

North Byron Parklands Regulatory Working Group

Terms of Reference (Version 7)
February 2015



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Introduction

Billinudgel Property Pty Ltd ATF the Billinudgel Property Trust purchased the subject land located at Tweed Valley Way, Wooyung, NSW in September 2006 to create a sustainable cultural arts and music events venue. The site was named North Byron Parklands (Parklands) and in April 2012 the NSW Planning Assessment Commission granted Concept and Project approval.

In particular, the Project Approval allows for the following stages and activities:

Stage 1

1. Outdoor Event Approval

- *A trial of outdoor events up to the end of 2017, including car parking; ancillary camping; and, erection of temporary structures and facilities within the Event Usage Area defined within Plan 1.2 – Revised Event Area and Land Use Structure accompanying the Preferred Project Report dated February 2011.*
- *Car parking usage within the Car parking Area defined within Plan 1.2 – Revised Event Area and Land Use Structure, accompanying the Preferred Project Report dated February 2011.*

2. Infrastructure Approval

- *Construction of the spine road;*
- *Construction of an underpass beneath Jones Road, car parking areas, pedestrian walkways and boardwalks, shuttle bus turnaround area;*
- *Upgrading of the western 340 metres of Jones Road to a two lane sealed road with a service entrance (Gate S);*
- *Construction of the intersections associated with Gates A, B and C;*
- *Construction event laneways, resource centre, hard stand areas, drain crossings, stormwater management, regrading for positive drainage and associated works;*
- *Construction of laneways and drain crossings within car parking area; and*
- *Construction of entry treatment and signage.*

3. Vegetation Management Works Approval

- *Implementation of natural area protective fencing; constructed wetlands; new habitat area plantings; managed parkland plantings and Yelgun Creek rehabilitation; and*
- *Implementation of a comprehensive Vegetation Management Plan.*

Stage 2:

Infrastructure Approval

- *Construction and landscaping of an administration building with 175m² of floor area;*
- *Construction and landscaping of a gatehouse building with 100m² of floor area;*

- *Construction of a water treatment plant; and*
- *Construction of a wastewater treatment plant.*

The Project Approval also required the establishment of a Regulatory Working Group (RWG) to oversee certain functions associated with the preparation of the site and the hosting of events. The condition establishing the RWG is Project Approval Condition C2, as follows:

C2 Regulatory Working Group – constitution and role

The proponent must establish a Regulatory Working Group (RWG) to oversee the environmental performance of events during the trial period. The RWG must:

- (a) comprise at least one (1) representative of the proponent, Office of Environment and Heritage, Roads and Traffic Authority, NSW Police, State Emergency Services, Rural Fire Service and Council, where these parties agree to be part of the RWG, or as otherwise agreed to by the Director-General;*
- (b) comprise at least two (2) representatives of the local community nominated by the Council. Community representatives are appointed on a rotational basis with a representative not exceeding two (2) years;*
- (c) be chaired by a chairperson, whose appointment has been approved by the Director-General;*
- (d) meet at least once prior to the first trial event to review the proposed management in relation to:*
 - *the Habitat Restoration Program;*
 - *the Marshalls Ridge wildlife corridor,*
 - *impacts on threatened species and endangered ecological communities;*
 - *monitoring protocols for preconstruction ecological surveying ;*
 - *illegal camping;*
 - *litter;*
 - *provision of security services;*
 - *noise;*
 - *event traffic and car parking;*
 - *flooding;*
 - *bushfires; and,*
 - *evacuation procedures.*
- (e) meet to review the proponent’s performance with respect to environmental management and community relations for events held during a reporting period and where appropriate, make recommendations to the Director General on measures or strategies to improve performance for future trial events;*
- (f) undertake periodic inspections of the site; and,*
- (g) review community concerns or complaints with respect to environmental management and community relations.*

Note: The RWG is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the proponent complies with this approval.

These Terms of Reference have been prepared with direct reference to the relevant conditions of approval and with reference to the Department of Planning "Guidelines for Establishing and Operating Community Consultative Committees"[2007].

Objectives and Approach

The members of the RWG are provided with the following guiding principles:

1. The government agencies and community members which form the RWG are consultation\advisory bodies to Parklands and not decision making bodies;
2. Members shall be guided by the constitution and role of the RWG as stipulated in Condition C2 of the Parklands Project Approval dated 26 April 2012;
3. In making any recommendations, where relevant, Parklands have requested the RWG consider all aspects of an issue including:
 - a. Employment and training impacts;
 - b. Wider, sectorial implications (i.e. tourism, service industries, etc.); and
 - c. Environmental and social considerations.
4. Parklands will accommodate all reasonable requests by RWG members with respect to site access and information.

