

DEVELOPMENT ASSESSMENT REPORT - DA078/13 - PROPOSED 3 DAY MUSIC & ART FESTIVAL, EURELLA 602 UPPER NILE ROAD GLEN ALICE NSW 2849

1. PROPOSAL

Council is in receipt of a Development Application DA078/13 for a three day music and art festival each year on land known as Lot 12 DP 755796, Lot 3 DP 755796 & Lot 11 DP 755796 at 'Eurella' 602 Upper Nile Road Glen Alice NSW 2849. However the development will be assessed as one event only in this instance.

The existing site is used for grazing, with private property to the west, Upper Nile Road to the east and Wollemi National Park/ World Heritage Area to the south and surrounding the valley area as shown in Image 1.

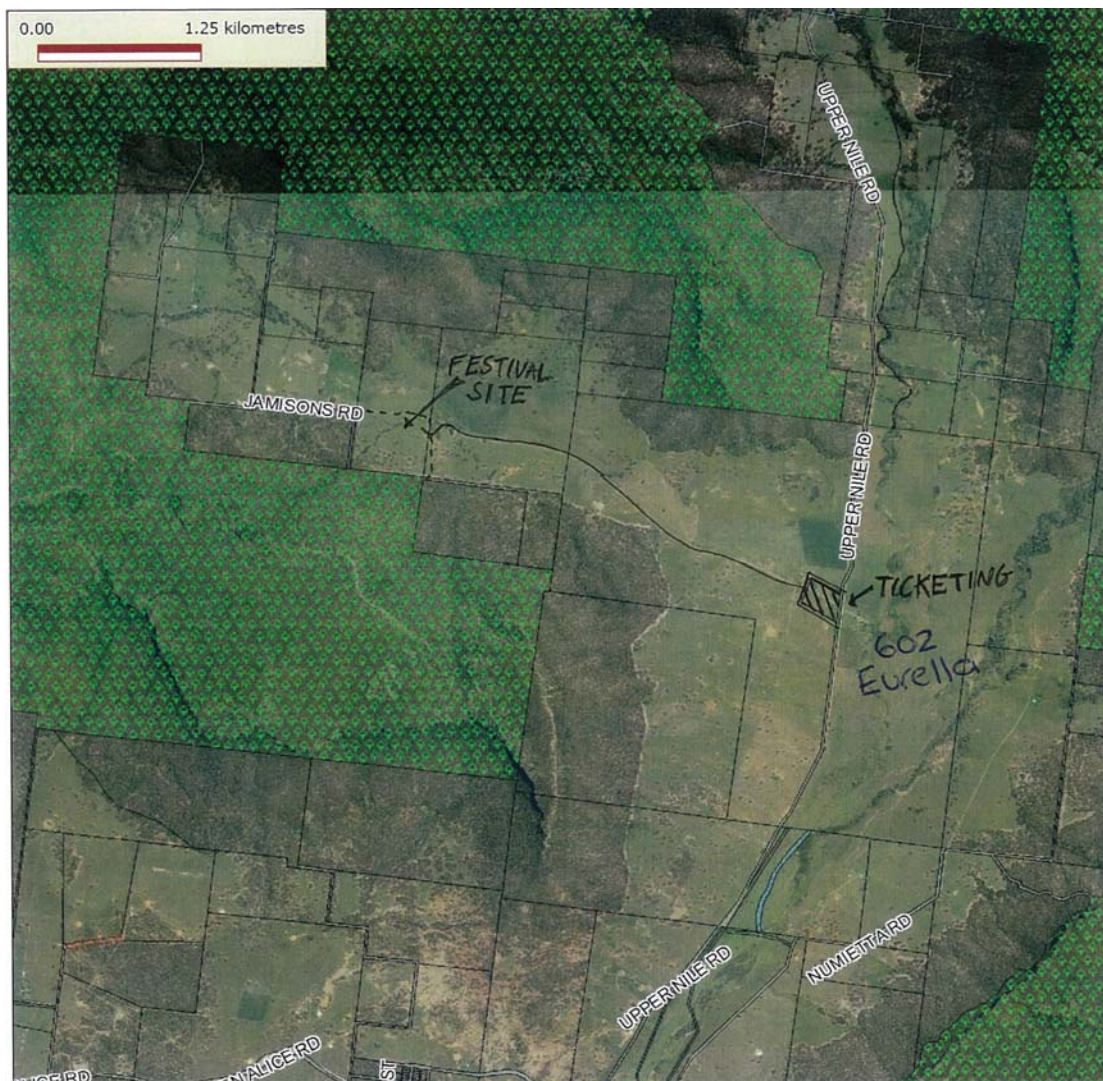


Image 1- locality map, 'Eurella' 602 Upper Nile Road, Glen Alice

The festival will extend over three day days from Friday to Sunday with a proposed maximum 1800 tickets for patrons and approximately 300 crew, volunteers, artists etc. This is expected to grow in future years of the festival. Camping will be made available to all patrons onsite in a designated area.

The festival is open to all ages and the proposed dates are 23rd to the 25th August 2013. The set up includes: cooking facilities, restaurants, food and merchandise stalls, workshops, kids zone, cinema, art gallery/exhibition spaces, games areas. There will also be water stations, markets and a first aid area incorporated in the site.

A number of structures are proposed onsite including scaffolding, marquees, caravans and similar temporary structures. Three main structures include:

1. 24hour 'Life Cycle' stage – being electronic producers and DJ's
2. 'Stampede' stage.- being live bands, electronic producers and DJ's
3. 'Zoolu' stage- being markets, workshops, music, performance and chill area.

The event is BYO alcohol, as no licenced premises will be onsite with no glass to be taken to the site. Toilets, water, food, and camp fires will be provided for patron's onsite. All patrons will be travelling to the site by car, with deliveries in other vehicles such as trucks, trailers, caravans etc.

The festival will be run off generators, with lights, sound systems and food vendors to use these systems for the three days of the festival. Music will be non stop from 8pm Friday to 6pm Sunday



Image 2- Site layout for the festival

2. SUMMARY

To assess and recommend determination of DA078/13. Recommendation will be for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 12 DP 755796, Lot 3 DP 755796 & Lot 11 DP 755796
Property Address : 'Eurella' 602 Upper Nile Road Glen Alice NSW 2849

4. ZONING: The land is zoned 1(a) (General Rural) in accordance with Council's current planning instrument, being Rylstone Shire Local Environmental Plan (LEP) 1996.

5. PERMISSIBILITY: The development is considered to be defined as being a 'place of assembly' as below:

"place of assembly" means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment.

The development can be considered to be an open-air theatre and music bowl under this definition being three stages for a music festival and is considered permissible under Rylstone Local Environmental Plan 1996, Clause 9 subject to development consent.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Nil.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Lithgow City Council Section 94A Development Contributions Plan 2012 is applicable for this Development Application. However the levy applied is 0% given that the estimated cost of the development is \$95,000 and therefore no levy is applicable for this development.

