



Regulatory Working Group Revised Minutes

Tuesday 25th March 2014 - 1.00pm 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)
Neil Johnson (Community Manager, North Byron Parklands)
Jessica Ducrou (Splendour in the Grass Director)
Brandon Saul (Falls Festival Director Byron)
Matt Evans (CEO, Village Sounds)
Elise Huntley (General Manager, SITG & FFB)
Rob Doolan (Balanced Systems)
Chris Cherry (Community Representative)
Paul Arrowsmith (Community Representative)
Mayor Simon Richardson (BSC)
Cr Sol Ibrahim (BSC)
Cr Diane Woods (BSC)
Cr Basil Cameron (BSC)
Wayne Bertram (BSC)
Emma Holt (BSC)
Inspector Greg Jago (NSW Police)
Michael Baldwin (Roads and Maritime Services)
Dimitri Young (Office of Environment and Heritage)
Krister Waern (Office of Environment and Heritage)

Apologies:

Simon Millichamp (Community Representative), Wayne Pettit (State Emergency Services), Matt Inwood (Rural Fire Service), Alan Bawden (Rural Fire Service) and Ray Darney (BSC).

[Annotation- As a result of further consultation with some RWG members, RWG recommendations accepted by NBP will herein be termed "Recommendation Adopted by NBP"]

Agenda Items

1. Introductions

The meeting opened at 1pm. Introductions were made around the meeting table.

2. Confirmation of previous minutes

The Chairperson presented the minutes of the previous meeting held on 16 October 2013. The minutes were confirmed with an apology from the Chairperson to Christine Cherry for not following through on the matter of responses to her comments regarding the planned Falls Festival Acoustic Monitoring Program and the SITG 2013 noise monitoring results. Such oversights will be rectified with the inclusion of a diary of follow-up items to be maintained by the Chair and NBP.

3. Parklands Draft Performance Report March 2014

Mat Morris spoke to the pre-issued Draft Performance Report (PR) and explained the structure of the report and the requirements of consent condition B7. The PR covered operating approval conditions, monitoring results, management plans, Environmental Health and Safety Management KPIs relevant to event operations and likely trends moving forward. Overall, the organisation is pleased with performance covering the two events to date, although there are a number of identified areas requiring further improvement.

Parklands acknowledged the valuable feedback that forums such as the RWG and various attended community meetings have provided in terms of identifying opportunities for improvement. The meeting was opened for discussion and feedback relating to the Performance report.

3.1 Telecommunications

Cr. Diane Woods asked what could be done to assist the provision of telecommunications service during festivals, when people in the immediate surrounding areas experienced problems.

Mat Morris advised that although the solution to this issue lay with the telecommunication service providers (and that NBP had no formal powers in this matter), Parklands had held productive discussions with Telstra, which he hoped would lead to better network coverage.

Telstra had successfully upgraded the coverage during Splendour in the Grass (SITG) via additional, temporary towers. Telstra is now discussing a permanent connectivity solution. Mat Morris would table a timeline to Paul Arrowsmith as soon as it was made available to him. With respect to Optus, Mat Morris advised that their temporary upgrades had been less successful, and he would be happy to continue to suggest they implement a better solution. He also advised the providers had informed him that landline services and wireless in-home internet running off the landline connection cannot be affected by the crowding of mobile and wireless services as they operate on two separate systems (hardwire Vs. towers).

Cr. Basil Cameron asked if NBP could find out if an overload in one type of service could result in “cross-over” effects to another type of service. Mat advised per above that advice provided to date precluded such a cross over effect. Mat advised he would discuss this point again when next talking to the providers. Brandon Saul advised the proposed Telstra upgrade on site would provide significant wi-fi bandwidth across the site, thus lessening demands on mobile phone networks.

3.2 Noise

Cr. Basil Cameron tabled a two- page document (attached) which addressed some items in the draft PR, including noise. Both Basil and Christine Cherry queried why the two Jones Rd residences (R12 and 13) were not specifically monitored during Falls Festival Byron (FFB), as the AMP requires, and suggested this should be listed as a non-compliance in the PR.

Mat Morris acknowledged that these residences were not monitored outside their houses, but at the road adjacent (some 50m further away). Mat advised that there were shortcomings with the acoustic consultant and their overall monitoring and reporting covering FFB. Discussion ensued regarding examples of this.

There was considerable discussion on the topic of festival noise monitoring and reporting around the table and the confusing style of reporting of acoustics adopted by the consultant.

