-five (75) female toilets, seventy-five (75) hand wash basins and seventy-five (75) showers to be provided for the use of female staff;
  - iii. Adequate facilities for the disposal of sanitary towels must be provided.
  - iv. Adequate toilet facilities to be provided, serviced and maintained in a clean condition for the sole-use by First Aid services and any persons in their care. Adequate lighting of these amenities to be maintained between sunset and sunrise.
- c) Food Stalls
  - i. Toilet facilities to be located near Food Stalls for use by food handlers to be provided in accordance with Food Act 2003.
- d) Accessible
  - i. Five - (5) wheelchair accessible unisex toilets equipped with hand wash basins (not foot operated) and fifteen (15) unisex accessible shower for use by patrons;
  - ii. Adequate facilities for the disposal of sanitary towels must be provided.

Temporary toilet facilities shall be located to ensure no offensive odour or spillage of contaminated wastewater is likely to cause nuisance or harm to public health or the environment.

**80 Certification of the structural adequacy of temporary structures**

A Practising Structural Engineer is to provide certification that:

- e) The design and erection and of all temporary structures are structurally sound and are in accordance with Building Code of Australia Section B Part B1 and AS1170 – Design Loading Code.
- f) The ground is sufficiently firm to sustain the applied loadings whilst all temporary structures are being used, taking into account any liquid pressure action, ground water action and rainwater action (including ponding action).
- g) All temporary toilets and associated structures for use by patrons must be certified that they are structurally sound and are in accordance with AS1170 – Design Loading Code and that the ground is sufficiently firm to sustain the applied loadings taking into account any liquid pressure action, ground water action and rainwater action (including ponding action) for the duration of the event.

**81 Fire Safety Schedule**

A copy of the attached fire safety schedule shall be placed in a conspicuous location at each stage, mixing area and temporary structures over 100sqm and remain on site during the event.

Essential Fire or Other Safety Measures	Design Standard	Installation Standard	Maintenance Standard
Emergency Lighting	AS 2293.1 Emergency Evacuation Lighting to Buildings	AS 2293.1	AS 2293 Emergency Evacuation Lighting in Buildings - Inspection and Maintenance
Exit Signs	AS 2293.1 Emergency Evacuation Lighting	AS 2293	AS 2293.2 Emergency Evacuation Lighting in Buildings - Inspection & Maintenance
Portable Fire Extinguishers and Fire Blankets	AS2444	AS 2444	AS2444
Paths of travel		BCA Part D	BCA Part D
Fire fighting equipment		Static Water Supply – AS2419	Static Water Supply - AS2419
Emergency Evacuation plan		AS3745 and Development consent condition	AS3745 and Development consent condition.

**82 Essential Services**

The following essential services must be provided in accordance with the requirements of the Environmental Planning & Assessment Regulation 2000, as per the schedule:

- a. Emergency Lighting
- b. Exit Signs
- c. Emergency evacuation plan
- d. Fire fighting facilities
- e. Portable fire extinguishers
- f. Fire blankets
- g. Access (Paths of Travel)

Once installed the essential services are to be the subject of a fire safety certificate. That certificate must be submitted to Council or the PCA.

**83 Portable fire extinguishers**

Portable fire extinguishers of an approved type having at least the protection effectiveness of a 4.5kg extinguisher shall be provided to locations in accordance with AS2444, Council's requirements, this consent and the approved plans as follows:

- At the rear, side and back stage area and mixing stands of all Stages
- Front of house mixing areas.
- VIP and administration tents.
- Mobile site offices.
- Relaxation and dining tents.

- Bar areas.
- Café, food stalls and catering areas.
- Any other areas determined by Council or the PCA on site.

The Fire Extinguishers are to be tagged to demonstrate that have been appropriately tested, maintained and certified under AS2444.

All such fire safety measures are to be maintained for the duration of the event.

**84 External Emergency Exit Signs**

External Emergency Exit Signage to be sited to the satisfaction of Council or the PCA.

**85 Positioned and maintained structural fire fighting facilities**

In recognition that no reticulated water supply exists within the festival area, 25,000 litres dedicated static water supplies, installed in accordance with AS2419 and AS3500 shall be provided at the time of setting up any structures greater than 500sqm prior to the event and during periods of occupation for the use of the event. Each 25000L static water supply must be within 90 metres of temporary structures over 500sqm and places of public entertainment. The following are required during the event:

- Water supplies to be maintained at maximum fill capacity
- Access from rear of house and surrounding areas to water supplies must be unimpeded.

**86 Notification of relevant Authorities**

A copy of this consent notice and approved plans must be provided to Byron Bay Police, Ambulance, Rural Fire Service and State Emergency Services and the conditions of consent specifically relating to noise, traffic and crowd control are to be highlighted.

**87 Community Notification**

A letterbox drop to all adjoining residents (including Grays Lane, Prestons Lane, Hyrama Crescent, Buckley's Road, McInnes Lane, Fox's Lane, Tandy's Lane, Tanner Lane and Yarin Lane) advising the details of the festival event is to be undertaken. An outline of the hours of the event and the telephone contact details of the event coordinator are to be provided to these residents.

A Notice is to be published in a local newspaper outlining the event hotline telephone number for people to contact the event as a result of noise or other amenity impacts.

**88 Traffic Management Plan**

The approved traffic management plan is to be implemented to the extent necessary to ensure efficient operation during the event.

**89 Car parking areas to be prepared**

The car parking areas are to be prepared and marked out generally in accordance with the approved plans to allow marshals to efficiently direct patrons to parking spaces. Internal circulation aisles must provide adequate space for vehicles to manoeuvre into parking spaces and for vehicles to pass.

