

**Mayor:** Cr K Milne

**Councillors:** P Allsop  
R Byrnes (Deputy Mayor)  
C Cherry  
R Cooper  
J Owen  
W Polglase

# Agenda

## **Extraordinary Council Meeting Thursday 15 March 2018**

held at  
**Council Chambers, Murwillumbah Civic & Cultural Centre,  
Tumbulgum Road, Murwillumbah**  
commencing at 6.00pm

# Principles for Local Government

The object of the principles for Tweed Shire Council, as set out in Section 8 of the Local Government Amendment (Governance and Planning) Bill 2016, is to provide guidance to enable council to carry out its functions in a way that facilitates a local community that is strong, healthy and prosperous.

## Guiding Principles for Tweed Shire Council

### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by Tweed Shire Council:

- (a) Provide strong and effective representation, leadership, planning and decision-making.
- (b) Carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Work with others to secure appropriate services for local community needs.
- (h) Act fairly, ethically and without bias in the interests of the local community.
- (i) Be responsible employers and provide a consultative and supportive working environment for staff.

### (2) Decision-making

The following principles apply to decision-making by Tweed Shire Council (subject to any other applicable law):

- (a) Recognise diverse local community needs and interests.
- (b) Consider social justice principles.
- (c) Consider the long term and cumulative effects of actions on future generations.
- (d) Consider the principles of ecologically sustainable development.
- (e) Decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

### (3) Community participation

Council should actively engage with the local community, through the use of the integrated planning and reporting framework and other measures.

**Items for Consideration of Council:**

<b>ITEM</b>	<b>PRECIS</b>	<b>PAGE</b>
	<b>REPORTS FROM THE GENERAL MANAGER</b>	<b>5</b>
	<b>REPORTS FROM THE DIRECTOR PLANNING AND REGULATION</b>	<b>5</b>
<b>1</b>	<b>[PR-CM] Development Application DA18/0099 for the Drop Music Festival to be held on 17 March 2018 at Ebenezer Park at Lots 7339-7344 DP 116619, Lot 704 DP 877249, Lot 448 &amp; 653 DP 755740, Lot 703 DP 877250, Coral Street, Lot 7038 DP 1055266 Hill Street, T</b>	<b>7</b>

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## REPORTS FROM THE GENERAL MANAGER

### REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

#### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Section 4.15 Evaluation

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*),that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations, (e) the public interest.

**Note.** See section 75P(2)(a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

(2) **Compliance with non-discretionary development standards—development other than complying development.**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

- (3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:
- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
  - (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

**Note.** The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

- 1 [PR-CM] Development Application DA18/0099 for the Drop Music Festival to be held on 17 March 2018 at Ebenezer Park at Lots 7339-7344 DP 116619, Lot 704 DP 877249, Lot 448 & 653 DP 755740, Lot 703 DP 877250, Coral Street, Lot 7038 DP 1055266 Hill Street, T

**SUBMITTED BY:** Development Assessment and Compliance

mhm



Making decisions with you  
*We're in this together*

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Making decisions with you
- 2.1 Built Environment
- 2.1.2 Development Assessment - To assess development applications lodged with Council to achieve quality land use outcomes and to assist people to understand the development process.

**ROLE:** Provider

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#### **SUMMARY OF REPORT:**

Council is in receipt of a development application that proposes the 'Drop' Music Festival to be held on Saturday 17 March 2018, located at the Ebenezer Park Tweed Heads. The Music Festival is expected to host a maximum of 5,000 people commencing at 4.00pm and concluding at 10.00pm.

The Music Festival is an event operating in partnership with the World Surfing League and the three World Championship Events in Australia being; Snapper Rocks Gold Coast, Bells Beach Victoria, Margaret River Western Australia. It is expected approximately 50% of the music festival attendees will be from the Snapper Rocks surfing event which will be in the area, with approximately 60% of music festival attendees expected from Queensland. The music event is to commence after the surfing event which will mean that parking and traffic issues will be reduced due to the attendees and vehicles of the surfing event leaving the area before the music event commences.