Mat Morris advised the RWG that NBP was dissatisfied with the following acoustic management requirements:

- Noise Management Plan (NMP) – current NMP is confusing, overly lengthy, does not satisfactorily address C16 requirements and is not written in plain English; and
- Acoustic Monitoring Program (AMP) – did not result in required noise monitoring for FFB.

Parklands and both events have engaged a new consultant with greater expertise and resources. Parklands requires its existing approved NMP to be:

- Reviewed and updated based on recent commitments to the DOPI;
- Redrafted using “plain language”;
- Restructured to more succinctly address the requirements of consent condition C16; and
- Presented to Parkland’s Regulatory Working Group (RWG) on 7 May 2014.

With respect to the AMP the consultant will also be required to:

- Review the requirements of Consent Condition C17 covering the AMP;
- Develop a template AMP using “plain language” which can be modified for specific events based on event layout, number of stages, etc;
- Clearly address each of the condition’s sub clauses within the AMP; and
- Present the AMP including proposed monitoring locations (and any supporting rationale) to the RWG as required.

Recommendation Adopted by NBP - #1

NBP adhere more closely to the requirements of C16 and C17 relating to acoustic management and monitoring at the venue. To achieve this, a new version of the Noise Management Plan (that includes LA90 winter and summer background survey data sets) will be developed, which will be distributed for consultation with the RWG. A revised Acoustic Monitoring Program template will also be prepared as a result of the revised NMP, and specific event AMP’s will be prepared for each event and in accordance with condition C17.

The Chairperson will convey this recommendation to DOPI once these minutes are finalised.

Additional discussion relating to noise followed. Cr. Basil Cameron queried the statement on P16 of the PR about RWG consultation (unattended monitoring non-compliance). Mat Morris advised he would delete the last sentence relating to “greater consultation with the RWG” (this has since been completed).

Krister Waern suggested the PR could acknowledge aspects that are and are not working well, and propose actions for improvement. Christine Cherry suggested the PR Summary was often “inconsistent” when compared to the data in the body of the PR.

3.3 Flora and Fauna

Krister Waern and Dimitri Young of OEH advised they had some outstanding items relating to the definition of fauna impacts and interpreting monitoring data. These were not significant changes rather they were seen as opportunities for improvement. OEH wish to see a clear line of sight between monitoring, assessment and results.

Mark Fitzgerald commented that there were tight timeframes for data analysis and reporting. In a perfect scenario, lots more data analysis can always be done, such is the nature of scientific monitoring. Mayor Richardson warned of maintaining Byron’s leadership in ecological awareness and science and not affecting this status by constraining investigation. Mat Morris advised this was not the case and Mark Fitzgerald offered that significant quantitative data was being collected. Dimitri Young said it was ok to discuss deficiencies as a part of all monitoring and investigation programmes. The key was to focus on doing the best with what programmes and data was available.

OEH offered further consultation with NBP and their expert Dr. Mark Fitzgerald on the matters raised above. Mat Morris advised his appreciation and that this offer would be taken up at a convenient time.

In the meantime OEH asked if the findings from Table 13 and 14 of Appendix B of the PR be included in the body of the PR (this request has since been completed). The OEH suggested discussing the above items at a workshop.

Recommendation Adopted by NBP - #2

That a workshop between OEH, Parklands and Parkland’s consultant Ecologist is held to identify appropriate significant impact triggers or thresholds and suitable contingency measures to be implemented. The outcome of this workshop will be provided to the RWG for comment.

The OEH advised that it would not take long to develop these KPI’s (maybe a days work). Dimitri Young also noted his view the PR implied OEH “tick off” which wasn’t relevant or given. Matt Morris will look at the wording.

Chairman's note – Most Approval Plans are not required to be endorsed by agencies and stakeholders. Consultation, however, is often required and a revised feedback mechanism is now in place whereby consultation outcomes on Plans will be relayed to the relevant agencies\stakeholders explaining where feedback and comments on draft Plans have been included or not, and explaining NBP's reasoning. Adhering to agreed feedback timelines and good faith and reasonable consultation is expected and required.

Christine Cherry advised her view that there was a discrepancy between the PR and Mark Fitzgerald's report relating to the environmental KPIs in Section 2.4. Mat Morris advised that the KPIs listed in Section 2.4 on P9 of the PR relate to KPIs covering "event periods" (not the entire project), and are not directly comparable to KPIs in Mark Fitzgerald's report, which are taken from the Vegetation Management and Biodiversity Plan.