5.3 LEGAL IMPLICATIONS

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

132 Primitive camping grounds

(1) *If an approval to operate a primitive camping ground designates one or more camp sites within that ground, then the maximum number of designated camp sites is not to exceed a mean average of 2 for each hectare of the camping ground (where that figure is the average calculated over the total area of the primitive camping ground).*

(2) *The following conditions apply to a primitive camping ground:*

(a) *if the approval to operate the primitive camping ground designates one or more camp sites within that ground-camping is not permitted within the primitive camping ground other than on those designated camp sites,*

(b) *if the approval to operate the primitive camping ground does not designate one or more camp sites within that ground-the maximum number of caravans, campervans and*

tents permitted to use the camping ground at any one time is not to exceed a mean average of 2 for each hectare of the camping ground (where that figure is the average calculated over the total area of the primitive camping ground),

(c) a caravan, annexe or campervan must not be allowed to be installed closer than 6 metres to any other caravan, annexe, campervan or tent,

(d) a tent must not be allowed to be installed closer than 6 metres to any caravan, annexe or campervan or closer than 3 metres to any other tent,

(e) the camping ground must be provided with a water supply, toilet and refuse disposal facilities as specified in the approval for the camping ground,

(f) unoccupied caravans, campervans and tents are not to be allowed to remain in the camping ground for more than 24 hours,

(g) if a fee is charged for camping, a register must be kept that contains entries concerning the same matters as are specified in clause 122 and, in addition, that specifies the size of the group (if any) with whom the person listed in the register camped,

(h) such fire fighting facilities as may be specified in the approval are to be provided at the primitive camping ground.

(3) If the approval to operate a primitive camping site does not designate camp sites, a council may impose as a condition of the approval that the installation of tents, caravans, campervans and annexes is not permitted on a particular area or areas of land within the primitive camping ground, for reasons of health or safety or to ensure consistency with the principles of ecologically sustainable development or for any other purpose.

(4) The provisions of Subdivisions 1-8 do not apply to a primitive camping ground.

(5) For the purposes of subclause (2) (b), in the calculation of the number of tents using a camping ground, 2 or more tents occupied by not more than 12 persons camping together as a group are to be counted as only one tent.

161 Setbacks for tents, caravans and associated structures and annexes

A tent or caravan (including any associated structure or annexe) must not be located:

(a) closer than one metre to an access road, or

(b) closer than 2 metres to the boundary of the camping ground or caravan park.

Comment: The property is requesting 2 camping areas with ample space which is permissible. Two areas on the property have been provided in the site map, one for crew and one for patrons. The rest of the property will be used for different activities such as stage areas, food stalls, car parking, etc.

If the application is approved then the following conditions will be applied to the consent to ensure compliance with the Regulation:

1. In accordance with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, the development must comply with the following:

'a tent must not be allowed to be installed closer than 6 metres to any caravan, annexe or campervan or closer than 3 metres to any other tent,'

As such the application meets the above requirements.

Conveyancing Act 1919

There are no legal implications of this act on the proposed development.

Environmental Protection and Biodiversity Conservation Act 1991

No federally listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, there are no legal implications of this act on the proposed development.

National Parks and Wildlife Act 1974

There are no legal implications of this act on the proposed development. The proposal was submitted to the National Parks and Wildlife Authority for commenting as detailed further in this report under 'submissions made in accordance with the Act'.

Native Vegetation Act 2003

No native vegetation is required to be cleared as a result of this application. Accordingly, there are no legal implications of this act on the proposed development.

Protection of the Environment Operations Act 1997

There are no legal implications of this act on the proposed development.

Roads Act 1993

The proposal is considered to be integrated under this Act and therefore the approval of the Roads and Maritime Services was required. The recommendations outlined by their assessment are detailed further in this report under 'submissions made in accordance with the Act'. It is considered that the development is compliant under the provision of this Act subject to conditions of consent.

Rural Fires Act 1997

The development is considered to be integrated under this act (via Section 79C of the EP & A Act 1979). Accordingly the approval of the Rural Fire Service is required prior to Council being in a position to determine the application. Approval from the Rural Fire Service has been obtained and is discussed later in this report under "submissions made in accordance with the act".

Threatened Species Conservation Act 1995

No state listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, there are no legal implications of this act on the proposed development.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Rylstone Local Environmental Plan 1996

LEP 1996 – Compliance Check		
	Clause	Compliance
9	1(a) (General Rural) zoning table	Yes
10	General considerations for development within rural zones	Yes
29	Land subject to bushfire hazards	Yes

Comment:

It is considered that the development will not impact the agricultural viability of the land as grazing land as the event is for a short period of time on only a small section of the property. The development is providing land for non-agricultural purposes for a short period of time potentially increasing tourism and exposure of the area. The development is permissible and is considered to meet the aims and objectives of the zone.

In regards to Clause 10 the development will not impede the existing agricultural use of the land or the land capability in regard to rural land uses. There will be no need to extend public amenities with the maintenance of the road to be done by the applicant as discussed further in this report, with no financial impact on Council. It is considered that given the length of the event and only being once a year that there will be minimal impact on flora and fauna in the area.

The development has also been referred to the Rural Fire Service for comment in regard to bushfire hazards. It is considered that the development will be able to minimise bushfire risks subject to recommendations outlined further in this report under 'submissions made in accordance with the Act'.

Therefore, it is considered that the proposed development will comply with the provisions of the LEP.

State Environmental Planning Policy 64- Advertising and Signage

SEPP 64 – Compliance Check		
	Clause	Compliance
3	Aims Objectives etc.	Yes
Part 3	Division 1- General	Yes
	Division 2- Control of advertisements	Yes
	Division 3- Particular advertisements	Yes
Schedule 1	Assessment Criteria	Yes

Comment:

The development signage is not specified, however will be minimal from the public road. Signage is restricted by requirements of the Roads and Maritime Services as detailed further in this report under 'submissions made in accordance with the Act'. Generally, there will be no signage along the public roads unless detailed in the traffic management plan and approved by Council officers. Other signage will be on private property with some clear signage to the festival placed internally on the site and temporary signage around the event. It will be a restriction of this consent that no signage be permanent and all signage is to be taken down two days after the event has been finalised. It is considered that given the RMS restrictions and that all signage will be temporary that the development complies with the SEPP.

State Environmental Planning Policy 44 – Koala Habitat Protection

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies.

Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

The SEPP provides the following definitions:

core koala habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA. The nearest to the subject land being over 10 kms away.

Clause 17 of the SEPP states that Council's must take into consideration the guidelines that are relevant to the exercise of the function.

The Draft SEPP 44 Guidelines (1996) by NPWS allows the following actions:

4. Facilitation of certain development proposals

Having undertaken a review of existing information and some preliminary site investigations, an applicant may, with the written agreement of the consent authority and following advice from the NPWS, adopt one of the following courses of action.