**90 Emergency Evacuation Strategy**

An Emergency Evacuation plan is to be submitted which details the following:

- under what circumstances the site will be evacuated
- where the persons will be evacuated to ( assembly areas )
- roles and responsibilities of persons coordinating the evacuation
- roles and responsibilities of persons remaining with the complex after the evacuation and
- A procedure to contact the NSW Rural Fire Services District Office / NSW Fire Brigade and inform them of the evacuation and where people will be evacuated to.

**91 Access & Parking Arrangements**

The following documentation must be submitted to Council or the Principal Certifying Authority prior to issue of the occupation certificate for the first event:

- a. A copy of the final compliance certificate for the internal roads/driveways and parking areas, including associated drainage works and signage.
- b. A copy of the final letter of approval for all road construction and driveway access works within the road reserve.
- c. A copy of the gazettal notice for extension of the southbound off ramp at the Mullumbimby interchange and part time connection to Yarun Lane.
- d. A copy of the Roads and Traffic Authority's acceptance for the satisfactory construction of the extension of the southbound off ramp at the Mullumbimby interchange and part time connection to Yarun Lane.

**92 Disabled access**

Disabled access and facilities to be provided for the benefit of all handicapped persons at the event. Minimum standard is set down by the Disability Discrimination Act 1992 and supported by AS1428.1 and BCA 2009.

**93 Gas Heaters**

Certification to be provided to the Consent Authority demonstrating that Gas Heaters provided within temporary structures meets the requirements of AS1596. Note: AS1596 prohibits unprotected portable gas heaters located within temporary structures.

**94 Food Businesses**

All food businesses shall be approved under Council's permit system to ensure safe food standards can be achieved.

The "temporary event" shall be registered on the NSW Food Authority database ([www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)) to comply with the Food Standard Code 3.2.2 Clause 4.

**95 Viewing Platforms and tiered seating**

Details are to be provided in relation to the size, capacity, and structural capability of viewing platforms next to stages (if applicable) and any proposed tiered seating.

All balustrading to any tiered seating and stages is to be in accordance with AS 1657.

Signs indicating the capacity of each platform must be displayed on approach to platforms for the duration of the event.

**96 Certification of Blinds, Curtains and Tent Fabrics**

Current certification from an accredited testing laboratory is to be provided to council certifying the following:

That all blinds and curtains for use in temporary structures comply with Specification C1.10 - Building Code of Australia (Part NSW H102.7).

That the fabric used in the construction of the temporary structures will comply with the Flammability Index required under Part H of the Building Code of Australia (NSW H102.8).

Along with the Certification and test report required above, a table that identifies the fabric type, location on the event site, when the fabric was treated last and whether the fabric is tagged is to be submitted.

**97 Exits – Temporary Structure**

Exits must be so provided and arranged as to afford a ready means of egress from all parts of a temporary structure. (NSW H102.3 Location of exits).

**98 Exit sign location**

Exit signs must be provided above all exits and in such other locations as may be required by Council and NSW E4.6 and must comply with E4.5 and E4.8. (NSW H102.16 Exit signs).

**99 Exits - Height**

Every part of an entrance or exit must provide a minimum unobstructed height of 2000mm. (NSW H102.5 Vertical clearances for exits).

**100 Electrical services certification**

Electrical services connected to the local supply authority's mains, to a generating plant or to a battery supply must comply with:

- a. The requirements of the local supply authority
- b. AS 3002
- c. Where applicable, AS/NZS 3000
- d. NSW H101.19.1 (a)
- e. NSW H101.19.3 (a)
- f. NSW H102.14 Electrical services

A Certificate from a licensed electrician is required indicating that all electrical services have been installed in accordance with AS 3000 and AS 3002.

**101 Artificial lighting**

Artificial lighting must be provided to all areas required by Council, and must comply with NSW H101.20.1, and NSW H101.20.2. (NSW H102.15 Artificial lighting), including the nominated festival area and associated camping areas.

**102 Emergency lighting**

Emergency lighting must be provided to the areas provided with artificial lighting under NSW H102.15 and must include a sufficient number of lamps to give a minimum illumination of 0.2 lux at floor level. (NSW H12.15.1 Emergency lighting levels).

**103 Location of Fire-fighting services and appliances**

Fire-fighting services and appliances must be so provided as to afford adequate protection and must be located as specified by the approving authority on the advice of The Commissioner New South Wales Fire Brigades

Where required by the approving authority, the fire fighting services and appliances must comply with BCA NSW Part E1 and NSW H102.17 Fire-fighting services.

**104 Unimpeded exit and path of travel where seating provided**

Provision of seating or other furnishings in the entertainment area must be formed and arranged as not to impede a path of travel to any exit and have an unobstructed width of 1,000mm.

**105 Acoustical Assessment****Event Noise**

The following requirements of the Acoustical Assessment are to be carried out prior to the event:

- a. An ambient noise survey is to be carried out together with an octave band level survey for the different types of land uses in the study area to quantify ambient noise levels.

- b. After the ambient noise survey has been concluded, the festival event noise targets shall be determined in consultation with Council Environmental Health Officers for noise sensitive receiver locations.
- c. Results of all ambient noise survey and noise targets for sensitive receiver locations are to be provided to Council.

**106 Implementation of Approved Biodiversity Conservation Management Plan – Provision of Ecological Reports**

The submission of a final baseline monitoring report in the first year, including monitoring methodology, results and analysis, including from previous studies, is to be provided in accordance with the approved BCMP, and recommendations in relation to the draft baseline monitoring report as approved by Council.

**The following conditions are to be compiled with at all times during the event**

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**107 Inspection by Council Officers**

The applicant must make provision for unimpeded entry at no cost to Council officers inspecting the premises.

**108 Potable Water Supply Arrangements**

The potable water supply shall be maintained in accordance with the Section 68 (Part B1) approval issued under the Local Government Act 1993.