Removal of cattle should have occurred by now adjacent to the southern car park, and if the drought elsewhere has delayed this, NBP should simply state the KPI hasn't been complied with. Under the EHSMM Mat Morris explained that the reference relating to "no activities to occur within the 30m around the southern car park" was deemed to mean event activities (of which none occurred). Regardless, there is a commitment to remove the cattle as soon as they can be transported and accepted at Casino Abattoirs (likely by mid April 2014).

With respect to lighting at FFB, Brandon Saul advised he had personally requested moving or shutting down numerous light installations after inspection with Mark Fitzgerald. Brandon was confident no lights operated contrary to the KPIs. Christine Cherry commented that partial compliance should be noted in this case.

Christine Cherry, Mark Fitzgerald and Mat Morris discussed CC's opinion that pre-event fauna and flora data should be used in assessment and monitoring, and her request that pre-event monitoring data be included in future reporting and impact assessment.

Mat Morris advised he would agree to this request if it was broadly agreed following future consultation with Mark Fitzgerald and OEH. Matt Morris to follow-up and arrange consultation.

3.4 Traffic

Michael Baldwin foreshadowed a road network capacity issue around the Christmas\New Year period in 2014/15 due to the ongoing highway upgrade (Ewingsdale to Ross Lane). RMS can supply data on where and the peak days and times. NBP and their traffic consultant will liaise with Michael. Cr. Mayor Richardson suggested staggering exiting event traffic on the last day of

events by holding some form of low-key entertainment (to encourage some patrons to delay their travel). Brandon Saul saw this as a sound idea.

Michael Baldwin also highlighted that there was a partial non-compliance with traffic leaving on the departure day of the Falls Festival relating to maintaining a minimum Level of Service D. Services levels dropped below “D” for a total of 1 hour and 45 minutes. Mat Morris advised he would amend the final performance report accordingly.

Cr. Mayor Richardson also asked if the lessons and improvements regarding traffic at Falls were to be carried across to SITG and any other events. Jessica Ducrou confirmed this would be the case.

Inspector Greg Jago gave the opinion that NSW Police have witnessed the steady improvement in traffic and associated issues and that each event “gets better at overcoming hurdles”.

Michael Baldwin asked about the approval process for increases in patron numbers, as covered in the Approval. Mat Morris replied DOPI would make a decision once they had considered the PR.

Cr. Diane woods asked if the promoters felt they had learned from the bussing and associated drop-off and congestion issues at SITG 2013. Jessica Ducrou confirmed they had, and that Falls experienced no such issues. This was a very important operational aspect to the event promoters and efficient public transport was one such important aspect.

3.5 Timing of Future Performance Reports

A general discussion regarding the timing of the next PR was held particularly with respect to ensuring both adequate time for consultants to analyse relevant data sets and members of the RWG to review the PR. It was agreed that reinstating the annual due of 31 December (or earlier) would meet event capacity increase requirements while providing sufficient time for consultants and the RWG to complete necessary analysis and review functions. This was agreed and recommended by the Group.

Recommendation Adopted by NBP - #3

That DOPI be requested by NBP to set the annual due date for the Performance Report to November. NBP will write to DOPI and advise the RWG of the outcome.

4. Community Matters

At this point, RWG members Inspector Greg Jago, Cr. Diane Woods, Dimitri Young, Krister Waern and Mark Fitzgerald departed for prior engagements (3.25pm).

4.1 Complaints Process

Christine Cherry thought that not all complaints were being recorded, for example, when Neil Johnson visits members of the community during events as part of the newly established community manager role. Neil explained he always asks a potential complainant to contact the event hotline if they wish to lodge a complaint. Neil advised community members that this was the official mechanism for recording complaints (this methodology complies with the requirements of the relevant consent conditions).

Cr. Mayor Richardson suggested a “drop-in stall” for issues are set up at say, Ocean Shores School. The issue with that, Neil responded, was it was only a sub-set of the “catchment”. Discussion ensued amongst the group. Cr. Sol Ibrahim suggested the Community Manager also have complaint forms available, which could be filled in and signed by the complainant and then signed by the community manager. This option was agreed to be a good suggestion by members. This option will need to be considered by events.