- (i) *Conclude that an area does not contain koala habitat by virtue of its nature or location (for example, the site is devoid of trees or located in the centre of a CBD) and that there is no need to proceed further with the SEPP 44 assessment.*
- (ii) *Conclude that the proposed development, by its nature, would not alter the situation presently existing on the site for koalas and koala habitat (for example, minor extension to a dwelling).*

Comment:

Given that no trees are to be removed as part of the development, and the section of the subject site to be utilised is mainly sparse trees and grazing land it is considered unnecessary to proceed further with SEPP 44 assessment.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 Traffic generating development to be referred to the RMS

Purpose of development	Size or capacity—site with access to any road	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
<i>Parking</i>	<i>200 or more motor vehicles</i>	<i>50 or more motor vehicles</i>
<i>Tourist facilities, recreation facilities, showgrounds or sportsgrounds</i>	<i>200 or more motor vehicles</i>	<i>50 or more motor vehicles</i>

Comment: This development will generate more than 200 vehicles a day with parking onsite. Therefore the application was referred to the Roads and Maritime Services (RMS) who commented on the application with recommendations outlined further in this report under 'submissions made in accordance with the Act'. It is considered that with these recommendations the proposal meets the requirements of the SEPP.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

None. The application was lodged prior to the exhibition of draft LEP 2013.

5.3.3 Any Development Control Plan

Off Street Carparking DCP – Compliance Check		
	Clause	Compliance
3.0	Objectives	Yes
6.0	Car Parking Standards	Yes
7.0	Construction standards	N/A

Comment:

This DCP does not technically apply to land within the old Rylstone shire area, however the principles are still assessed as part of this development. The development meets the objectives of the DCP as the development will be providing ample space for cars during the event. There is no specific car parking standards or construction standards for this type of development. The area is a rural zoning with most of the car parking being part of the camping area which is approximately 3.05ha. However other parking for day participants will be provided off the entranceway before entering the main event site area. This day/visitor parking will be an area of 3000m². There is proposed to be approximately 781 cars attending the event with over 40m² of space available per car. It is considered that the development is compliant with the off street carparking DCP, with the parking expected to have less of an impact with the proposed conditions of consent if approved.

Guidelines for Outdoor Signage DCP – Compliance Check		
	Clause	Compliance
1	Purpose	Yes
1.1	Rules	Yes
1.2	Guidelines	Yes
1.3	Criteria	Yes
2	What signs are Exempt or Complying Development?	

Comment:

The development will utilise temporary signage only with all signage to be within the boundaries of the property on posts, fencing, using banners, directional signage and flags. It is considered the majority of the signage would be exempt from Council approval, however is being assessed as part of the proposal. Signs are to be placed no earlier than 28 days prior to the event and are to be removed within 7 days after the event. It is considered that given the types and nature of the signage that the development will comply with the provisions of the DCP and the proposed conditions of consent will further minimise the potential impacts of any signage.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

There are no demolition works, rebuilding or extension of buildings proposed as part of this application. However the development was referred to Council's Building Surveyors for assessment under the appropriate regulations in regards to temporary structures, with recommendations outlined further in this report under 'submissions made in accordance with the Act'.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Water:

The development proposes to have water available for patrons in designated areas from tanks that will be refilled by a tanker when required during the event. There will be water also available for all food stalls and catering area. It is considered that there will be adequate water available for patrons, subject to below conditions.

The development will have minimal impact on watercourses and dams, with these areas to be fenced off from patrons. Only one section of a dry creek will be traversed by foot to gain access to Stage 1 of the festival site.

Advice from the NSW Office of Water was obtained for the footway that would be crossing a second order tributary of the river in this location on Lot 12 DP755796. It was advised that due to the following no referral would be required to the NSW Office of Water:

- It is a rural area and for a footway access only with no machine works proposed;
- Very minor works are required;
- Nothing proposed is permanent;
- Potential for Council to condition rehabilitation after the event for this section and potential fencing off of other river areas to control that crossing area be used.

Therefore, Council did not refer the application to the NSW Office of Water, however would include rehabilitation conditions of consent as advised. This crossing site will be stabilised to prevent any damage to the embankment by using Astroturf to cover the bare area and removed after the event. In circumstances of extreme heavy rain, the festival will hire and have installed appropriate scaffold to protect the crossing further. It is considered that these actions would be appropriate for the event subject to the following conditions:

1. That potable water is available to all festival patrons and food catering services for the entirety of each festival.
2. All dams and watercourses (including creek beds) are to be adequately fenced to prevent damage and risk to patrons.
3. That the crossing of the east creek in the festival site to gain access to Stage One, be the only area where the creek is crossed by staff or patrons of the festival. This area is to be rehabilitated after the event, including revegetation and stabilisation of soils.
4. The bare earth of the footway area across the dry creek to stage one of the festival sites is covered by Astroturf or similar material during the event to prevent further damage to the creek. Remediation of this area should continue each year to improve the site area overall.
5. That in the event of heavy rains where the creek east of the festival site is flowing, the applicant is to hire and install appropriate scaffolding that is safe for patrons to cross the creek into the Stage one area of the site, preventing damage to the waterway. This scaffolding is to be removed after the event, with remediation to the creek section where appropriate.

It is considered that with the development will have minimal impact in regards to water subject to the above conditions.

Bushfire:

The property is classed as being bushfire prone, with the property being relatively cleared with scattered trees and some temporary structures to be put in place. The application was referred to the Rural Fire Service (RFS) to assess as a special fire protection purpose as the development will involve a large number of people not familiar with the area in the event of an emergency. The RFS has provided comments and conditions further in this report if the application is approved and therefore it is considered that the development can adequately minimise bushfire risks.

Adjoining Landuse:

The surrounding development is typical of rural developments with national parks and scattered dwellings. The scale of the proposal would be considered suitable to the area being only 1800 patrons for the first event. The area is generally used for grazing lands by the owner of the property with the adjoining land smaller rural allotments with some dwellings. It is expected that the impact on the adjoining land uses will be minimised by conditions of consent if approved as discussed in this report. Additionally, the following conditions are proposed to minimise impact on adjoining land owners:

- 1) Any lighting from the event is to be directed away or shielded from the closest dwellings.
- 2) The applicant is to undertake a letter box drop to all sensitive receivers outlined in Appendix 3 of the 'Psyfari Festival- Development Application submissions' dated 5/7/13, before the event to alleviate any concerns of residents.

Context and Setting:

The proposed development will be located within an established rural area with the development designed to complement existing features utilising the existing lay of the land and natural features. The proposed development will have no major impact on the context and setting of the area as all facilities are only temporary and the development will promote the area positively.

Access, Transport and Traffic:

Access to the proposed development is off Upper Nile Road, onto a private road that travels east to connect to Jamison Road (Crown). All of these roads are unsealed, compacted gravel roads, with Upper Nile Road maintained by Council. The ticketing area at the front of the property off Upper Nile Road will be located 250m inside the property boundaries allowing for a queuing area to minimise traffic impact on the Upper Nile Road.

There are two parking areas, one for camping and another for day/visitor parking which will be marshalled to allow sufficient organisation. Emergency vehicle access will be provided at all times with access to be within the site and kept clear at all times.

The development has been considered by the Roads and Maritime Services, the Traffic Advisory Local Committee and Council's Engineers with recommendations outlined under 'submissions made in accordance with the Act'. The development details that approximately 781 cars will be travelling to and from and parking at the festival site. The event is for one weekend a year with majority of traffic movements happening on the Friday and Sunday of the festival.

