



Regulatory Working Group Revised Minutes

Wednesday 7th May 2014 - 2.00pm to 4.00pm
Parklands Office – 54 Jones Road, Wooyung (02 6680 4049)

Present:

Peter Ryan (Chair, Regulatory Working Group)
Mat Morris (General Manager, North Byron Parklands)
Jessica Ducrou (Splendour in the Grass Director)
Matt Evans (CEO, Village Sounds)
Elise Huntley (General Manager, Splendour in the Grass)
Rob Doolan (Balanced Systems)
Chris Cherry (Community Representative)
Paul Arrowsmith (Community Representative)
Mayor Simon Richardson (BSC)
Cr Diane Woods (BSC)
Cr Basil Cameron (BSC)
Inspector Greg Jago (NSW Police)
Michael Baldwin (Roads and Maritime Services)
Wayne Pettit (State Emergency Services)
Damien Hofmeyer (National Parks and Wildlife Service)

Apologies:

Krister Waern (Office of Environment and Heritage), Matt Inwood (Rural Fire Service), Alan Bawden (Rural Fire Service) and Ray Darney (BSC), Inspector Gary Cowan (NSW Police).

Guests

Beau Weyers – Air Noise Environment
Craig Beyers - Air Noise Environment

Agenda Items

1. Introductions

The meeting opened at 2pm. The Chairperson introduced Beau and Craig from ANE.

2. Confirmation of previous minutes

The Chairperson presented the minutes of the previous meeting held on 25 March 2014. Comments on the draft minutes were received from Christine Cherry and some were incorporated in to the Revised Minutes. A response to Christine Cherry's comments was also sent.

Basil Cameron provided comments by email to all RWG members on the 7th of May (refer Appendix 1). The Chair advised he had no opportunity to read these and therefore could not discuss them fully at the meeting. Basil advised his comments were more concerned about the process of making recommendations rather than comments about content, and summarised the thrust of his email.

Basil Cameron made the point that the RWG is not a consensus group and said that the role of the groups individual members is to bring suggestions or recommendations to the group and that it is not the role of the Chair to decide what the recommendations are. Diane Woods agreed that the Minutes need to be expanded to include more discussions of recommendations.

The Chair generally agreed with Basil's statements and advised he did not wish to be deciding recommendations, and to date has not done so. The Chair agreed there needed to be revised procedures for the minuting and adoption of future recommendations, as suggested by Basil Cameron. However, he advised the situation that arose at the 25th March meeting (the subject of Basil Cameron's email of this day) presented obvious procedural difficulties in that no members had seen the recommendations by Basil Cameron. Importantly, no other members had the recommendations in front of them at this meeting. Christine Cherry's were not issued to anyone, including the Chair, only articulated by her at the meeting, interspersed with discussion. They were given to the Chair after the meeting. This made it very difficult to remember and separate recommendations from commentary and other items. The result was a synthesis of the discussions, articulated by the Chair in a summary of the apparent recommendation and contributing discussions as best he could. This seemed to be accepted at the meeting, but it was not optimal and there is clearly now a situation to be resolved. The Chair agreed to read Basil's email of today and respond asap. In response to Diane Woods' comments about expanding the

discussion of recommendations and opinions, either in tabular (her preference) or appended form, the Chair and Mat Morris agreed this would be looked at.

While Mat Morris advised members that per the requirements of the RWG Terms of Reference, comments should be made within 7 days of the issuing of the draft minutes, the Chairman agreed to hold over asking for confirmation of (confirming) the minutes until he had a chance to review Basil's comments.

Mat Morris offered to record meetings, which Christine Cherry was supportive of. Matt Evans disagreed as did the Chairman. There were no other opinions on this matter voiced by other members. This aspect needs further consideration before any decision is made.

Minutes held over.

Christine Cherry asked who the official minute taker was. Mat Morris advised that under the requirements of Condition C3, no official minute taker was required, rather Parklands were required to take minutes. The Chairman advised that he, Mat Morris and Rob Doolan all took minutes and these notes were used to prepare the draft minutes for issuance to the RWG.

3.0 Noise Management Plan

Mat Morris provided the group with a brief background leading to the preparation of a revised Noise Management Plan (NMP) and a winter background survey.