Recommendation Adopted by NBP - #4

Events operating at NBP consider the use of a complaints form issued by the community manager (required to be completed and signed by the complainant and then signed by the community manager). Forms to be then lodged with the hotline personnel for registration. If the same complaint is duplicated on the hotline, one complaint will be registered.

4.2 Jones Road Residents

Considerable discussion ensued covering the recent emails from the two residents located at the end of Jones Road. A discussion regarding the background and history surrounding proposed agreements and noise subsequent noise impacts was also undertaken.

Regarding sealing of the end of Jones Road, the RWG was advised that there is no formal requirement for NBP to seal sections of Jones Road other than that already done at the Tweed Valley Way end. Any agreement to do so would be at the discretion of NBP, possibly linked to an agreement with one or more residents.

Chris Cherry raised the sealing of the roads as NBP's responsibility in meeting the statement of commitments, which form part of the Project Approval and require NBP to minimise their impact on immediate neighbours. She asked Mayor Richardson if Council could contribute to sealing this 500m section of Jones' Rd road in the interests of health and safety of these residents but he explained that Council had no monies available for this and are already requiring developers to seal roads at their own expense in other parts of the Shire.

Regarding noise Mat Morris acknowledged (as he had done earlier in the meeting) that the two residents (R12 and R13) should have been specifically monitored during Falls Festival, instead of at the nearby road. This was a failing of the noise consultant and the AMP and will be rectified for future events through the revision of the NMP and AMP.

On the matter of any agreement between the resident(s) and NBP, the Chairman requested that stakeholders perhaps consider a term covering the trial approval, instead of perpetuity. Parklands advised that at this stage the matter was heading towards resolution as defined under C18 and the agreement with DOPI to complete attenuation works prior to SITG14. Parklands advised it would consider any such proposed fair and reasonable proposal from residents, however to date nothing has been received. Parklands shall provide a scope of works to each resident in early April 2014 (and in line with correspondence previously provided to these residents).

Mat Morris informed the group that the Greg Alderson Report which listed attenuation works for Sensitive Receivers was only a suite of measures possible for attenuation and not a scope of works.

At this stage the options for complying with noise related consent conditions for R12 and R13 are:

1. An agreement\settlement with NBP;
2. Attenuation of the dwelling or part thereof (subject to approval by residents of any scope of works provided by NBP); or
3. Resolution as directed by the Director General in accordance with Condition C18.

Mat Morris advised NBP was still receptive to the first option, however at this stage the organisation is committed to fulfilling the requirements of the second "regulatory" option. To support this option, Parklands have an acoustic consultant preparing a scientifically based scope of works being prepared for both residences. This scope is based on the DOPI issued RMS residential noise attenuation guidelines.

If agreement on a scope isn't reached, and if a private settlement isn't reached, the matter will be referred to the Director General, as per the conditions.

Chris Cherry raised the need for NBP to address attenuation issues prior to the SITG 2014 event as required under Condition C16 of the Project Approval. NBP stated they will attenuate prior to SITG 2014 unless sensitive receivers do not agree.

With respect to parachuting activities adjacent to the event site, Mat Morris advised the activity did not occur on Parklands property and was separately authorised by the licensed operator. While the firm in question separately marketed the activity he did acknowledge booking for these activities were also taken at the event. As such, NBP could elect not to promote the activity.

Two patrons at FFB were ejected after letting off fireworks. A second incident occurred, however, event security did not positively identify the person(s).

The meeting ended with appreciation expressed by the Chairman and NBP for the constructive input provided by RWG members.

The meeting ended at approximately 4.40pm.

Appendix 1: Correspondence tabled by Cr. Basil Cameron during the RWG meeting; and
Appendix 2: Correspondence tabled by Christine Cherry at the end of the RWG meeting.

Appendix 1: Correspondence tabled by Cr. Basil Cameron

North Byron Parklands Regulatory Working Group 25 March 2014

The following recommendations are made following review of the draft Performance Report #1 covering SITG 2013 and Falls Festival 2013.

Noise

1. Acoustic monitoring programs for events to comply with the minimum requirements for monitoring locations as described by consent condition C17.
2. Draft Performance Report to be amended at third last comment in right column of table on page 16 to indicate that this item was not compliant with consent condition C17, regardless of any undertaking given by NBP to undertake attenuation works.
3. Draft Performance Report to be amended at third last comment in right column of table on page 16 to clarify that the RWG did not provide advice to NBP to monitor only five locations at the Falls Festival.
4. NBP resolve non-compliant noise issues at sensitive receiver sites prior to further events featuring amplified music occurring at NBP.
5. NBP and Department of Planning and Infrastructure consider all noise mitigation measures including lowering allowable noise levels to ensure compliance with noise criteria during events.