It is considered that given proposed conditions of consent that impacts caused by traffic will be minimised for this development.

Soils:

The proposed development will have minimal impact on soils and there is no reason to believe the site would be affected by acid sulphate soil or contamination problems. There will be no earthworks or clearing undertaken. However, the site may become disturbed through use during events with slashing of grasses and the use of the land for parking, camping, markets, walkways etc. Accordingly, if approved the following conditions will be placed on the consent:

1. All damaged areas on the property are to be re-seeded as soon as practicable after the event
2. Any water logged soils are to be fenced off from parking and camping areas prior to the commencement of the event.
3. That a Management Plan is to be submitted to Council prior to the event, detailing the management of sediment and erosion, dust, wet weather and rehabilitation of the land after the event.

Air and Microclimate:

Significant impacts on air or microclimate are unlikely as there will be no earthworks and water trucks are proposed to suppress dust where necessary. If the development is approved the following condition of consent would be imposed to reduce any potential dust issues.

1. The applicant shall ensure that during events all measures are taken to eliminate/suppress any dust nuisance emanating from the site. Accordingly, dust is not to impact on neighbouring properties.

Flora and Fauna:

The NSW National Parks and Wildlife Service (NPWS) Mudgee Area have reviewed the Development Application DA078/13 regarding a proposed 3-day music festival to be held on private property in Glen Alice adjoining Wollemi National Park. This was in regards to potential impacts to flora and fauna and the World Heritage area itself.

The DA sufficiently addresses all aspects that would be of concern to the NPWS and as such we do not require any restrictions or provisions to be imposed on the development. It is considered that given the development is for a three day period once a year with no permanent structures or clearing that the development will have minimal impact on flora and fauna.

Waste:

All attendees are responsible for their own waste with waste packs including garbage bags to be given to patrons when entering the site, skip bins and wheelie bins will also be scattered on the festival site.

All waste will be separated into composting (food scraps small paper etc), recycling (aluminium cans, plastic bottles etc) and landfill, which will all be taken off site appropriately. All rubbish type waste will be removed from the site after the event to the Lithgow waste facility.

The applicant requested that composting onsite be allowed with workshops, however it is in Council's interest to not allow this as it is not part of a domestic use.

The management of waste throughout the event will be conditioned in the consent as below:

1. All rubbish type waste generated from the event will need to be adequately managed and removed off the property after the event to the Lithgow waste facility or similar licensed premises. Council may undertake post event inspections, to ensure the site is left in an appropriate condition.
2. That no composting be undertaken onsite with all waste to be removed from the property after the event. No waste is to be disposed of on the property or surrounding properties in any way.
3. No waste is to be taken to the Glen Davis waste facility.
4. Adequate rubbish facilities are to be provided onsite for the event and removed within 24 hours of the event.

Noise and Vibration:

The property is located within the rural zone. The NSW Industrial Noise Policy 2000 and Noise Guide for Local Government 2004, are required to be used for this assessment.

NSW Industrial Noise Policy 2000

Examples of noise sources that are NOT dealt with by the policy are:

- *transportation corridors (roadways, railways and air corridors)*
- *motor sport facilities*
- *construction activities*
- *noise sources covered by regulations (domestic/neighbourhood noise).*

As above it is noted that the NSW Industrial noise policy apply to the development and the basic principles can be implemented from this plan. The assessment has been undertaken by Council's Environmental officer with appropriate conditions of consent implemented in accordance with this Policy.

Noise Guide for Local Government 2004

In this guide the 'Offensive noise' is defined in the dictionary of the POEO Act as noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:*
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.*

The POEO Act and Noise Control Regulation allow for an assessment of offensive noise in some neighbourhood noise situations without the use of a sound level meter to measure actual noise levels. Councils need to determine, on a case-by-case basis, whether a noise impact assessment should be reviewed internally, or whether external experts should be commissioned. Conditions of approval/consent can be used to require noise mitigation.

It is considered that the development proposes to implement a noise management plan which includes:

- siting the three stages to be as far away from residents as possible, and using the topography of the site to provide some shielding
- orienting stages and speakers away from residential areas
- instructing sound engineers for each stage to keep the bass noise down
- keeping the local community informed about the music festival operating times and providing them with a contact number for the complaints handling.

However to reduce noise impacts further it is considered that the conditions of consent recommended by Council's Environmental & Health Officer under 'submissions made in accordance with the Act' minimise any potential issues that could arise throughout the event. These recommendations have been sought from case study examples within the Noise Guide for Local Government 2004 document. This includes Council undertaken independent testing and minimizing the levels of noise that would be permitted during certain times.

Therefore, given the camping, parking and stage areas are to be located away from any dwelling it may help minimise impacts of noise for the 3 day period from 8pm on Friday to 6pm on Sunday. Additionally, the event activities will be minimised from view from adjoining properties with noise to be restricted day, evening and night as per the Environmental Officer recommendations. As the event is located in a rural setting and occurs over a three day period once a year, the proposal is not expected to cause long term major noise impacts on the locality. However, conditions will be implemented to minimise noise impacts further if the development is approved.

Services: Portable composting toilets are proposed to be delivered and removed immediately after the event. No effluent or grey water will be disposed of at the site as the toilets will be emptied off site by an appropriate licenced contractor. Lights and catering will also be brought to the site and removed after the event. There will need to be ongoing management of toilet and lighting will need to be directed away from the closest dwelling. These impacts will be conditioned in the consent if approved as follows:

1. That at least 1 toilet facility per 130 spectators and staff be provided at the event.
2. Any lighting from the event will need to be directed away or shielded from the closest dwelling.
3. That all toilet facility and associated waste are to be removed from the site within 48 hours of the event.
4. Ongoing management of toilet facilities must be undertaken throughout the event.

Social and Economic Impact:

The event is proposed to be a three day event once a year and is expected to attract a maximum of 2500 staff and patrons. Therefore the event will provide positive social and economic benefits to the area, promoting the location and tourism. Local community groups are proposed to provide food and services to the event allowing for potential financial flow on effects. As such the event is unlikely to cause any detrimental social and economic impacts.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for mainly rural pursuits, with national parks and residential dwellings scattered around the area. The size and nature of the development is expected to have minimal impact on surrounding neighbours subject to conditions of consent if the application is approved.

The site is sheltered and would be considered suitable for this type of proposed development at this scale. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity subject to conditions.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to the Rural Fire Service (RFS), Roads & Maritime Services (RMS), Office of Environment & Heritage- National Parks and Wildlife Services (NPWS), Council's Engineers, Council's Building Officer and Council's Environmental Officer for commenting with recommendations outlined below:

Rural Fire Service (RFS)

The service provides the following recommended conditions:

1. The Lithgow Fire Control Centre shall be contacted to make arrangements for the on-site RFS attendance during the festival.

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. The entire Festival Site shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of *Planning for Bush Fire Protection 2006* and NSW Rural Fire Services' document *Standards for asset protection zones*.
3. A 10 metre minimum setback shall be provided around the perimeter of the festival site and kept clear at all times to allow for free and unhindered tanker access.