Craig Beyer from Air Noise Environment (ANE) advised that the NMP is an active, not just reactive plan using 1 minute and 15 minute LAeq samples. The use of 1 minute readings assists in forewarning of potential exceedance. Craig issued the group with a noise management flow chart and explained that DOPI set the noise limits. Stage noise limits are then set to meet the DOPI limits and this process allows stage managers to better understand their parameters of operation (subject to meteorological influences).

A discussion about LA90 (known as background) ensued and was described by Craig as "the minimum repeatable noise level over 7 days (ie noise levels over 90% of the sample period)".

LAeq on the other hand could be viewed as the average noise levels (based on a logarithmic scale) resulting in a "continuous noise level".

When monitoring noise levels ANE measure LAeq in the field and subtract the relevant LA90 level to determine the "plus" background levels. Craig advised the group that 1-2dB(A) increases

in sound are barely perceptible while, say, a 5 dB(A) increase is perceptible. A 10 dB(A) increase is clearly noticeable.

Monitoring locations are based on three aspects including:

1. Previous event performance (including complaints);
2. Site inspection by ANE (consideration of line of sight, topographical features, proximity to highway, etc); and
3. Predictions of receptor noise levels (based on computer modelling).

ANE advised that site inspections were commencing this afternoon.

Where there are overlaps in the above assessment for a given receptor, then these locations are considered to be of interest for monitoring purposes. Craig explained the proposed SITG14 Acoustic Monitoring Program (AMP) unattended monitoring locations and attended locations (Craig issued a handout with attended monitoring locations – Refer Appendix 3).

Chris Cherry tabled 11 comments (refer Appendix 2), which were emailed to the Chairman and the RWG members on the morning of the meeting on 7 May 2014. Despite the short notice, it was agreed to discuss these at this meeting, given the attendance of the ANE acoustic consultants. These comments have been numbered from 1 to 11 for cross-referencing purposes.

Craig Beyers from ANE advised the following (with member's input noted):

- 1) Under S4.1 of the Draft NMP there will be a listing of background levels for the most affected receptors once the winter survey is completed. Representative locations will be used for certain receptors as it is impractical to survey all receptors. It was agreed to include in the NMP the noise criteria for receptors as data from the background winter survey is made available;
- 2) A limit for campers (ie 55LAm_{max} recorded 10-15 times) will be included in the NMP. This gives the campground wardens a basis for enforcement in the event of any noise affecting patron sleep;
- 3) Confirmation that the background survey will be over a 7 day period;
- 4) Concerning the last dot point in Section 5.3 Craig to delete "in accordance with C18". Craig advised that managing noise at the source was the first goal any plan should aim to achieve and reflects "best practice".;
- 5) Clarification provided to Christine who was satisfied with this point;

6) LA90 clearly described in draft AMP;

7) Craig advised that ANE prefer to focus on worst affected receptors rather than what was included in a previous report. Beau Weyer advised that the unattended monitoring location selection process needed to be dynamic to take into account past performance, complaints, site inspections and predictive modelling. Attended monitoring locations allows for coverage of other areas. It was agreed that interested RWG members would be involved in the final selection process for unattended monitoring locations (via a meeting or email circulation);

Christine asked if R12 and R13 would be included as unattended monitoring locations and Mat Morris confirmed they would be.

Basil Cameron asked why R12 and 13 couldn't be kept as permanent locations. ANE advised they shouldn't automatically be, because the locations needed to be flexible and based on specific event conditions. Mat also advised to do so would take limited resources out of play to the detriment of assessing other potentially affected sites.

Basil Cameron also asked where the "plus 5 and 10dB(A)" criteria came from. ANE explained the criteria was set by the Planning and Assessment Commission as part of the project approval.

8) S6.3 concerns itself with setting Front of House noise limits, not setting background levels (which is done using the relevant seasonal background survey);

Damien Hofmeyer asked if Parklands could provide him with the ecological monitoring locations so he can avoid activities around these locations during recording. Mat Morris agreed to do so.

9) At such times as the Director General directs, a Noise Impact Report is to be submitted to the DG and when this occurs, it is subsequently to be attached to the PR (refer to C52).