Complaint handling

6. Second sentence in part 4.3.3 on page 34 of the Draft Performance Report be amended to read "As part of the AMP complaints management process, acoustic engineers took measurements at some complainants' residences to determine compliance with the approved noise criteria."
7. Complaint handling and reporting process to be improved to ensure that there is a response to all complaints and these are reported in future Performance Reports.
8. NBP provide copies of complaint registers to Byron Shire Council to allow for residents to confirm that complaints were recorded and the responses provided by NBP.

Telecommunications

9. NBP seek further advice from telecommunications providers to clarify whether access issues for landline services may have resulted from additional demand created by the failure of the mobile networks during SITG and FFBB as referred to in the Draft Performance Report #1 at page 40.
10. NBP ensure that additional mobile phone and data network capacity is available prior to any future events.

Comparative data during trial period

11. Future Performance Reports compare like events with like so that, for example, data from future SITG events is compared with previous SITG events, noting this may be in addition to the continual improvement reporting adopted in the Draft Performance Report.

Promotion of Falls Festival

12. Falls Festival not be promoted as 'Falls Festival Byron Bay' or in a manner that implies the event is held in Byron Bay.

Cr Basil Cameron Byron Shire Council Delegate RWG

Appendix 2: Correspondence tabled by Christine Cherry

Today's Parklands RWG meeting is the strongest opportunity the RWG have to date to improve the effectiveness of the 5 year trial period in reducing the impacts on our community and increasing the information the NSW department of planning has to make an informed decision on the continued operation of the event site in 2017.

The Project Approval states that the RWG must: meet to review the proponents performance with respect to environmental management and community relations for events held during a reporting period and where appropriate, make recommendations to the DG on measures or strategies to improve performance for future trials.

It also states in C2g) that the RWG must review community concerns or complaints with respect to environmental management and community relations.

As the Performance Report states 'this report provides an assessment of the effectiveness of the system' and 'establishes a benchmark for further monitoring and trend analysis'. We need to get it as robust as possible now, to serve the community for the next 5 years.

Traffic

Traffic for the SITG 2013 event did not meet many of the KPI's and had a significant effect on the surrounding road network. Improvements in on-site processing have been implemented and the smaller Falls Festival did not wreak so much havoc. Nevertheless when you read the Traffic Report for the Falls Festival there was significant onsite congestion due to placement of toilets, parking of service vehicles, internal conversation points which contributed to traffic chaos within the site. The larger SITG event will not have the luxury of on-site queueing possible for the FF event.

- These two festivals should not be compared as the numbers involved are too different and I strongly believe that the RWG should recommend no increase to patron numbers until it has demonstrated clearly it can meet the existing KPI's with regards to traffic for an event of the existing size. When it has achieved compliance of these KPI's there is still ample time to grow the event during the trial period.

Noise

It was demonstrated by a community funded Acoustic Monitoring Report, and subsequently admitted by NBP that the SITG 2013 event breached Noise Criteria required by the Approval at the homes of sensitive receivers. This was hoped to be addressed in the Falls festival (FF) Unfortunately the experience of immediate sensitive receivers was that noise was even louder for the Falls event. The Falls Festival Noise monitoring Results, presented in the Noise Impact Report should be attached to the Performance Report but was not. I obtained a copy by directly requesting a copy from NBP. The FF Noise Report shows noise conditions were breached significantly by the Falls Festival as follows:

- a) Noise was NOT monitored at 8 locations as required under C17c(1)
 - b) Noise monitoring did NOT include the most sensitive receivers as required under C17a)
 - c) noise limits /criteria for sensitive receivers was NOT identified (no baseline background data obtained for one of the only 3 unattended loggers presented)
 - d) ecological noise monitoring as required under the EPBC Referral Decision was NOT carried out at all.
 - e) implementation of best practice management techniques for the minimisation of noise from the site, eg insulation/double glazing of sensitive receivers was NOT carried out as required under C16e) despite a direct instruction from the DP&I to complete these works prior to the SITG 2013 event and then a further subsequent direct DP&I instruction to complete them prior to FF 2013.
 - f) Event Noise levels measured were NOT expressed in LA90 as required by the Approval B3 and specifically instructed to NBP in a letter from the DP&I dated November, 2013 to allow ease of breach identification.
 - g) Noise Monitoring was NOT carried out before, during and after the event as required under condition C42(1) with results only provided from December 31 when the event was in mid-stream and no before OR after data was provided.
 - h) Noise Impact Report was NOT attached to the Performance Report as required under C52 of the Project Approval
 - i) noise levels between 11am and midnight at sensitive receivers did NOT remain below background plus 10dba as required under B3 (2)
 - j) noise levels between midnight and 2am at sensitive receivers did NOT remain below background plus 5dba as required under B3 (4)
 - k) Falls Festival Acoustic Monitoring Plan was NOT prepared in consultation with the RWG as required under C17
 - l) Falls Festival Acoustic Monitoring Plan was NOT consistent with the Noise Management Plan as required under C17 (ie location, number and timing of monitoring was inconsistent with NMP)
 - m) additional noise mitigation measures at the residences of sensitive receivers has NOT been implemented as required under C18
 - n) Noise management plan was NOT implemented and complied with as required under C7 (3)
 - o) Noise was NOT managed to not exceed the noise criteria set out in condition B3 as required under C40 (a)
 - p) Noise within camping area between midnight and 8am did NOT support peaceful rest for overnight patrons as required under C40 (b) with music playing well into the night in the camping ground
- Condition B3 5) states that " the RWG may make a recommendation to the Director General that the noise limits imposed under this condition should be increased or decreased for future events after considering the Noise Impact Report referred to in C52 "

It is with the above significant breaches of compliance on noise levels which occurred at the Falls festival in mind that I think the RWG should make a recommendation to decrease the noise levels allowable for the next event or subsequent events until NBP can demonstrate compliance on this issue.

I believe this action would strongly encourage NBP to achieve compliance with the next event. It remains worth consideration that if the DP&I cannot enforce compliance on this issue during this TRIAL period, it would seem very unlikely that compliance would be achieved once the trial period is over and Byron Council takes over as the consent authority.

C7(5) allows for the use of a single management plan or monitoring program to be submitted in support of more than one event if it contains sufficient detail of each event. It is believed that the Noise Management Plan and Acoustic Monitoring Plan for both SITG and FF do not fulfill this criteria and a new Noise Management Plan should be required which contains noise criteria expressed using LA90 allowing direct comparison of noise criteria and acoustic event monitoring. More robust baseline data should be required. Sensitive receivers R19-31 have no baseline data to date. Baseline data needs to be taken in all seasons to accurately reflect impact of events.

RWG recommendation: A new Noise Management Plan (NMP) and new Acoustic Monitoring Plan (AMP), prepared in consultation with the RWG, is required prior to SITG 2014. The NMP must provide sufficient detail including baseline monitoring in the appropriate season for the event to be conducted, baseline monitoring for all sensitive receivers which may be used in subsequent AMP's and noise criteria to be expressed in LA90 as required by the Project Approval. The NMP also to show locations where loggers will be placed.

RWG Recommendation: That future AMP's must contain unattended logging monitoring from a minimum of 8 locations including 3 ecological locations with the locations determined in consultation with the RWG as required under C17 c(1). The AMP must provide unattended and unattended monitoring before, during and after each event as required under C17 c(2). The AMP must clearly show the noise criteria for each sensitive receiver and the levels which indicate a breach.

Flora & Fauna

1) The only Flora Fauna monitoring data collected that was able to be statistically analysed to give any real measure of impact was in the birds. Useable data was not obtained for bats, they did not get useable data for mammals. Bat data for SIG was too variable and 3 anabats were rotated between 5 locations so data taken was not simultaneous. Bat data for FF was taken in 3 impact sites with no control sites monitored, contrary to F&F Monitoring Plan. Without simultaneous control data no valid conclusions can be made. Reporting of hair funnel activity for small mammals is very difficult to understand and it would appear only control and impact sites with activity have been reported. However a "null result" or funnel with no activity is just as valid and is also a result and should be included in results.

RWG recommends all data be included in the monitoring reports and anabat detectors are in fixed locations for the duration of the event rather than moved around to different locations.

Bird monitoring data supplied such as the number of birds per transect per month comparison at both SIG and FF and total numbers of birds found, provide no information for the department to assess the impacts. A comparison of impact and control sites is needed. This is again found in table 5 showing the number of hairs found at all locations. This is useless information and provides no measure of the impact of events as there is no comparison between control and impact. If this data was compared to preconstruction monitoring it would be useful information and such info should be included there as is required under condition C20.