Water and Utilities

The intent of measures is to provide adequate services of water or the protection of 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. To achieve this, the following conditions shall apply:

4. In recognition that no reticulated water supply exists, a 10000 litre water supply shall be provided for each of the stages, the market area and camping grounds for fire fighting purposes.

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. To achieve this, the following conditions shall apply:

5. In recognition of the isolated location of the development an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document *Guidelines for the Protection of Emergency/ Evacuation plan*.

Roads & Maritime Services (RMS)

Roads and Maritime Services has no objections to the event taking place. RMS provides the following recommendations for consideration by Council:

- Any recommendations made by the Lithgow Local Traffic Committee are to be adopted.
- A Traffic Control Plan (TCP) shall be developed. The TCP should detail the location of signage and traffic controllers.
- All signage erected on public roads shall be erected by Lithgow City Council. No signage shall be erected or positioned on or adjoining the Castlereagh Highway .
- Any conditions or instructions Police place on this event are to be met.
- That Public Liability Insurance in the amount of twenty million dollars (\$20,000,000) is held indemnifying the "Roads and Maritime Service (RMS) and employees" from any liability resulting from the holding of the event.
- That emergency services and local hospitals are notified of the proposed event.
- All instructions given by the Police and/or other Authorities are to be followed.
- Only certified traffic controllers are to control traffic

Office of Environment & Heritage- National Parks and Wildlife Services (NPWS)

The NSW National Parks and Wildlife Service (NPWS) Mudgee Area have reviewed the Development Application DA078/13 regarding a proposed 3-day music festival to be held on private property in Glen Alice adjoining Wollemi National Park.

The DA sufficiently addresses all aspects that would be of concern to the NPWS and as such we do not require any restrictions or provisions to be imposed on the development.

Council's Engineers- Traffic Advisory Local Committee

Original correspondence detailed that the following was required:

1. A traffic control plan/map with risk assessment as part of the Traffic Management Plan detailing signage/ traffic marshals/ disabled access and disabled parking etc
2. Police Schedule 1 form may be required- notice of intention to hold a public assembly. Please liaise with the local Police to organise this documentation.
3. Details of traffic controllers certifications
4. A copy of public liability with Lithgow City Council as an interested party

It is considered that these conditions may be adopted for the event.

I refer to the abovementioned development application in regards to your referral dated 17 April 2013 and provide the following comments. The application was sent to TALC on the 6 June 2013 in regards to the PsyFari Music Festival with the following outcomes:

SUMMARY

Council has received an application for the PsyFari Music and Arts Festival to be held on private property on the Upper Nile Road at Glen Alice for three days commencing on Friday 23 August until Sunday 25 August.

COMMENTARY

It was noted that:

- *There are no issues with traffic as internal parking and queuing will be provided and vehicles will attend the event at intermittent intervals*
- *Wet weather could be an issue for vehicles*
- *Issues with road signage for the event- who is erecting signage and are they qualified?*
- *Limit of insurance for the event.*

RECOMMENDATION- That Council write to the PsyFari event organiser requesting;

- 1. A wet weather plan for traffic attending the event**
- 2. Increased indemnity insurance to the value of 20 million dollars**
- 3. No signage to be placed on roads but road safety information provided in correspondence to attendees**

MOVED: David Vant **SECONDED:** Geoff Ferris

It is noted that a wet weather contingency plan has now been provided and that there is no objections to the proposal subject to the following conditions of consent being imposed:

1. That the wet weather plan for traffic attending the event be implemented when appropriate and to Council's satisfaction. The applicant is to contact Council the day prior to the event, to advise if the wet weather plan is to be implemented.
2. That no signage is to be placed on roads but road safety information provided in correspondence to attendees.
3. A Traffic Management Plan is to be undertaken, submitted and approved by Council prior to the event.
4. The applicant is to comply with all requests from the Police, Council and the Traffic Advisory Local Committee with regards to traffic management measures that may arise prior and during the event.
5. That prior to the event the applicant arrange inspections with Council's Operations Department to establish the existing condition of Upper Nile Road. Once the event has been completed, any adverse damage evident on Upper Nile Road is to be rectified at full cost to the applicant, with any works to be undertaken to be in correlation to advice and the supervision of Council's Operations Department.

Advisory Note:

- That a minimum value of \$20,000,000 indemnity insurance is required by the Traffic Advisory Committee and the Roads and Maritime Services

Building Officer

I refer to the abovementioned development application in regards to your referral dated 17 April 2013 and provide the following comments.

The applicant is proposing an annual three (3) day music and art festival at the abovementioned property. The application provides for three (3) stages, two (2) toilet block facilities, a market/art section, two (2) camping facilities (separate crew and guest areas) and food stalls.

Temporary structures, (i.e. the stages and toilet blocks) will be constructed onsite and removed post event. No Construction Certificate or approval under Section 68 of the Local Government Act for these structures is warranted due to the temporary nature of these structures. Structural Certification prepared by a practicing structural engineer for the stage structures will be submitted to Council prior to the event taking place. An inspection of the temporary structures will also be required to be undertaken by Council prior to the event taking place.

Blackwater is currently proposed to be stored in holding tanks and taken offsite for disposal to sewer by waste disposal company 'Williams Liquid Waste Services'. Solid waste however is proposed to be stored onsite for composting to occur. It is recommended that this **does not** take place as no details for such activity have been provided to Council for consideration. Additionally, this process would generally require approval under Section 68 of the Local Government Act for onsite wastewater disposal. No such consent has been applied for in conjunction with this application.

A condition of consent will be placed on the approval requiring **all** effluent (wastewater and solids) be taken offsite and appropriately disposed of. Should the applicant wish to pursue onsite wastewater disposal for a future event, the applicant will have to apply for Modification of Consent to remove this condition and concurrently apply for approval under Section 68 of the Local Government Act for onsite wastewater disposal.

Therefore, there is no objection to the proposal given the following conditions of consent:

General Requirements

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

That no human waste (blackwater, solids or the like) be disposed of onsite (composting included). An authorised human waste collection contractor is to be engaged to collect and dispose of all human waste to an approved sewerage treatment facility. A written statement prepared by the human waste collection contractor is to be submitted to Council upon disposal of all human waste to this facility. Further details of effluent disposal are to be provided to Council prior to commencement of the event.

Requirements Prior to Commencement of the Event

Stage structures are to be erected and maintained in accordance with approved details prepared by a practising structural engineer. Upon erection and prior to use, stages are to be inspected by Council. Structural details are to be submitted in this regard.

Requirements upon Completion of the Event

That all temporary structures be completely dismantled and removed from the site within fourteen (14) days of completion of the event.

Advisory Note:

Consideration should be given to any roles and responsibilities outlined within the 'Disability Discrimination Act 1992' (DDA) that may apply to this event.