All water carters transporting potable water for the festival event are to be registered with Council. All water carters providing potable water to the event are to source water only from a water supply that meets the NHMRC/ARMCANZ '2004 Australian Drinking Water Guidelines'. Hoses and fittings used by water carters are to be of food grade material and must be capped or stored in a dust proof container during transport or when not being used. Hoses and fittings are to be kept in a clean and sanitary condition.

No temporary food businesses on the site to operate unless potable water can be provided, and maintained.

**109 Noise Management**

Event noise management to be in accordance with "Acoustic Impacts and Management Strategy for the Easter East Coast Bluesfest Music Festival" prepared by Greg Alderson and Associates dated 26 May 2008. except as where mentioned below.

The following requirements of the acoustic assessment are to be carried out during the event:

- a. Sound checks are to be performed prior to the opening of the site and on each night with measurements taken at the test point and sensitive receiver locations. The data is to be used to determine noise levels at sensitive receivers, taking into account likely meteorological conditions.
- b. Necessary adjustments to audio systems, plant and equipment are to be made if noise levels are found to exceed the goals.
- c. Noise monitoring is to be carried out at test points and sensitive receiver locations as agreed to by Council's Environmental Health Officer prior to the event, and in response to all noise complaints, for the duration of the event. Noise monitoring is to be carried out by an independent, suitably qualified person.

The event is to comply with the requirements of the EPA Industrial Noise Policy. All amplified music must cease by 12:00 midnight on each night of the festival and must not recommence until 8:00.

Noise limits within the camping area between midnight and 8:00 am to support peaceful rest shall be established within event noise targets prior to the event.

**110 Occupational Health and Safety (OH&S) requirements to be satisfied**

All activities associated with the proposed events must comply with the Occupational Health and Safety Act 2000, OH&S Regulation 2001 and any reasonable direction of an authorised officer of the NSW WorkCover Authority. First aid facilities must be clearly identified and be located to ensure emergency access for emergency vehicles.

**111 Access for emergency vehicles**

Emergency vehicle access/egress must be maintained. Emergency vehicles and personnel must not be obstructed or prevented from conducting their necessary duties. A clear passage of minimum 4 metres width, without any height restrictions, must be available within the site for emergency vehicles during the event.

**112 Location emergency evacuation plans**

Emergency evacuation plans must be available on site under the control of the site manager. This plan is to be in a conspicuous location on each stage, mixing areas, emergency personnel points, and any temporary structures greater than 100sqm and at the site office. Adequate personnel must be provided at all times that are sufficiently trained to initiate crowd control, direct safe egress, initiate occupant control of fires and provide basic first aid when required. This plan must be implemented throughout the site.

**113 Temporary place of public entertainment capacity signage**

Each temporary place of public entertainment structure must prominently display the required signs and wording for capacity and PCA notification in accordance with SEPP (Temporary Structures and Places of Public Entertainment) 2007

**114 Disability Discrimination Act 1992 requirements to be satisfied**

Disabled access and facilities to be provided in accordance with AS 1428, the Building Code of Australia and the Disability Discrimination Act. Viewing areas or facilities are to be provided within each performance stage to ensure equitable access to live performances for people with disabilities.

**115 No dogs allowed**

No dogs (with the exception of trained assistance and police dogs) must be permitted on the premises during public access times. Trained security guard dogs are allowed at all times, while under the control of a competent person.

**116 Rubbish Management Measures**

All litter to be removed from the road reserves including Grays Lane, Tanner Lane, Old Brunswick Road, and local roads between Pacific Highway and site entry points where they adjoin the event site. The property is to be left free of all litter and solid waste at the end of the 'bump-out' of the event.

**117 Safe Food Preparation for artists/staff**

Any catering facilities for performing artists and staff must be properly constructed to provide adequate safe food preparation conditions under all weather conditions. These facilities must be maintained in a clean and healthy condition. The Caterer to be approved by Byron Shire Council to ensure compliance with the requirements of the NSW Food Act 2003.

**118 Temporary food stalls and kitchens to comply with the NSW Food Act 2003**

The applicant must ensure that all premises for the sale of food (including food for participants and staff) at the proposed event must comply with the following requirements:

- a. All food and food service premises must comply with the requirements of the New South Wales Food Act 2003 and Food Regulation 2004 (incorporating the Food Standards Codes) to the satisfaction of Council's Environmental Health officers;

- b. All food business operators must hold a current food stall permit issued by Council prior to the sale of food at the venue;
- c. The applicant and all food vendors must comply with any reasonable directions issued by an authorised officer of Council;
- d. All liquid and solid wastes generated by food service premises must be adequately contained whilst on the site; and disposed of so as not to cause any nuisance or harm to the environment;
- e. Reticulated town water used in the preparation of food for sale must be kept clean and uncontaminated. All hose connections must be in approved food grade materials; and
- f. Electricity supplies for all proposed activities associated with temporary structures must comply with Australian Standard AS3002-1985 "Electrical installations – Shows and Carnivals". Adequate electrical supply must be provided to ensure food storage appliances are capable of maintaining statutory temperature requirements.

### **119 Alcohol risk management**

The applicant shall supply and maintain breath testing devices and facilities for educating patrons and monitoring the effects of alcohol to prevent road trauma and minimise off-site incidents of antisocial behaviour and assault. Such facilities shall be located near event exit points and be operational for the entire event.

### **120 Drinking Water**

Free drinking water is to be provided for consumption of staff and patrons. Such drinking water is to be obtained from the reticulated town water supply or any other source that satisfies the 2004 Drinking Water guidelines (NH and MRC 2004). The storage container and dispensing taps to be maintained in a sanitary and safe condition for the duration of the event. Free drinking water to be available at all times

The location of the drinking water is to be prominently signposted. Storage tanks and taps to be labelled "Drinking Water" in letters at least 100mm high.