RWG Recommendation: The conclusion that "no significant adverse impact" have been found is misleading and should be replaced with "Data is not sufficient to make any conclusion from the monitoring program at this time."

2) The statement in the Flora and Fauna monitoring results report "hair funnelling revealed a spatially complex but consistent pattern of abundance of small mammals" at both control and impact sites is an invalid and erroneous statement. The use of hair funnels to measure mammals is inappropriate as the expert ecologist, Dr Rob Kooyman, present at the January 22, 2014 informal RWG meeting said they were not a measure of abundance, and only provided a "present or absent" measurement. This makes sense as it is impossible to tell from two hairs in a trap, if they are two animals leaving one hair each or one animal leaving 2 hairs. This type of measure will therefore NOT provide a measure of impact on individual species and does not comply with C20 -

RWG Recommendation: A better way for monitoring impact on fauna abundance is required. Elliot traps are commonly used and are suggested for future monitoring and the FFMP should be adjusted to include this. RWG recommend change to monitoring for mammals.

3) Mark Fitzgerald, the consultant ecologist responsible for the flora and fauna monitoring stated very clearly in the January 22, 2014 meeting that "since March there has been a program to extensively drain the site and that he had not factored in the intensity and scale of disturbance from that". When questioned he also stated that "extensive drainage works were likely to have impacted on the results" of fauna monitoring. It is also stated in the introduction to the Flora Fauna results that the modification of large areas of pasture, which included, extensive sub-surface drainage, aeration of topsoil, and regular slashing changed the nature of bird assemblages in the grassed areas of Parklands. These effects have not been included in the Flora and Fauna Monitoring Results and this omission is a breach of C20 requirements.

It has been wrongly stated in the Flora and Fauna monitoring results, by Dr Fitzgerald, that C20 requires monitoring of the "impacts to Flora and Fauna arising from the carrying out of events" whereas the actual requirement states that NBP "must monitor and assess the impact of the project on Flora and Fauna within and adjacent to the site" and requires the "identification of KPI's to be monitored at each location that would determine whether the operation of the project is having a detrimental effect on fauna" - this clearly requires monitoring of construction element effects - not only event impacts. This means the effects of the extensive drainage works which have been carried out as part of this project needs to be monitored and assessed and mitigated. The condition E9 requires a construction environmental management plan which is echoed in the Statement of Commitments entered into by NBP no: B6, which form part of the approval, and commits to conducting pre- construction ecological surveying and monitoring prior to the construction activities.

Feedback from RWG members regarding the Draft Flora and Fauna monitoring plan, provided to NBP prior to the submission of the Monitoring Plan to the Director General highlighted the need for robust baseline data and NBP advised they possessed enough robust baseline data to be confident to be able to measure effects.

This survey and monitoring work needs to form the basis for a true measure of baseline to determine the effects of the "impacts of the project".

Using pseudo - baseline data such as 3 days before an event looks at the effect of the event only and does not fulfill the requirements of C20.

RWG recommends baseline data carried out prior to construction activity on site be compared with monitoring results obtained since then and that this is included in the Performance Report and in the Ecological Impact Review as required by C20

4) C23 requires an on-ground search for grassy owls prior to events on site. This requirement relied on the assumption that the "cow paddock" was going to be left to regenerate for the time between events and would have long periods of inactivity. Instead the site is being regularly slashed. Have searches by a qualified ecologist occurred prior to each time of slashing as implied by the condition?

RWG recommends grassy owl searches to be carried out by qualified ecologist prior to slashing on site.

5) The habitat restoration of the 30m buffer zone in the Southern carpark with "no activity" approved was required in the NBP statement of commitments and the rehabilitation of Yelgun Creek was required under condition A2 a)3i) in Stage 1 of the project to be carried out in the first year. Yet it is reported that cattle are still grazing in these areas and will be removed April, 2014. Cattle should have been removed a long time prior to this and this constitutes a breach of the Statement of commitments and is identified in Mark Fitzgeralds report.

RWG recommend immediate removal of cattle from this buffer zone.

6) The Flora and Fauna monitoring results do not identify where the impact and control locations are in that they do not provide the direction for the transect and they do not provide the locations in relation to the layout of event activities and stage locations etc.