Environmental Officer

No objection to the proposal subject to the following conditions of consent:

1. That real time noise monitoring at sensitive receivers must be undertaken throughout the event. This is to form a report to be supplied to Council after the event in compliance with all noise related conditions of consent.
2. A-weighted sound pressure level (LA10.T) at sensitive receivers must not exceed:
 - 5 dB(A) above ambient background level (LA90.T) between 12am and 10am; and
 - 65dB(A) during 10am- 12am with the LC_{max} not exceeding 85dB(C)
Council may accept an exceedence of these noise limits during a single 5 minute period during the first 15min of each new performance which will not be taken to be a breach.
3. A sound check by Council staff will be taken the day before the festival involving playing music from each of the three stages to measure noise at nearby residential location(s) or receiver for a period of 15min intervals. If these sound checks find a non compliance then noise reduction will be required prior to the event.
4. The applicant at all times must take all measures to minimise intrusive noise impacts and reduce community annoyance and respond to requests by Council throughout the event.
5. That a list of all food providers be submitted to Council prior to the event, with each providers facility being in accordance with the NSW Food Authority Temporary Premises Guidelines. Arrangements will be made with Council's Health & Environmental Officer for inspections of food facilities under the NSW Food Act once food providers have been established for the event.

5.3.9 The public interest

The development was placed on public exhibition with nearby residents and community groups of the Glen Alice and Glen Davis areas notified. There was a total of 12 submissions received (4 being from community groups), with 3 submissions in support of the proposal, 5 raising concerns but not objecting to the proposal and 4 objections.

The submissions are summarised as follows:

Reasons For:

- Great benefit to all, boosting the local economy and is a great way of advertising the Capertee Valley
- Revenue generated could flow onto further improvements i.e. roads. The location is perfect and will minimise noise travelling with all negatives able to be overcome.
- Anything to get more people into the beautiful valley to promote it for all residents is a positive.

Objections/ Concerns Raised:

Traffic & traffic safety

- *That the dust from roads will impact the area with the increased traffic;*
- *That the roads will be degraded by the major increased use within a short period of time;*
- *That adequate traffic speeds and safety signs should be addressed for the events;*
- *That the increased traffic will mean increased risks for these roads;*
- *That the proponent should contribute to local road upgrades and maintenance instead of the ratepayers;*
- *That there is no traffic management plan in the event of wet weather.*
- *Cattle movements along local roads during this time may be restricted due to increased number of vehicle movements on local roads, impacting on the farming community. Alternatively if farmers continue to move cattle along local roads there is a safety issue to drivers with the increased vehicle movements in these areas.*
- *Unofficial signs for the festival placed along the roads is a safety concern;*

Comments: The development is for one weekend a year with the majority of traffic movements happening prior to the event and after the event. It is considered that the proposal of water tanks for dust suppression will minimise potential impacts. It is considered that a letter box drop as will also minimise potential conflict with farmers with cattle in the area. It has been considered by the applicant that if the event was to grow, then contributions could be arranged towards the maintenance/ upgrade of local roads in an agreement with Council, however for the first event this is not viable. It is considered that any damage to roads is the responsibility of the controlling authority of that road unless otherwise specified by conditions of consent. The development has been assessed by the TALC committee, Roads and Maritime Services and Council's Engineers who have provided recommendations that will alleviate the majority of the abovementioned concerns. This includes a traffic management plan and that all signage erected on public roads is to be erected by Lithgow City Council.

Noise

- *No information on the nearest homesteads have been detailed in the acoustic report;*
- *That the background ambient noise is higher being 35dbA than the usual rural area noise of 22dbA meaning the acoustic report is incorrect;*
- *That the area chosen may form a natural amplifier increasing noise across the area, impacting on residents;*
- *That the noise mitigation plan is inadequate, given the proposal is for 24 hours a day of music without detailing the proposed measurements at the nearest receptors; and*
- *That event noise monitoring should be undertaken and submitted to Council for clarification and assessment after the first event to verify any potential issues.*

Comment: The development has been assessed by the National Parks and Wildlife Services who consider given the short period in which the noise will be produced it is expected to have minimal impact on the surrounding natural environment. However Council considers that the development should be restricted to minimise noise impact on the surrounding environment and residents. It is considered that given the recommendations by Councils Environmental & Health Officer that the potential noise impacts will be substantially reduced. However, given the minimal information submitted to assess the potential noise impacts, the development will be restricted to one event with the following condition of consent.

1. That this application is for one event only during 2013 with no subsequent event approved by this application. However, future events may be applied for after evidence can be provided from the 2013 event that the festival can be undertaken in a way that is not intrusive to the surrounding locality.

If after this event it can be proven that the development will have minimal impact regarding intrusive noise on neighbouring areas, the applicant will be required to approach Council for additional assessment of any future events.

Complaints Handling

- *That the phone at the 'Eurella House' will not be manned at all times by an employee of the event;*
- *That it is unclear how complaints will be dealt with during the event.*

Comment: It has been indicated by the applicant that a permanent landline is available at the Eurella House. In the case of any complaints a mobile team will also be available to deal with any issues i.e. noise complaints etc. There will be a complaints register (including: time/date, nature of complaint, by who/contact details, time of incident, action taken, follow up and resolution), where all complaints will be recorded and actioned appropriately. It is considered that the following conditions of consent should be implemented to alleviate concerns in regards to complaints handling:

1. That the Complaints & Incident Procedure Log adequately represent any complaints that are received during the event, one week prior to the event (set up period) and one week after the event (clean up period). This Complaints & Incidents Procedure Log is to be completed with all resolutions

- and a copy submitted to Council within one month from the completion of the event.
2. That the contact information for the complaints handling service be submitted in conjunction with the letter box drop advising residents prior to the event. This information is to be provided on a sign at the front to the property and on the event website during the event. This information is also to be supplied to Council prior to the event.
 3. That the land line at the property be manned at all times, to allow appropriate logging of all complaints, and immediate action if required.

Waste Disposal

- *That the Glen Davis local waste facility is almost at capacity and should not be used for any of the waste produced at this festival; and*
- *That there will be increased rubbish along the roads after the event.*

Comment: It is considered that with the condition of consent restricting waste disposal to the Lithgow Waste Facility only, that there will be no impacts on the Glen Davis facility. Additionally, the following condition should be imposed to minimise rubbish along the roads after the event:

1. That after the event, a clean up of waste along Upper Nile Road be undertaken, in a safe manner, with all waste disposed of appropriately at the Lithgow Waste Facility.

Environmental

- *That no appropriate assessment of flora and fauna has been undertaken by the applicant;*
- *The area is renowned to be a breeding place for vulnerable, endangered and threatened species with the potential for the noise, dust and other impacts to affect this breeding area;*
- *That the noise will impact on the wilderness and world heritage areas of Stacks Ridge; and*
- *That the toilet facilities should be located 100m or more away from any watercourses.*
- *Camp fires being allowed should be controlled*

Comment: The flora and fauna was assessed by The National Parks and Wildlife with no objections raised or recommendations required. It was considered that given there is no clearing and the event is for a three day period once a year that the potential impacts would be minimal on the surrounding environment. Remediation will be required for ground cover of the site and clean up of rubbish after the event will minimise impact on the wildlife further.