[Annotation: In subsequent communications, it was clarified and confirmed that Christine Cherry disagreed with NBP's interpretation of C52 as it related to a Noise Impact Report, preferring her interpretation as attached in Appendix 2];

10) Noise complaints after 2am will still be recorded via the hotline and complaints register. Mat Morris advised that at the previous SITG event a secondary stage had not shut down until 2;28am but measures have been put in place to ensure that this would not occur again;

11) Discussed the terms "frivolous" and "vexatious" and agreed to label as "repetitive".

It was noted that under S1.2 it should be clearly mentioned “trials up to 31 December 2017” are approved, to align with the consent.

Christine discussed the notion of using the “C Weighted Delta”. ANE advised this delta was not going to be used as it did not assist in the setting of limiting criteria.

4.0 Acoustic Monitoring Plan

Craig from ANE discussed the relationship between the NMP and the AMP and covered the following key areas:

- Noise limits;
- Triggers (proactive approach);
- Responding to complaints;
- Noise monitoring; and
- Reporting to Parklands.

It was advised that the RWG would be given an opportunity to comment on the draft AMP. Comments would close on Friday 16th of May 2014.

Paul Arrowsmith asked about who is responsible for turning down noise levels. Craig advised that the event is ultimately responsible. ANE will direct stage managers to reduce noise levels, however if the stage managers do not comply then the responsibility rests with the event managers and promoter.

5.0 Bushfire Emergency Evacuation Plan

Rob Doolan presented the BEEP for SITG14. Rob advised that this is the 3rd BEEP the RWG has looked at and that the fire risk for SITG was less than summer events due to seasonal conditions generally.

However this BEEP is generally based on the expanded BEEP prepared for the Falls Festival. It is planned that the BEEP will go to the LEMC on 14 May 2014. Chris Cherry noted that the BEEP presented was for 27,500 patrons and asked if this increase in patron numbers had been approved. Mat Morris advised this increase has not yet been approved.

Simon Richardson questioned the expression of event and non-event days in terms of percentages. Rob will change this point in the BEEP.

It was noted on P9 that the quantity of water listed in the main dam of 15.9mL was a ball park figure only. It is not used in fire-fighting water balance planning as a rule advised Damien Hofmeyer.

Regarding Figure 3 it was noted that patrons may also evacuate through a property to the north of the site. Rob advised this pathway has been approved under the consent.

Regarding the evacuation modelling for SITG, this work was due Thursday 8th May and would be included in the BEEP to be sent to the LEMC.

Inspector Greg Jago had a number of comments including:

- P9, Figure 4 – to be correctly labelled and include page numbers in text when quoting figures for easier reference;
- P9 – refer to grazed pasture in Figure 5 (not 4);
- P14 – static water supplies – Greg wanted confirmation all such tanks had stortz fittings. This was confirmed as correct by Parklands;
- P21 – second line – remove term “officer” and replace with “commander”;
- Chief warden is to advise the ECC;
- Annexure c – provide evacuation details (including consideration of staging the evacuation process).

The above comments were accepted.

Inspector Jago raised the issue of tent proximity (to other tents) at the last SITG and Mat Morris advised separation of tents was greatly improved at the Falls Festival event in 2013/14.

Damien Hofmeyer advised that gate locations were missing along Jones Road (Rob was advised where they should be and will edit the plans). Damien also advised the group that NPWS have primary responsibility for Park fires and that a number of internal trails have been significantly upgraded.

6.0 Other Matters

Diane Woods asked how negotiations were going with telecommunication companies to improve mobile coverage. Mat advised that Optus are proposing to install a larger temporary tower on the site, which Parklands have been advised will improve coverage for Optus users.

Jess Ducrou advised Telstra have reneged on previous commitments to install optic fibre to Parklands. Jess advised SITG:

- Are going to write to the CEO of Telstra;
- May go to the telecommunication ombudsman; and
- Determine their position with respect to any sponsorship arrangements.

Christine Cherry asked where negotiations were with R12 and R13. Mat advised that R13 had sought further clarification regarding the scope of works and no response had been received from R12 regarding their updated scope of works.

Meeting closed at 4pm with the Chairman and Parklands representatives thanking the attendees for their input and efforts.

Appendix 1

Hello Peter

Please find below comments regarding the minutes of the 25 March meeting.