Objectives

The objective of the RWG is to oversee the environmental performance and community relations for events held at Parklands covering the following defined aspects:

- the habitat restoration program;
- the Marshalls Ridge wildlife corridor;
- impacts on threatened species and endangered ecological communities;
- monitoring protocols for preconstruction ecological surveying;
- illegal camping;
- litter;
- provision of security services;
- noise;
- event traffic and car parking;
- flooding;
- bushfires; and
- evacuation procedures.

The RWG will also review community concerns or complaints with respect to environmental management and community relations.

Approach

A chairperson whose appointment has been approved by the NSW Planning and Environment Secretary will chair the RWG. The chairperson shall be responsible for reviewing the relevant Parklands conditions of approval (with particular consideration of Approval Condition C2 Regulatory Working Group – constitution and role) to determine:

- When an RWG meeting is required;
- What specific matters will be considered by members of the RWG at the meeting;
- Which RWG members are specifically relevant to particular meetings (it should be noted that all members are welcome to attend any RWG meeting, however some meetings will focus on specific disciplines, e.g. ecology);
- What information and resources will be sent to RWG members in advance of the meeting;
- The meeting agenda; and
- The minuting of the meeting.

Deliverables

The RWG shall undertake to deliver the following outcomes:

1. Meet at least once prior to the first trial event to review the proposed management in relation to:
 - a. the Habitat Restoration Program;
 - b. the Marshalls Ridge wildlife corridor;
 - c. impacts on threatened species and endangered ecological communities;
 - d. monitoring protocols for preconstruction ecological surveying;
 - e. illegal camping;
 - f. litter;
 - g. provision of security services;
 - h. noise;
 - i. event traffic and car parking;
 - j. flooding;
 - k. bushfires; and,
 - l. evacuation procedures.
2. Meet to review Parklands performance with respect to environmental management and community relations for events held during a reporting period;
3. Where appropriate, make recommendations on measures or strategies to improve performance for future trial events;
4. Undertake periodic inspections of the site; and
5. Review community concerns or complaints with respect to environmental management and community relations.

Information Dissemination and Confidentiality

RWG members are encouraged to disseminate information to the wider community. Individual members can, however, only publically represent on behalf of themselves or the stakeholder groups they represent. From time to time RWG members may have access to information that is considered confidential. These instances would relate to commercial, financial or personal information. The Chairperson will advise the members of any information that is confidential. The Chairperson will determine a method to denote any information that is confidential. All RWG members are expected maintain confidentiality where requested.

Scope Limitations

Approval Condition C2 Regulatory Working Group – constitution and role, documents those matters upon which the RWG shall provide relevant advice. Other matters shall be managed through the Parklands Environmental Health and Safety Management Manual, which includes but is not limited to:

- Storm water, surface waters and groundwater;
- Indigenous and non-indigenous heritage;
- Occupational health and safety;
- Lighting;
- Temporary structures;
- Wastewater;
- Solid waste;
- First Aid;
- Onsite Camping; and
- Soil management (including PASS soils).

Membership

The RWG membership includes representatives from the following agencies where such agencies agree to be part of the RWG:

- Office of Environment and Heritage;
- Roads and Maritime Service;
- NSW Police;
- State Emergency Services;
- Rural Fire Service; and
- Byron Shire Council

In addition, the following persons are also members of the RWG:

- RWG Chairperson (as approved by the Secretary);

- At least two representatives of the local community nominated by Byron Shire Council (maximum 2 year tenure); and
- At least one Parklands representative (the General Manager has been nominated).

The Chairperson may invite expert advisers to attend as observers to assist the RWG. The Chairperson may also invite Parklands administrative staff to assist with the orderly functioning of the meetings and to provide secretarial support.

The role of the Chairperson is to be a convenor, facilitator, and advisor for the Group. The Chairperson is appointed and paid for by Parklands, following assessment and approval by the Secretary, NSW Department of Planning and Environment.

Communications and Administration

The RWG Chairperson is responsible for determining and scheduling meetings as required under Approval Condition C2. Meeting frequency will be determined by the requirements of the approval conditions, the number of events, their performance, and the issues raised. At this stage, it is envisaged the RWG will formally meet several times per year. Additional focus meetings and/or email correspondence to address specific matters may be undertaken with the agreement of Parklands and members. Parklands shall:

- Provide the RWG with regular information on the environmental performance and management of the project;
- Provide meeting facilities for the RWG (if necessary);
- Arrange site inspections for the RWG (if necessary);
- Take minutes of the RWG meetings;
- Make these minutes publicly available;
- Respond to any advice or recommendations the RWG may have in relation to environmental management or community relations;
- Provide a copy of the minutes of each RWG meeting, including a response to any recommendations from the RWG, to the Secretary at the times directed by the Secretary; and
- Pay reasonable travel expenses for members to attend meetings.