### **121 Tobacco Products**

No smoking of tobacco products is permitted within enclosed eating and food preparation areas, bar areas and stalls as required by the Smoke Free Environment Act 2000.

No tobacco products to be sold in contravention with the Public Health Act 1991. In particular, note that section 57A prohibits the sale of tobacco products from any booth, tent or other temporary enclosure.

### **122 Wastewater from the event and camping ground**

Wastewater from the additional temporary toilet and shower facilities required for the festival patrons and additional camping sites shall be disposed via a pump out system to the Byron Bay STW as mentioned previously. A log of all trucks delivering effluent to Byron Bay STW shall be kept and presented to the manager Operations Water within 14 days preceding the event. Council's standard fees and charges will apply to all waste delivered to the Sewerage Treatment Plant.

### **123 Sullage water to be collected and transported to a sewer treatment works**

The applicant must ensure that adequate facilities are provided, and maintained, for the collection, storage and proper disposal of all sullage wastewaters generated during the two-day event. It is not appropriate that wastewaters are discharged to the site during this event, as this is likely to cause environmental harm.

### **124 Adequate solid waste storage to be provided on site and in car parks**

The applicant must provide adequate clean, vermin proof, bulk solid waste bins on the site as follows:-

- a. Bulk waste storage bins must be located so as to support the requirement for clean and healthy conditions within all food premises, but not generate offensive odours nor provide a habitat for pests and vermin,
- b. The applicant must ensure that safe all weather access is provided for removal of bulk waste by large garbage compactor trucks on a daily basis,
- c. The applicant is to provide sufficient staff and receptacles around the venue, and external to the venue, to ensure that no unsightly or unhealthy conditions occur during (and immediately after) the proposed event,
- d. All liquid and solid wastes generated by food service premises must be adequately contained whilst on the site; and disposed of so as not to cause any nuisance or harm.

**125 Toilet Facilities**

All toilet facilities must be located to ensure no offensive odour or spillage of contaminated wastewater is likely to cause nuisance or harm to public health or the environment. Separation distances and adequate privacy screening must ensure that no nuisance or public safety danger is created. Adequate toilet facilities as specified in the Development Consent are to be provided and maintained for the patrons, operators, and staff including disabled facilities for the duration of the proposed event.

**126 Onsite Sewage Management Facilities**

All portable on-site sewage management facilities must be kept in a clean and sanitary condition at all times.

**127 Wastewater**

Wastewaters must be disposed of to the West Byron Sewage Treatment Plant, or an EPA licensed external provider. All liquid food wastes are to be collected and transported to Ballina Trade Waste Depot.

**128 No Car Parking Fees**

The entry for the event shall include free car parking within the site to discourage on-street car parking on roads within the vicinity.

**129 Car parking spaces for people with access disabilities**

Car parking spaces for people with disabilities must be provided at the rate of one (1) space for each 100 spaces or part thereof. Parking spaces are to be provided in accordance with AS1428. Signs and markings for the parking for people with disabilities are to be provided in accordance with AS1742.11.

**130 Traffic Management**

Traffic control shall be managed in accordance with the approved traffic management plan/s during the event.

**131 Parking Marshals**

Sufficient parking marshals must be present in the car parks to direct patrons to selected parking areas, to direct pedestrians away from main traffic routes, and to prevent congestion on circulation roads.

**132 Internal Roads and Pathways**

The internal roads and pathways must be suitably maintained to provide all weather access during the event. Effective dust-control measures must be introduced and maintained in accordance with the approved erosion and sediment control plan.

**133 Access for emergency vehicles**

Emergency vehicle access/egress must be maintained. Emergency vehicles and personnel must not be obstructed or prevented from conducting their necessary duties.

**134 Flood Evacuation and Monitoring**

The flood evacuation/contingency plan must be available on site under the control of the site manager during the event. The site manager shall ensure all requirements of the plan, including staff induction and flood monitoring, are carried out in accordance with the plan.

**135 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 event. Council is to be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

**136 Waste Water Disposal**

All effluent from the pump-out trucks shall be released into the Byron Bay STW. To receive these trucks into the STW, the site will require to be staffed for safety and security purposes. The cost of supervision will be borne by the applicant at the rate of \$120 per hour or at the rate shown in Council's current Fees and Charges. The applicant shall pay for the release of the effluent at the rate specified in Council's current Fees and Charges.

Wastewater from the temporary toilet and shower facilities required for the festival patrons and camping sites shall be disposed via a pump out system to the Byron Bay STW as mentioned previously. A log of all trucks delivering effluent to Byron Bay STW shall be kept and presented to the manager Operations Water by the second Friday after the event.

**137 Mosquito control programs**

No mosquito control programs using pesticides (apart from the use of personal insecticides) are to be implemented within the Bluesfest site without the relevant environmental assessments and submission of a separate DA to Council.

**The following conditions are to be compiled with within 2 days after the event**

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**138 Removal of traffic management devices from the road reserve**

All facilities established for the Festival on public roads are to be removed from the public roads as soon as practicable after the event.

**The following conditions are to be compiled with within 28 days after the event**

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**139 Traffic Monitoring results**

The results of traffic monitoring carried out prior to and during the event are to be submitted to Council and the NSW Roads & Traffic Authority (RTA). Such report must include details demonstrating compliance with the conditions of consent relating to traffic management including the requirements of the RTA provided below. From time to time aerial photography of the site and surrounds at regular intervals before during and after the event, including peak traffic and parking periods should be undertaken to support the traffic monitoring report.