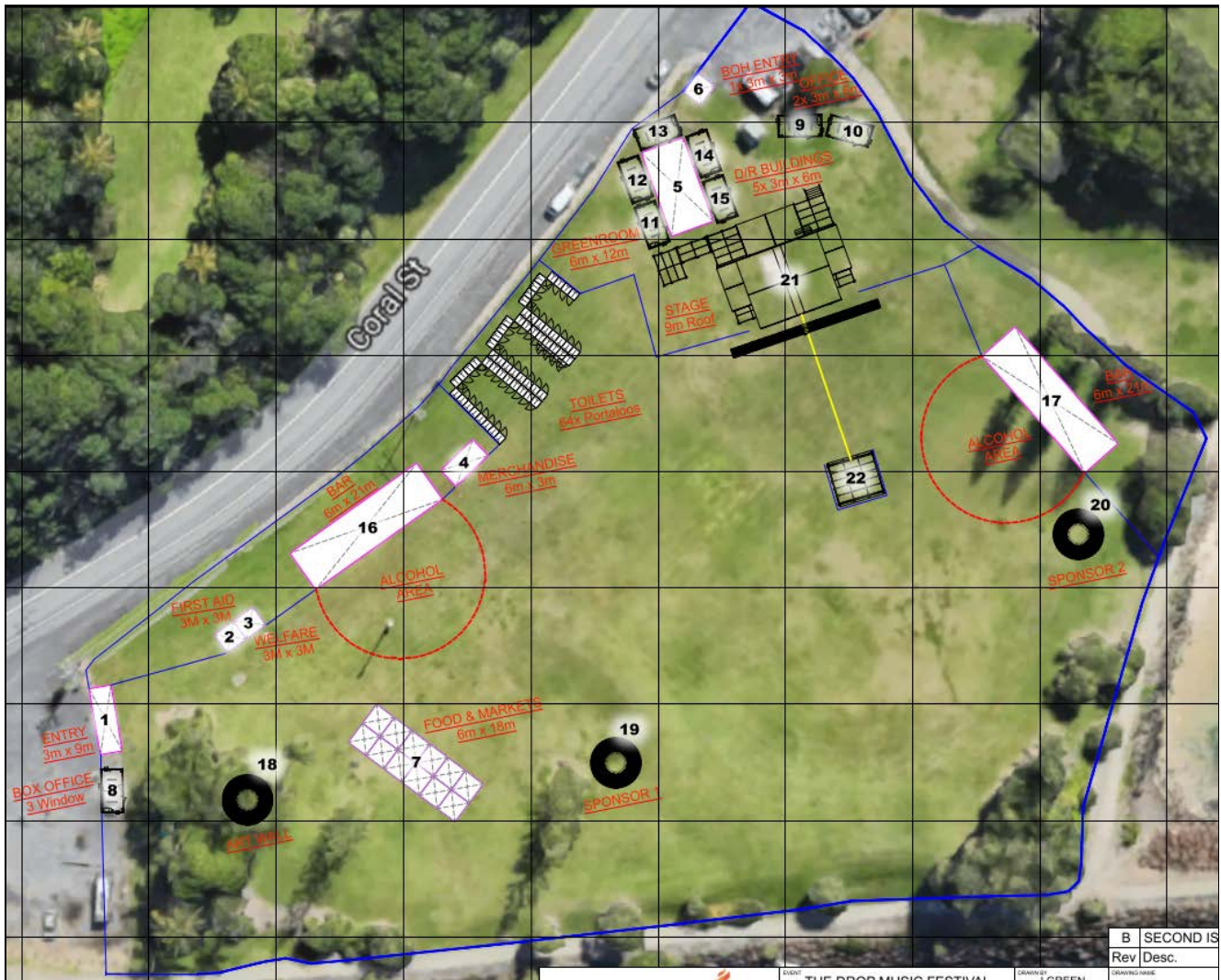


Figure – Site Plan

The development application was advertised for a period of 14 days from 21 February 2018 to 7 March 2018. Council received one submission which did not object to the proposal, however the submission requested that Council consider allowing the use of adjoining parklands for the use of car parking for the Music Festival. Council officers have advised that parking is not permitted on the Jack Evans Boat Harbour Park, however, Council will allow parking on Hill Street parkland and a drop off area within the Old Aquatic Centre Park on Coral Street. These areas will form part of this development application assessment.