I have reviewed the revised minutes, the Performance Report and correspondence to Chris Cherry in response to comments on the draft minutes. In essence I am not satisfied with the way recommendations made by stakeholder members have been recorded in the minutes. The problem is as much about the approach taken as the content, something that is of critical importance in this case given the relevance of the Performance Report to the trial approval period and the role of stakeholder members

You will recall the helpful discussion at the March meeting regarding the role of the RWG. Reflecting the Terms of Reference, it was acknowledged that the group was not a 'consensus' group, but rather particularly qualified stakeholders all able to bring advice to the RWG without the need for a consensus from the group as to whether or not a recommendation could be made. The minutes to the consideration of the Performance Report needed to reflect fully the recommendations from all stakeholders, yet the recommendations are framed as a consensus view of the RWG.

With regard to the minuted recommendations and discussion.

1. The express recommendation as tabled regarding noise related conditions C16 and C17 was to comply with their requirements rather than to 'adhere more closely'. As such there is a lack of clarity as to what particulars of these conditions will be complied with.
2. There is no reference to how recommendation 5 as tabled was considered. The recommendation that NBP and DoPI *consider* all noise attenuation measures including reducing sound levels at events is

particularly relevant as the approval conditions expressly provide that the RWG may make such a recommendation to the DoPI. This recommendation was not included in the discussion, though I did raise it during the meeting.

3. Recommendation 4 as tabled was not acknowledged in the discussion regarding noise attenuation.

4. Similar omissions remain in relation to comments made by Chris Cherry regarding the minuted recommendations and discussion.

5. The minuted recommendations read as actions and commitments and should more properly be minuted as the 'recommendations accepted by NBP'.

I acknowledge that my tabled recommendations were appended to the minutes even though they were appended as 'correspondence' and referred to as 'suggestions' at times in the discussion. The problem of framing recommendations as a consensus view remains.

The RWG is an advisory body under the conditions of approval. Advice does not have to be taken, but its regulatory function means the RWG is not exempt from adequately acknowledging issues brought to it by all stakeholders and recording how these are considered.

I reiterate the particular importance of my comments on this occasion as it relates to the Performance Report, a key milestone in the approval process.

Suggestions to rectify.

Clearly minute all stakeholder recommendations, perhaps in table form with columns to show how they were considered and adopted or not by NBP. If a recommendation is not considered during a meeting, it be notated 'not considered' - this does not preclude later consideration and response by NBP. Nor does it preclude the possibility that recommendations may be modified or withdrawn. To assist, stakeholder recommendations be provided as an electronic copy. Discussion to adequately reflect how recommendations are considered.

Regards

Basil

Cr Basil Cameron

Deputy Mayor

basil.cameron@cr.byron.nsw.gov.au

Appendix 2

Email issued by Christine Cherry to the RWG at 10.26am Wednesday 7th of May 2014

Dear RWG members, please find comments to the NMP provided for today's RWG meeting. These comments will be raised at today's meeting and I am including them for your information as requested by Peter Ryan.

Regards

Chris

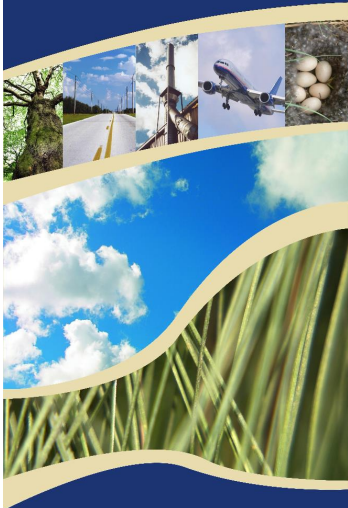
1. C16(2)c requires identification of appropriate noise limits/criteria for sensitive receivers to be included in the Noise Management Plan (NMP). These have not been included in this document. Section 4.1: states that measurement of background levels to be completed prior to SITG 2014. The NMP should contain a table showing what will be provided for each sensitive receiver and if time has not allowed the taking of these measurements yet, then the table should simply contain blanks on the actual levels to be used with a comment about when this data will be obtained and incorporated into the NMP. Background data for EACH sensitive receiver needs to be obtained and the use of one background level for multiple "similar" locations is not to be used, as occurred in the Falls Festival AMP 2013. This should allow the NMP to be used again for future SITG events.
2. C16 (2)d requires 'identification of noise limits within camping areas between midnight and 8am to support peaceful rest during events' to be included in the Noise Management Plan (NMP). These have not been included in this document. Same comments apply as to that of the previous point.
3. Section 4.1: states that measurement of background levels to be completed prior to SITG 2014. The discrepancy between the background noise measurements provided by Benbow of initial background monitoring obtained during the aftermath of Cyclone Oswald and those background measurements provided by another Acoustic company at the same locations during more normal weather conditions questions the validity of the previous Benbow background noise levels. Therefore the taking of new background data measurements in the appropriate season for the SITG event is wholly supported. Background noise levels need to be obtained as per industry standard which requires 7 days continuous monitoring and include a detailed record of the meteorological conditions prevailing at the time of monitoring. These background measurements need to be expressed in LA90 as per the industry standard and the PAC approval and give a clear indication of how these levels relate to the noise criteria and monitoring measured in LAeq.
4. Section 5.3 list of measures of Management for noise does not mention provision of property specific acoustic treatments in accordance with Condition C16 of the PAC approval. Just because 2 sensitive receivers have allegedly enacted C18 of the PAC approval this does not preclude the proponent from having to include C16 measures in the future for other receptors and the provision of property specific acoustic treatments in accordance with Condition C16 should be included in the list of measures provided in the NMP.