In regards to the toilet facilities the following condition of consent will be imposed:

1. That all toilet facilities be located on a flat surface and at least 100m away from any watercourse.

The Rural Fire Service has also provided comments in regards to bushfire risk, however the campfires will be controlled by the following conditions:

2. That any fuel/wood used in the designated camp fires, be controlled by the festival staff, with access to all fuel and wood restricted from festival patrons. No other fires will be permitted during the festival other than designated camp fires.

Security

- *That offsite security should be provided for residents and adjoining properties to protect private property impacts;*
- *That there is no way of controlling the numbers of patrons that arrive to the festival or the ability to police drug and alcohol consumption. This is also due to the allowance of pass-outs; and*
- *That there will be a general lack of police presence.*

Comments: The applicant has provided details of the security services that will be employed for the event being Alternative Security Services (ASS), who are a company experienced in this area. Additionally, site crew, staff and management of the festival will be in contact with security at all times for appropriate management. It is considered that any concerns raised by adjoining landowners throughout the events should be raised through the complaints handling services and be dealt with by the applicant, landowner and potentially the Police if necessary. The Police will be notified and liaised with for the event and have provided comment on the development through the TALC process internally with Council.

However to further increase security measures the following conditions of consent will be imposed:

1. That the responsibility of security staff includes all items listed in the Statement of Environmental Effect in addition to preventing patrons from entering private properties not part of the festival event.
2. That access paths to other private properties not part of the event are to be fenced in a manner that will act as a deterrent to all patrons. This may include signage that details private property i.e. 'private property- do not enter'.

Conflicts

- *That no cost from this event should be incurred directly or indirectly to the community i.e. by increased rates due to increased maintenance of roads;*
- *That showers should be provided onsite as the existing public showers could not handle the amount of use from this type of event if patrons choose to use them;*
- *That there is no foreseeable benefits for the immediate local area as a result of this event;*
- *That the development will conflict with the existing home stay/ farm stay type accommodations which promote, rural peaceful wilderness areas;*
- *That the development does not meet the zone objectives of the Local Environmental Plan;*
- *That the development conflicts with the existing bird watching communities, with August being the busiest month in the area for these proceedings; and*

Comment: It is not expected that a festival of this size will increase any indirect or direct cost onto the community, most of the services will be sourced from elsewhere and brought to the site i.e. water.

It is also controlled with the applicant being requested to maintain the road at the current standard after the event for the Upper Nile Road and the responsibility will lie with the controlling authority for any other road. The proposal does not include showers, however for future events they may be provided for patrons. It is expected that the development will have benefits on the local area as it will cause exposure for local tourism which has flow on effects to the community. Additionally the development is sourcing many local businesses to be used at the events. The development has been found to meet the objective of the zone as it will not impact on the agricultural viability of the land as previously discussed.

Other

- *There needs to be the availability to communicate with emergency services easily;*
- *It is not clear who the legal entity is in regards to who is responsible or the group to approach if something happens and who is to be approached about breaches etc;*
- *Is there public liability insurance;*
- *Ticketing sold now prior to approval, gives the impressions that the DA was always going to be approved*
- *That the attendees to the festival should be capped*

Comment: It has been indicated that a satellite phone will be provided for contacting emergency services, which will be a condition of consent. It is considered that the legal entity would be the applicant or the owner of the land in this instance and any breaches of conditions would be followed up with either. There will be details of public liability insurance provided to Council prior to the event at an amount of \$20,000,000 cover. It is considered that the ticketing of the festival is outside Council's control and not an issue to be dealt with through its development assessment. Lastly, the development is proposed to have a maximum of 1800 patrons for the event, and therefore the following condition will be imposed on the development to prevent numbers not being exceeded.

1. That the event includes only 2500 people in total, including patrons, staff, crew, musicians and festival managers.
2. That a dedicated phone be provided during the event (which may be a landline or satellite phone) that is to be reserved to contact emergency services.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA078/13 is approved subject to conditions set out in Schedule A.

Report prepared by:.....Supervisor:.....

Dated:.....Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. That the event includes only 2500 people in total, including patrons, staff, crew, musicians and festival managers.
3. This application is for one event only during 2013 with no subsequent events approved by this application.
4. The applicant is to comply with all requests from the Police, Council and the Traffic Advisory Local Committee with regards to traffic management measures that may arise prior and during the event.

PRIOR TO THE FESTIVAL

Structures

5. Stage structures are to be erected and maintained in accordance with approved details prepared by a practising structural engineer. Upon erection and prior to use, stages are to be inspected by Council. Structural details are to be submitted in this regard.

Emergency Services Requirements

6. Police Schedule 1 form may be required- Notice of Intention to Hold a Public Assembly. Please liaise with the local Police to organise this documentation.
7. Any conditions or instructions Police place on this event are to be met.
8. That emergency services and local hospitals are notified of the proposed event.

Traffic and Access

9. That the wet weather plan for traffic attending the event be implemented when appropriate and to Council's satisfaction. The applicant is to contact Council the day prior to the event, to advise if the wet weather plan is to be implemented.
10. That no signage is to be placed on roads but road safety information provided in correspondence to attendees.
11. A Traffic Management Plan is to be undertaken, submitted and approved by Council prior to the event. A traffic control plan/map with risk assessment as part of the Traffic Management Plan detailing signage/ traffic marshals/ disabled access and disabled parking etc. Details of traffic controllers certifications is also to be provided where appropriate.

12. That prior to the event the applicant arrange inspections with Council's Operations Department to establish the existing condition of Upper Nile Road. Once the event has been completed, any damage evident on Upper Nile Road is to be rectified at full cost to the applicant, with any works to be undertaken to be in correlation to advice and the supervision of Council's Operations Department.
13. All signage erected on public roads shall be erected by Lithgow City Council. No signage shall be erected or positioned on or adjoining the Castlereagh Highway .
14. That the Public Liability Insurance in the amount of twenty million dollars (\$20,000,000) is held indemnifying the "Roads and Maritime Service (RMS) and employees" from any liability resulting from the holding of the event.
15. Only certified traffic controllers are to control traffic

Amenity

16. A sound check by Council staff will be undertaken the day before the festival involving playing music from each of the three stages to measure noise at nearby residential location(s) or receiver for a period of 15min intervals. If these sound checks find a non compliance then noise reduction will be required prior to the event.
17. Any lighting from the event is to be directed away or shielded from the closest dwellings.
18. The applicant is to undertake a letter box drop to all sensitive receivers outlined in Appendix 3 of the 'Psyfari Festival- Development Application submissions' dated 5/7/13, before the event to alleviate any concerns of residents.

Environmental Protection

19. That a Management Plan is to be submitted to Council prior to the event, detailing the management of sediment and erosion, dust, wet weather and rehabilitation of the land after the event.

Food Providers

20. That a list of all food providers be submitted to Council prior to the event, with each providers facility being in accordance with the NSW Food Authority Temporary Premises Guidelines. Arrangements will be made with Council's Heath & Environmental Officer for inspections of food facilities under the NSW Food Act once food providers have been established for the event.

Waste Management

21. That no human waste (blackwater, solids or the like) be disposed of onsite (composting included). An authorised human waste collection contractor is to be engaged to collect and dispose of all human waste to an approved sewerage treatment facility. A written statement prepared by the human waste collection contractor is to be submitted to Council upon disposal of all human waste to this facility. Further details of effluent disposal are to be provided to Council prior to commencement of the event.