**140 Evidence of attendee numbers**

Evidence must be submitted to Council to confirm that patron numbers within the event did not exceed the numbers specified within this consent and/or approved traffic control plan.

**141 Removal of Temporary Structures**

All temporary structures, traffic control devices and barriers, and fencing must be removed within 7 working days of the completion of the event.

**The following conditions are to be complied with at all times**

**142 Implementation of the Approved BCMP**

The carrying out of the development is to be implemented in accordance with the approved BCMP.

**143 No long term residence sites within camping areas**

No sites within the temporary camping areas may be used as a long term residence.

**144 Maintenance of Flood Monitoring Equipment**

All flood monitoring equipment must be regularly maintained and kept in good working order to the manufacturers specifications. The equipment must be correctly calibrated as necessary.

**GENERAL TERMS OF INTEGRATED DEVELOPMENT APPROVAL**

**A. Fisheries Management Act 1994 - Department of Primary Industries - Fisheries**

1. A permit under s198-202 of the *Fisheries Management Act 1994* or another appropriate approval such as an authority for controlled works under the *Water Management Act 2000* is obtained prior to commencement of any dredge and reclamation or any in-stream works, whether permanent or temporary works.
2. Environmental safeguards (silt curtains, booms etc.) are to be utilised during construction/installation of crossings to ensure there is no escape of turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works.
3. Sand, gravel, silt topsoil or other materials must not be stockpiled within 50 metres of a waterway or wetland unless surrounded by sediment control measures.

**B. Water Management Act 2000 - Department of Water & Energy**

**Number Condition**

Plans, standards and guidelines

- 1 These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 10.2008.352.1 and provided by Council.  
  
Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water & Energy must be notified to determine if any variations to these GTA will be required.
- 2 Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the foreshore identified.
- 3 The consent holder must prepare or commission the preparation of:
  - Rehabilitation Plan
  - Erosion and Sediment Control Plan
  - (iii) Soil and Water Management Plan
- 4 All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for approval prior to any controlled activity

- | <b>Number</b> | <b>Condition</b>                                                                                                                                                                                                                                                                                                                      |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | commencing. The plans must be prepared in accordance with Department of Water & Energy guidelines.                                                                                                                                                                                                                                    |
|               | Vegetation Management Plans                                                                                                                                                                                                                                                                                                           |
|               | Riparian Corridors                                                                                                                                                                                                                                                                                                                    |
|               | (iii) Watercourse crossings                                                                                                                                                                                                                                                                                                           |
| 5             | The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the Department of Water & Energy. |

#### **Rehabilitation and maintenance**

- |   |                                                                                                                                                                                                                                                   |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 | The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water & Energy. |
| 7 | The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water & Energy.                                                       |

#### **Reporting requirements**

- |   |                                                                                                                                                                                                               |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8 | The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water & Energy as required. |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### **Security deposits**

- |   |     |
|---|-----|
| 9 | N/A |
|---|-----|

#### **Access-ways**

- |    |                                                                                                                                                                                                                                                                                                                                                                                     |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | The consent holder must design and construct all ramps, stairs, access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy. |
| 11 | The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the Department of Water & Energy.                                                                                                                                |

#### **Bridge, causeway, culverts, and crossing**

- |    |                                                                                                                                                                                                                                                                                                                                                                                 |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 | The consent holder must ensure that the construction of any bridge, causeway, culvert or crossings does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.                                                           |
| 13 | The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the Department of Water & Energy. |

**Number Condition****Culvert**

- 14 The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.

**Disposal**

- 15 The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water & Energy; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the Department of Water & Energy.
- 16 The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy.

**Drainage and Stormwater**

- 17 The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water & Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

**Erosion control**

- 18 The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
- 19 N/A

**Excavation**

- 20 The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the Department of Water & Energy.

**C. Rural Fires Act 1997 - NSW Rural Fire Service**

## 1. Site Layout

The development proposal is to comply with the site layout identified on the drawing prepared by Greg Alderson & Associates Pty Ltd, Job No: s04269\_Layout 20.05.08 (Concept layout 1), dated 26th May 2008.

## 2. Water and Utilities

The intent of measures is to provide adequate services of water for the protection buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Two 20,000 litre dedicated water supply tanks are to be provided to the festival site for fire fighting purposes in locations specified in the Bushfire Threat Assessment Report prepared by Peter Thornton, dated 26 May 2008.

**3. Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

Arrangements for emergency and evacuation are to comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

**4. General Advice**

No open fires shall be permitted on Total Fire Ban (TOBAN) days.

Fire Permits are required during the Bush Fire Danger Period from 1<sup>st</sup> October – 31<sup>st</sup> March.

**REQUIREMENTS OF OTHER GOVERNMENT AUTHORITIES****NSW Roads and Traffic Authority (RTA)**

The RTA (acting on behalf of the Regional Traffic Committee) advise in their correspondence that they would have no objection to the proposed music festival proposal proceeding provided Council includes the following in the consent conditions for the festival:

1. The right turn movement at the Grays Lane intersection with the Pacific Highway is banned for the duration of the event. This is primarily a safety measure to prevent high speed vehicle conflict due to increased risk associated with additional vehicles attempting this manoeuvre because of the festival. The closure could be carried out by temporary placement of traffic barriers.
2. That the proponents be required to extend the southbound off ramp at the Mullumbimby interchange and construct a part time connection to Yarun Lane. This temporary connection will be opened only to manage event traffic and is to be closed at other times. The ramp extension will need to be designed to accommodate 110 km/h speeds. The temporary nature of the connection to Yarran Lane will require modification of the existing crash barrier adjacent to the southbound off ramp. Any modification of the crash barrier will need to be of a permanent nature suitable for Highway standards necessary to reduce the risk to errant vehicles in the event of a collision with the crash barrier.
3. The Pacific Highway at this location is a Freeway with controlled access conditions. The temporary access to Yarun will require gazettal as a controlled access point to the Freeway. The proponent will be required to arrange this with the RTA and accept all costs associated with the preparation for Gazettal, this would include any survey of the boundary adjustment.
4. To cover legislative, construction and environmental requirements the RTA will require the proponent to enter into a Works Authorisation Deed (WAD) to carry out the road construction for the new access. Prior to any construction affecting the Pacific Highway southbound off ramp, the proponent will be required to provide to the RTA for consideration; design plans, a review of environmental factors and pavement design for the works. Any construction works must have an approved Traffic Control Plan prior to commencing. All works affecting the Highway will need to be undertaken by an RTA approved Contractor and be at no cost to the RTA.
5. Due to the variable traffic nature of this type of event, the proponent will be required to arrange an annual debrief with Council, the Police and the RTA to determine if any modifications are required to manage traffic. From time to time it is expected this review will include actual traffic counts to evaluate the traffic impacts of festival traffic on the adjoining road network. It would be expected that for the first and second year it would be necessary to carry out traffic counts to verify the traffic assumptions supporting the proposal. Beyond that, it would not be necessary to carry out further traffic counting for each year of the event unless unpredicted circumstances dictate that counts are necessary.
6. The event traffic management will require some manual traffic control. A traffic management plan should be prepared annually for consideration by Byron Shire Council,

the RTA and Police. This plan should take into consideration any outcomes from the annual debriefing after the event the previous year.

7. For this event the RTA requests a 10 year life on the development consent be considered so that traffic implications can be reassessed in the future to determine the extent of traffic impacts on the adjoining road network. This would also give the proponent the opportunity to revise their event including patron numbers if the network is still working within acceptable capacity limits.

#### **NSW Police Service**

The requirements of the NSW Police Service are contained in letter dated 20 October 2008 (#802185). These requirements are to be met prior to the commencement of the event and maintained at all times during the event, unless otherwise specified within Conditions of the Development Consent. (Note: these requirements are not reproduced in this document only because it would not be in the public interest to release information which may affect public safety, security and law enforcement.)

#### **Department of Environment and Conservation**

The following conditions in respect to Aboriginal cultural issues are to be complied with in respect to the proposed development:

1. An Aboriginal Cultural Heritage Plan of Management, including as Aboriginal Cultural Education Program, must be developed and implemented in consultation with the Aboriginal community. The plan must specify the policies and actions required to mitigate and manage the potential impacts of the proposal on Aboriginal heritage. The plan must also include procedures for ongoing Aboriginal consultation and involvement, management of recorded sites archaeological, identification and management of previously unrecorded sites (excluding human remains) and a program of monitoring. The plan's effectiveness should be reviewed biannually.
2. If human remains are located during the project, all works must halt in the immediate area to prevent any further impacts to the find or finds. The local police, the Aboriginal community and the DECC are to be notified. If the remains are to be found of Aboriginal origin and the police consider the site not an investigation site for criminal activities, DECC should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by DECC. In the event that a criminal investigation ensures works are not to resume in the designated area until approval in writing from the police and DECC.
3. The applicant must apply for an Aboriginal Heritage Impact Permit (AHIP) in accordance with the National Parks & Wildlife Act 1974 (NPWS Act), prior to disturbing, damaging or destroying Aboriginal objects that occur on the land subject of the development application.
4. If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the find or finds. A suitably qualified archaeologist and Aboriginal Community representatives must be contacted to determine the significance of the find(s). The site is to be registered in the AHIMS (managed by DECC) and the management outcome for the site included in the information provided to the AHIMS. Consideration should be given to any matters relevant to Part 6 of NPW act. It is implementing management strategies for all identified sites, with all information required for informed consent being given to the representatives for this purpose.
5. All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community members.

6. The applicant must continue to consult with and involve Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values.

### **Department of Lands**

The Department has no objection to the development subject to the following arrangements:

1. The Crown and the Minister for Lands are indemnified and Kept indemnified against all claims arising out of the use and occupation of the land in respect of the proposed development.
2. The proposed works to be carried out in accordance to the plans submitted and endorsed by this Department.
3. Suitable tenure will be required to restrict public access within the identified road corridors over the duration of the festival.

### **Notes**

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**1. Construction Certificate required:**

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

**2. Signs require consent:**

Council's Planning Instruments requires development consent for most forms of advertising signs and structures. The Council has adopted a policy relating to outdoor advertising that sets out standards for various forms of advertising. Information is available from Council's Local Approvals Branch.

**3. Disability Discrimination Act:**

Council has assessed this application under the provisions of the Environmental Planning and Assessment Act 1979. It is the responsibility of applicants for BCA Class 3, 5, 6, 7, 8, 9 and 10a development (generally all commercial, industrial and professional offices) to make themselves aware of the provisions of the Disability Discrimination Act 1992 under which civil action may be taken if access for people with disabilities is denied or provide in a discriminatory way.

**4. Rous/ Country Energy easements:**

You should contact Rous County Council and/or Country Energy to determine that all proposed structures are clear of any easements, water mains or proposed underground water mains or power cables.

**5. Principal Certifying Authority:**

Work must not commence until the applicant has:-

- a) appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b) given the Council at least two days notice of the their intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- c) notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

**6. Open Fires**

No open fires shall be permitted on days when a total fire ban has been declared.

Fire permits are required during the Bushfire Danger Period from 1st October – 31st March.

It is the responsibility of the festival organisers to confirm with the Rural Fire Service prior to the event that the Bushfire Danger Period dates have not been extended and a fire permit required for open fires during the festival, or if a total fire ban has been declared.

### **7. Protection of the Environment Operations Act 1997:**

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice (“on-the-spot fine”) or prosecution.