5. Section 6.3 Pre-event sound checks, as mentioned in Section 6.3 do not constitute pre-event sound monitoring which must occur before each event and this should be made more clear.
6. In Section 6.4.1 a further point to the requirements of the AMP should be added which says: The AMP must clearly specify the noise criteria expressed in LA90 for each logger location and allow a direct comparison of LAeq levels measured. This identification of specific noise criteria in the AMP has been required by the DOPI and should be included in the current document.
7. Section 6.4.2 : NMP contains the statement 'Monitoring locations shall be representative of noise levels at the worst-affected receptors identified by the AMP ' The PAC approval is specific on this and does require, under C17(a), *as a minimum* monitoring at the most sensitive noise receivers (residential and the adjoining Nature Reserve) as identified in the Noise Impact Assessment Report 2010. This should be included in this section.
8. Section 6.3 states that 'residential noise monitoring during the day of the event will be used to inform the event stage manager of acceptable mixing desk noise levels' but these are not to be confused with "background" noise levels as other event noise (ie that created by 30,000 patrons arriving and present on the site) will be already operating on the site and will mask true background noise levels.
9. NMP contains an error such that it states that C52 of the PAC approval only requires the Noise Impact report to be provided to the department if the Director General directs that. This is false and needs to be amended. C52 requires the Noise Impact Report to be attached to the Performance Report and this should be amended in the current draft NMP to reflect that this will occur.
10. Page25: Section 8.4 says that on receiving a complaint the consultant will attend the boundary of the complainants property between 11-midnight and outside the bedroom window between Midnight-2am. It needs to be recognised in the NMP that complaints may be received after 2am and that the consultant needs to respond to these also. This allows for the monitoring of noise which may come from times outside the allowable music times.
11. Section 8:5. The introduction of frivolous and vexatious complaints procedures specifies that when 3 or more complaints are received from the same complainant and the noise levels are confirmed to be within noise limits then further complaints from the same complainant will be considered vexatious. This clause fails to take into account the fact that at the last SITG event the Benbow Noise Report claimed that noise levels complied but alternate measurements from a separate acoustic consultant showed it did not and this fact has been subsequently admitted in the Performance Report. It cannot be assumed that this discrepancy in what is interpreted to be complying on the night by the consultant and that which is later found to be true, will not occur again. Therefore it is strongly recommended that this clause is removed.