RWG recommend the detailed identification of control and impact monitoring sites and their relation to the layout of each event to be included in the Flora Fauna Impact report.

7) Photopoint data for Flora reporting is limited to before, during and after events and should instead be before, during and after operation of project.

RWG recommendation to include photopoint monitoring of Forest blocks and other appropriate vegetation to look at long term operation of project over 5 years, such as effect of extensive drainage works and pumping out of water from Yelgun creek which was carried out for dust suppression and road construction.

8) EPBC Referral Decision required continuous monitoring during events at specified locations and noise levels must not exceed 65dbA . This was not conducted during the Falls festival and represent a further breach of requirements.

RWG recommend EPBC Requirements of continuous acoustic monitoring at specified ecological monitoring locations during events need to be complied with.

Community Relations: 1) Complaints register:

It is reported in the Performance Report that a total of only 13 complaints regarding the impact of some 25,000 and 15,000 patrons on the surrounding mobile telecommunications network were received from the SITG 2013 and FF 2013 events. It is recognised that many people could not report their complaint to the hotline as they had no reception to phone. It was further established in talks with the Community Liaison officer that many more people had complained directly to him during his visits to community members regarding this issue. This highlights a reporting problem whereby people assume their complaint has been registered but it has not been.

RWG recommends to include complaints made directly to the Community Liaison officer in the list of formally reported complaints to give true indication of community impacts.

2) Dust suppression

Elevated traffic levels as a direct result of operation of this project are occurring on Jones' Rd throughout the year.

These residents only water supply is rainwater and as such the dust generated by the traffic from directly event site related traffic creates a health hazard and needs to be addressed immediately.

RWG recommends immediate sealing of the section of Jones' Rd which passes R05, R12 and R13. To be completed prior to SITG 2014.

Provision of Security Services

The reported death which occurred in the event area during the Falls festival 2013 has not been mentioned within the Performance Report and has been the source of much community concern. What steps are being taken, perhaps in terms of increased security patrols of the perimeter fencing to ensure this type of death can be avoided in the future?

RWG Recommends that this now be listed as an identified hazard and risk minimisation steps be included in the Environmental Health and Safety Management Manual.

Sensitive Receiver Attenuation:

This is a trial. The sensitive receivers should remain sensitive receivers throughout the trial, and careful records should be kept of the noise that they experience during each event, based on accurate monitoring at the required locations and complete and accurate reporting of that monitoring. That's the only way the DPI will be able to assess NBP's performance and the only way Byron Council will be able to take over as the consent authority and set effective conditions for future events at the end of the trial. NBP shouldn't be allowed to transform this trial into a done deal, whereby no further noise measurements are taken at sensitive receivers.

For the same reason, it's not right for NBP try to get the sensitive receivers de-classified as sensitive receivers. Noise monitoring at all sensitive receivers should be done for each event throughout the trial, as specified in the PAC approval. Ideally, Byron Shire Council will do its own independent monitoring of noise at the same locations, and perhaps other locations, to provide a check on the NBP monitoring. The monitoring for SITG was ineffective and inaccurate, and none was done at critical locations R12 and R13 during FF, when the noise was even louder. That should not be allowed to happen again for the remainder of the trial.

11) Condition C16 vs Condition C18. Condition C16 (requiring attenuation before the first event) has been ignored by NBP, even after being expressly told in July 2013 to attend to that condition asap. NBP is now focusing on Condition C18 as the relevant condition. However, C18 is supposed to come into play as a follow-up to C16, not a substitute for C16. A proper attempt at attenuation needs to be made and its effectiveness judged by noise monitoring and the assessment of the residents. If that attenuation is not effective in keeping the noise within limits, then C18 comes into play. NBP keeps interpreting these two conditions to their advantage, and that isn't right. (See C16, C17, and C18 below for details.) RWG Recommends NBP MUST address attenuation prior to SITG 2014 as required under C16

The NBP SOC's C14 16B also commits to implementing "best practice mitigation measures listed within the Noise Management Strategy in consultation with the three residents identified as potentially being exposed to elevated noise emissions (R05, R12 and R13). Parkland will undertake monitoring during events to confirm effectiveness of noise mitigation measures"

It is unreasonable for people living directly next to the events site to be removed as sensitive receivers and monitoring at these locations should continue for all trial events.

RWG recommends all future events must provide unattended and attended noise monitoring at 3 immediate sensitive receivers identified as R05, R12. R13 before during and after each event.