### **8. Penalties apply for failure to comply with development consents:**

Failure to comply with conditions of development consent may lead to an on the spot fine (generally \$600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.

### **9. Biodiversity Conservation Management Plan Framework:**

- Cover Page
  - Name of Site and Location
  - Biodiversity Conservation Management Plan
  - Period for which Plan is Operational (5 years)
  - Prepared by
  - Prepared for
  - Year Prepared
  - DA Number and if relevant Consent Condition Number
- Executive Summary
- Contents Page
  
- 1) Introduction
  - Background Information
  - Rationale for the Plan
  - Objectives of the Plan
  
- 2) Site Description
  - Description of Location in the Landscape
  - Land Use
    - Current and Future Land Use
    - Historic Land Use
  - Site Characteristics
    - Landform
    - Geology and Soils
    - Brief Description of Vegetation Communities
  
- 3) Conservation Values
  - Biodiversity at the Landscape Level
    - Wildlife Corridor
    - Fragmentation-Isolation and Opportunities for Re-colonisation
    - Tyagarah Nature Reserve
  - Vegetation
    - Ecological Communities
    - Flora Species (including environmental weeds)
    - Aquatic Species and Habitats
  - Fauna
    - Habitat Attributes (abundance and spatial distribution of all types of habitat features)
    - Fauna Species (include non-threatened species)

- Aquatic Species and Habitats
- Significant Species and Assemblages, including but not limited to
  - Koala
  - Wallum Froglet
  - Chiropteran
  - Collared Kingfisher
- Biodiversity at the Genetic Level

#### 4) Management Issues

- Baseline Information
  - Ecosystem Requirements
  - Species and Population Requirements (quadrat based vegetation data including exotic species)
  - Fauna
  - Ecosystem Resilience (eg past disturbances, such as fire, grazing, clearing etc)
- Habitat Restoration and Weed Control and Regeneration
  - Species habitat being regenerated for
  - Habitat Attributes Lacking
  - Weed Species and Abundance
  - Weed Dispersal and Management
  - Expected Succession (regarding ecosystem resilience and colonisation from adjacent areas)
  - Planting List
  - Planting Design (habitat connectivity, relation to resilience)
  - Propagule Selection
  - Management of Cattle Trampling Vegetation
  - Fauna
  - Hygienic Considerations
  - Techniques (including potential to impact on habitat values and habitat maintenance)
  - Qualifications of Regenerators
- Landscaping
  - Planting List (avoids environmental weeds and genetic pollution)
  - Planting Design
  - Propagule Selection
  - Fauna
  - Hygienic Considerations
  - Techniques, including potential to impact on habitat values
- Provision and Management of Buffers
  - provision of location details (plans), purpose of each buffer and management details
  - details of how the buffer on the eastern boundary between the camping grounds and the Tyagarah Nature Reserve will protect flora and fauna
  - the provision of a buffer between the areas of land for event use (car park, camping etc) and fauna habitat
  - details of the management of the buffers - to be adequate for the conservation of biodiversity
  
  - buffers are to be temporarily fenced to prevent fauna into the camping, parking and event areas
- Provision and Management of Fencing
  - details of the type, location and purpose of fencing, including the provision of human exclusion fencing and fauna-friendly fencing

- details, including amendments to plans, to ensure permanent and temporary fencing is “fauna-friendly” and appropriately located and designed to act as relevant as a filter/barrier/corridor, identifying the measures taken to make fence fauna friendly in that area
  - details of considerations to providing an integrated approach to facilitating fauna movement, preventing crossing and guiding to crossing points, species likely to use and why (feeding, breeding, access to water etc.)
  - management of fauna issues given the design of the fauna-proof fencing on highway is not adequate for many native species occurring in the locality, and north of the Tyagarah Highway overpass is poorly maintained, with south of the overpass being relatively well maintained (recommend liaison with RTA to ensure fauna fencing is improved and maintained)
- Management of Proposed Drainage and Regrading of Ground Levels with consideration to impacts to biodiversity
- Management of Artificial Lighting (design, location and specifications to avoid minimise impacts to biodiversity, in particular nocturnal species, including bats (eg Common Blossom-bat and flying-foxes), nocturnal birds (eg Bush Stone-curlew, migratory birds); frogs and cane toads, nocturnal mammals (eg gliders), and invertebrate population dynamics
- Management of Anthropogenic Noise (location and specifications to avoid minimise impacts to biodiversity, in particular bats and flying-foxes eg Common Blossom-bat, nocturnal birds eg Bush Stone-curlew; frogs and cane toads, nocturnal mammals eg gliders, and invertebrate population dynamics
- Management of High Intensity Human Activity, in particular location of camping, parking, access and transport routes, indirect and off-site impacts such as beach access to biodiversity, threatened species and communities, and impacts to vegetation adjacent to camping and parking
- Protection and Management of Aquatic Habitats, including aquatic flora and fauna, water quality, water quantity, erosion, etc
- Details of the Conservation and Management of Biodiversity during the pre-construction and construction of the proposed pedestrian walkway, bridges, box culverts and energy dissipaters, including Pre-construction and Construction Guidelines. Structures across watercourses not to sever fish, aquatic and terrestrial fauna passage, and provision of dry passages, identifying the measures taken to make fence fauna friendly in that area – with consideration to linkages and connectivity, gaps, crossing points, species likely to use and why (feeding, breeding, access to water etc.).
- Management of Pest Fauna (for species that will potentially benefit from the proposed event, such as lighting possibly exacerbating Cane Toad populations and rubbish attracting foxes)
- Management of Impacts to Tyagarah Nature Reserve (refer to DECC guidelines see below) including addressing the potential for the implementation of the DECC’s Fire Management Strategy to result in incremental and/or cumulative impacts to biodiversity on the site. It is recommended that the applicant liaise with the DECC to ensure that implementation of the FMS will not compromise the carrying out of the festival and vice versa, and that there will not be adverse consequences to the biodiversity in the local area as a result, including the suppression of wildfires at the same time as the festival.
- Staff Training and Education

- Compliance Checks and Compliance Audit
- Environmental Education Program – optional (eg location of interpretive signs near edge of habitats in use zones)
- Other Management issues identified in existing consultant's reports

5) Management Zones

- Map of Management Zones
- Map of each Management Zone
- Management Zone Number and Description
- Management Issues being addressed in Each Management Zone
- Management Approach

6) Implementation Timetable (details of actions to be undertaken pre-construction, during bump-in, during event, during bump-out and post-event actions, including the action-feature of the proposal, and associated timing in terms of season-months, duration, frequency).