DURING THE FESTIVAL

Security

22. That the responsibility of security staff includes all items listed in the Statement of Environmental Effect in addition to preventing patrons from entering private properties not part of the festival event.

23. That access paths to other private properties not part of the event are to be fenced in a manner that will act as a deterrent to all patrons. This may include signage that details private property i.e. 'private property- do not enter'.

Facilities

24. Prior to the event, the applicant shall provide definitive details of the number of toilet facilities proposed in relation to the estimated number of patrons and evidence that the number of toilet facilities will be adequate. Council reserves the right to require additional toilet facilities if not satisfied with this justification.
25. That all toilet facilities be located on a flat surface and at least 100m away from any watercourse.
26. That any fuel/wood used in the designated camp fires, be controlled by the festival staff, with access to all fuel and wood restricted from festival patrons. No other fires will be permitted during the festival other than designated camp fires.
27. That a dedicated phone be provided during the event (which may be a landline or satellite phone) that is to be reserved to contact emergency services.
28. Parking on the property is to be adequately managed by marshals within the designated areas as defined in the Traffic Management Plan (Figment Hub) and/or traffic cones, barriers etc and is to be buffered at least 100m from any adjoining property.
29. That potable water is available to all festival patrons and food catering services for the entirety of each festival.
30. In accordance with the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, the development must comply with the following:

'a tent must not be allowed to be installed closer than 6 metres to any caravan, annexe or campervan or closer than 3 metres to any other tent,'

Amenity

31. That real time noise monitoring at sensitive receivers must be undertaken throughout the event. This is to form a report to be supplied to Council after the event in compliance with all noise related conditions of consent.
32. A-weighted sound pressure level (LA10.T) at sensitive receivers must not exceed:
- 5 dB(A) above ambient background level (LA90.T) between 12am and 10am; and
 - 65dB(A) during 10am- 12am with the LC_{max} not exceeding 85dB(C)
- Council may accept an exceedence of these noise limits during a single 5 minute period during the first 15min of each new performance which will not be taken to be a breach.
33. The applicant at all times must take all measures to minimise intrusive noise impacts and reduce community annoyance and respond to requests by Council throughout the event.
34. Any lighting from the event will need to be directed away or shielded from the closest dwelling.
35. Any water logged soils are to be fenced off from parking and camping areas prior to the commencement of the event.

36. The applicant shall ensure that during events all measures are taken to eliminate/suppress any dust nuisance emanating from the site. Accordingly, dust is not to impact on neighbouring properties.

Complaints Handling

37. That the Complaints & Incident Procedure Log adequately represent any complaints that are received during the event, one week prior to the event (set up period) and one week after the event (clean up period). This Complaints & Incidents Procedure Log is to be completed with all resolutions and a copy submitted to Council within one month from the completion of the event.
38. That the contact information for the complaints handling service be submitted in conjunction with the letter box drop advising residents prior to the event. This information is to be provided on a sign at the front to the property and on the event website during the event. This information is also to be supplied to Council prior to the event.
39. That the land line at the property be manned at all times, to allow appropriate logging of all complaints, and immediate action if required.

Waste Management

40. Unless otherwise required by virtue of condition 24, as a minimum 1 toilet facility per 132 spectators and staff be provided at the event.
41. Ongoing management of toilet facilities must be undertaken throughout the event.
42. All rubbish type waste generated from the event will need to be adequately managed and removed off the property after the event to the Lithgow waste facility or similar licensed premises. The applicant shall also put in place facilities for recycling. Council may undertake post event inspections, to ensure the site is left in an appropriate condition.
43. That no composting be undertaken onsite with all waste to be removed from the property after the event. No waste is to be disposed of on the property or surrounding properties in any way.
44. Adequate rubbish facilities are to be provided onsite for the event and removed within 24 hours of the event.
45. No waste is to be taken to the Glen Davis waste facility or any other rural garbage depot operated by Lithgow City Council.

Rural Fire Service Requirements

46. The Lithgow Fire Control Centre shall be contacted to make arrangements for the on-site RFS attendance during the festival.
47. The entire Festival Site shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of *Planning for Bush Fire Protection 2006* and NSW Rural Fire Services' document *Standards for asset protection zones*.
48. A 10 metre minimum setback shall be provided around the perimeter of the festival site and kept clear at all times to allow for free and unhindered tanker access.
49. In recognition that no reticulated water supply exists, a 10000 litre water supply shall be provided for each of the stages, the market area and camping grounds for fire fighting purposes.

50. In recognition of the isolated location of the development an emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document *Guidelines for the Protection of Emergency/ Evacuation plan*

Emergency Services

51. All instructions given by the Police and/or other Authorities are to be followed.

Environment

52. All dams and watercourses (including creek beds) are to be adequately fenced to prevent damage and risk to patrons.
53. The bare earth of the footway area across the dry creek to stage one of the festival sites is to be covered by Astroturf or similar material during the event to prevent further damage to the creek. Remediation of this area should continue each year to improve the site area overall.
54. That the crossing of the east creek in the festival site to gain access to Stage One, be the only area where the creek is crossed by staff or patrons of the festival. This area is to be rehabilitated after the event, including revegetation and stabilisation of soils.
55. That in the event of heavy rains where the creek east of the festival site is flowing, the applicant is to hire and install appropriate scaffolding that is safe for patrons to cross the creek into the Stage one area of the site, preventing damage to the waterway. This scaffolding is to be removed after the event, with remediation to the creek section where appropriate.

POST FESTIVAL

Amenity

56. That after the event, a clean up of waste along Upper Nile Road be undertaken, in a safe manner, with all waste disposed of appropriately at the Lithgow Waste Facility.
57. All damaged areas on the property are to be re-seeded as soon as practicable after the event
58. All signage associated with the event is to be taken down two days after the event has been finalised.

Waste Management

59. That all toilet facility and associated waste are to be removed from the site within 48 hours of the event.

Structures

60. That all temporary structures be completely dismantled and removed from the site within fourteen (14) days of completion of the event.

ADVISORY NOTES

Catchment Management Authority (CMA) Clearing Approvals

- AN1. That no clearing of native vegetation has been approved as part of this consent. Any future clearing of native vegetation may require approval from the Hawkesbury Nepean CMA. It is advised that you contact the CMA prior to any native vegetation clearing.

Threatened Species

AN2. No Threatened Species or Endangered Ecological Community listed under the Threatened Species Conversation Act 1995, the Environment Protection and Biodiversity Conservation Act 1999 or the associated Regulations are to be cleared as result of this Approval. This includes for fencing or accessways

Disability Discrimination Act 1992

AN3. Consideration should be given to any roles and responsibilities outlined within the 'Disability Discrimination Act 1992' (DDA) that may apply to this event

Public Liability Insurance

AN4. That a minimum value of \$20,000,000 indemnity insurance is required by the Traffic Advisory Committee and the Roads and Maritime Services. A copy is to be supplied to Council prior to the event for Council records.

0.00 1.25 kilometres





Image 2- Site layout for the festival