As the RWG is not a decision-making body, it is not a requirement that consensus on matters be reached.

Communications

As a guide, at least three weeks notice of a meeting will be given to members. Should the need arise for extraordinary meetings, whereby the Chairperson agrees that urgent matters need to be discussed, at least ten days notice will be given if possible. Alternate attendees for members who on occasion cannot attend meetings are acceptable with reasonable notice to the Chairperson. Whenever possible relevant reports and management proposals, and relevant monitoring data will be distributed at least 8 days prior to each meeting.

Communications Between Members and State and Local Authorities

The process for handling communications between members and state and local authorities shall be managed as follows:

1. Correspondence from a RWG member to a State or local authority relating to event issues relevant to the RWG, and/or RWG roles and functions shall only be transmitted via the RWG Chairperson. The chairman shall forward all members' communication as requested to the requisite authority. The communication shall be forwarded in full and "as received" and the author shall be copied in on the transmittal. The author will also be copied in any response from the recipient/requisite authority. Note, this protocol does not apply to the requisite correspondence regarding events at the site that is normal between a State or Local authority and the Department, and Parklands, conducted in the course of their responsibilities and roles;
2. If a community member or group has a relevant matter to be addressed, it should be brought to the RWG Chair directly by the community representatives [or other members if applicable], or via Parklands management, for prompt attention. This is the correct channel for such communications; and
3. The RWG deals only with those items listed in Section C 2 of the Trial Approval [see Introduction section, P4]. There are additional aspects of events held at the site that are not part of the RWG's role.

Process for Handling Recommendations

The process for handling recommendations (and substantive commentary on reports) shall be managed as follows:

1. The authoring member will send recommendations to all members at least 24 hours ahead of a RWG meeting. The same applies to commentary on reports of a substantive nature. Simple comments, suggestions and editorial items can, as per current procedures, be brought to and raised at meetings;
2. Recommendations will be clearly minuted "as is" and ascribed to the author, and the discussion around the recommendation minuted. Tables or text may be used, depending on the number and extent of discussion. Minutes will be expanded to explain how a recommendation was discussed and its outcome.
3. All recommendations do not have to be considered at a meeting. A recommendation not considered at a meeting will be noted "not considered", and may be considered and responded to by Parklands at a later time;
4. Recommendations may be withdrawn or modified;
5. If a recommendation is agreed to by Parklands, it will be termed "Recommendation Adopted by NBP". Where not adopted, Parklands will provide their reasoning;
6. Consensus on recommendations is not required and the RWG is not a consensus group; and
7. DPE will be notified of all recommendations via the meeting minutes. Additional advice from the Department may be sought by the Chair as necessary (and vice-versa).

Meeting Structure

Meeting agenda matters will typically include:

- Introductions;
- Apologies;
- Discussion of any outstanding matters or matters raised in the previous minutes;
- Confirmation of previous meeting minutes;
- Focus of meeting;
- Parklands update and overview of activities;
- Discussion of relevant monitoring data and any complaints;
- Reports to be tabled or previously issued for discussion;
- Performance monitoring and community relations issues reporting and discussion;
- Suggestions and recommendations relating to issues and performance, including responses from Parklands;
- Items for further consideration;
- Other matters and summary of agreed actions;
- Next meeting; and
- Site inspections, where relevant\requested.

Minutes of Meetings

Minutes of all RWG meetings will be kept and will be taken by Parklands. Minutes will be distributed to members in a timely manner following each meeting and members will be given seven days to comment on the minutes. Thereafter they will be revised as necessary, and be publically available on the Parklands website in a timely manner. At each subsequent RWG meeting any notations to the minutes will be discussed and the minutes confirmed, and placed on the Parklands website.

Conduct of RWG Members

Members or their representatives are expected to act in an open and respectful manner. Unconstructive or aggressive behavior that may cause another member or guest unwarranted offence or embarrassment will not be accepted.

The Chairperson will bring any breach of these expectations to the attention of the person(s) concerned. Repeated occurrences may result in the Chairperson requesting the replacement of the person(s) concerned.

Dispute Resolution

The RWG is expected to make all available and committed efforts to resolve matters of dispute within itself. The RWG Chairperson will attempt to resolve any outstanding matters of disagreement (e.g. between Parklands and a RWG member relating to an item of compliance, or a community complaints matter). Where this is not successful, the Chairperson will seek advice from the Secretary who may decide the matter. Repeated referrals to the Secretary are a last resort and can detract from the functionality of the Group.