7) Performance Criteria

8) Monitoring and Evaluation

- include spatial monitoring from source of disturbance-impact to point of no impact
- details in terms of sample size and location including intensity, frequency, timing and extent (designed to determine whether disturbance-impacts are Type I (do not cause a response-change in a population), Type II (cause a temporary, long-term or permanent change in population) or catastrophic (destruction of population and its habitat))
- designed to minimise false change errors and missed change errors, and to detect real changes
- data analysis technique

9) Adaptive Management and Corrective Action

10) Reporting Requirements (annual report for 5 years of consent), baseline data monitoring report and monitoring report

Appendices (not limited to the following)

- Appendix – Baseline Data Survey and Monitoring Program
- Appendix – On-going Monitoring Program
- Appendix – Flora Species List and Abundances
- Appendix – Fauna Species List and Abundances
- Appendix – Site Recording Forms
- Appendix – Weed Control Techniques
- Appendix – Habitat Regeneration Techniques
- Appendix – Koala Plan of Management and addendum to approved KPOM
- Appendix – Wallum Froglet Management Guidelines
- Appendix – Aquatic Habitat Management Guidelines
- Appendix – Patron Control and Management
- Appendix – Pre- Construction and Construction Management Guidelines and Checklist for Workers (including management of drainage and regrading, conservation and management of aquatic habitats, conservation and management during pre-construction and construction of infrastructure (bridges, culverts, pedestrian crossing, energy dissipaters etc))
- Appendix – Staff Training Checklist
- Appendix – Compliance Checklist
- Appendix – Compliance Audit Program

Figures (not limited to the following)

- Figure – Location Map

- Figure – Map of Subject Site
- Figure – Management Zones
- Figure – Habitat Mapping, particularly features such as hollow distribution
- Figure - The final event layout for the “festival site” with low noise features such as food, stalls markets located closest to Nature Reserve and threatened fauna habitat

The following information provides additional guidance for preparing the BCMP:

- The BCMP is to be prepared by a qualified and experienced consultant.
  - The data presented and language used is to be definitive and quantified, including numeric figures where relevant. Use of intangible language is to be justified.
  - Threatened species to be specifically considered and included in the plan are Koala, Wallum Froglet, bats and Flying-fox species (in particular Yellow-bellied Sheath-tailed Bat, Large-footed Myotis (in particular survey of Simpson’s Creek), Eastern Blossom Bat, and Collared Kingfisher).
  - Additional survey to supplement existing data
- The addendum to the approved Koala Management Plan is to include:
    - Dept. of Planning requirements for SEPP 44 KPoM approval;
    - Monitoring methodology;
    - Collection of baseline data on the behaviour and habitat use by individual Koalas;
    - Details of the survey methods (at a survey frequency that detects impacts if they occur), to include reference to the type of calls heard (breeding, aggression, territorial, fear, mother-baby communication); and
    - Detailed and specific performance criteria from which to measure the success of the measures implemented to mitigate against potential impacts.
  - The study area is to be expanded to include the adjacent nature reserve and areas within the spatial limits of the artificial lighting and noise. Guidelines for developments adjoining Department of Environment and Climate Change land (DECC 2008) recommend the development does not:
    - cause a detrimental change in hydrological regimes;
    - facilitate erosion and sediment movement into DECC lands;
    - increase nutrient levels and flow regimes;
    - lead to increases in weeds;
    - lead to access to DECC lands by domestic pets;
    - facilitate informal tracks;
    - result in inappropriate fencing or encroachment into DECC lands;
    - result in impacts associated with changes to the nature of the vegetation surrounding the reserve;
    - allow any pre-construction, construction or post-construction activity to occur on DECC land;
    - diminish the amenity of the DECC land; and
    - impact on linkages and buffers adjacent to the DECC land.

### Reasons for conditions

1. To ensure access for people with access disabilities.
2. To comply with the provisions of Byron Local Environmental Plan 1988.
3. To ensure the potential impacts from flooding are minimised.
4. To provide adequate off street parking space for the anticipated traffic that will be generated by the development.
5. To prevent unlawful use and obstruction of the adjacent public thoroughfare.
6. To ensure that the movement of traffic along the public road is not interfered with by activities relating to the development, and/or to comply with traffic regulations.

7. To ensure the development is completed in accordance with conditions of consent and approved plans.
8. To ensure adequate access to and from the development.
9. To protect vegetation.
10. To preserve corridor functions within the site.
11. To ensure compliance with engineering standards.
12. To protect the environment.
13. To preserve the amenity of the area.
14. To preserve the amenity and traffic safety of the area.
15. To ensure adequacy of services to the development.
16. To minimise the possible adverse effects from bush fires and peat fires.
17. To ensure public health and safety.
18. To ensure compliance with Section 68 of the Local Government Act 1993.
19. To ensure compliance with Local Government (General) Regulation 2005.
20. To ensure compliance with the Roads Act 1993.