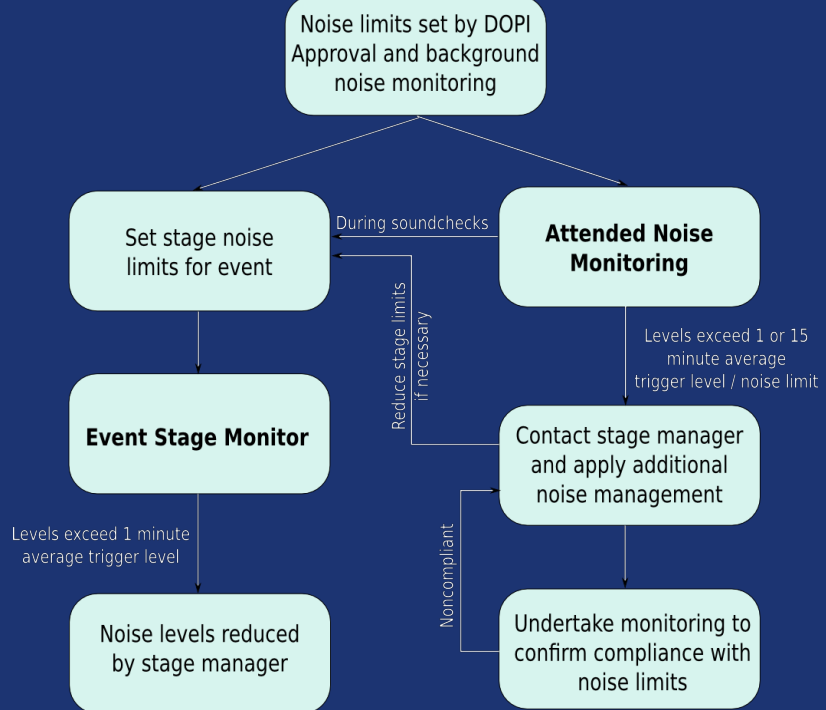
Appendix 3

Air Noise Environment

Environmental Monitoring & Assessment

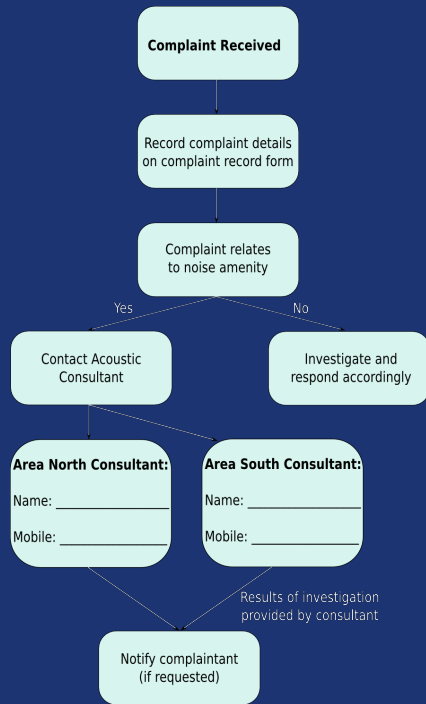


Noise Management





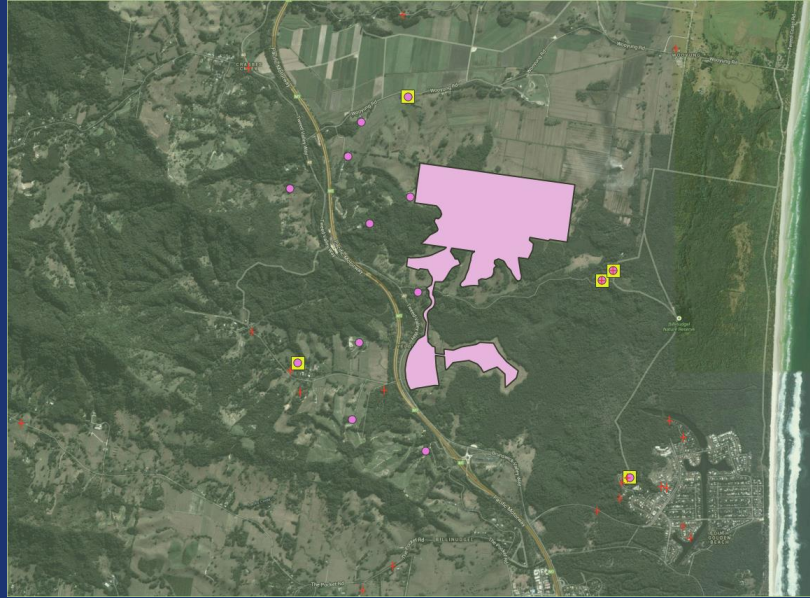
Complaint Management



Air Noise Environment

Environmental Monitoring & Assessment

Monitoring Locations



Note: the yellow squares represent the unattended monitoring locations being considered, the pink circles the attended monitoring locations and the red crosses the locations where complaints were received during falls festival 2013.