**Figure - Aerial of the proposed parking area on Hill Street and drop off area at the Old Aquatic Centre Park**

The main aspects of the Festival are provided below:

### **THE DATE OF THE DROP MUSIC FESTIVAL**

The Drop Music Festival is a One-Day Music Festival held on Saturday 17 March 2018, operating between the hours of 4:00pm - 10:00pm. The first band will commence at 4:30pm with the peak period being 6:30pm to 8:30pm.

### **ERECTION OF TEMPORARY STRUCTURES**

Commence: Monday 12 March 2018 – Saturday 17 March 2018

Removal of structures: Sunday 18 March 2018 – Tuesday 20 March 2018

Site Access Hours: 7:00am – 6:00pm

The following temporary structures will be brought into the site for the festival:

- 1.8m mesh panel fencing surrounding the festival site and internal infrastructure
- Crowd control fencing
- Crowd stage barrier
- Food service area
- Bar service area

- Merchandise outlet
- Entry
- First Aid Area
- 6m x 3m site sheds for offices, talent and green rooms
- 64 x Portaloo's (including 4 x disabled)

The application was referred internally and reviewed by officers in the Building, Environmental Health, Traffic, Recreation Services, Natural Resource Management and Waste Units. Approval of the application is recommended by these Units subject to the imposition of conditions on any consent issued. The main issues relating to the proposal are; Traffic, Parking, Noise, Waste, Health, Safety and Park Restoration.

### Traffic and Parking

A Traffic Management Plan (TMP) (as amended) was reviewed and supported by both Council's Traffic Engineer and the NSW Police. The TMP proposes the closure of Coral Street approximately 100m either side of Ebenezer Park. A drop off area is proposed in the Old Aquatic Centre Park and a parking area is proposed within Hill Street Park. The general public will be able to access Duranbah Beach via Hill Street and Eden Street. The applicant states that the parking area will provide for 500 car spaces, however, Council staff are of the opinion it is more likely to accommodate 150 car spaces.



### Noise

Council's Environmental Unit reviewed the proposal and did not raise an objection in relation to noise, subject to standard conditions, restricting the hours of use and maximum level of noise at a residential premise.

### Waste

Waste is required to be contained in suitable bins and disposed of at a licenced waste or recycling facility.

### Health

A Medical Management Plan has been provided which states that medical services will be provided on site at all times covering life support, emergency care, and First Aid.

### Safety

The main objective of the NSW Police is to provide safety for the community and event users. The NSW Police recommended that the portion of Coral Street (100m either side of Ebenezer Park) be closed to reduce the risk of vehicles injuring event users. The use of police and drug dogs and security will be provided for the duration of the music festival.

### Park Restoration

Council's Recreation Services Unit has raised a bond amount which is to be paid prior to the event commencing. Charges have also been raised for the use of the three parks.

### Vegetation

Council's Natural Resource Management Unit noted that the festival area encapsulates two areas of vegetation comprising more common local native species and would recommend that these areas be fenced for the duration of the festival to avoid damage/vandalism. The recommended alignment of fencing (i.e. chain mesh, barrier mesh style) is shown in green on the attached marked up plan, which has formed part of the recommended approved plan list.

### Fauna

The following migratory and other beach nesting birds have been recorded within 5 kilometres of the subject site:

- Haematopus longirostris - Pied Oystercatcher
- Sternula albifrons - Little Tern
- Haliaeetus leucogaster - White-bellied Sea-Eagle
- Charadrius leschenaultii - Greater Sand-plover
- Charadrius mongolus - Lesser Sand-plover

A large proportion of those records have been made along the foreshore of Letitia Spit to the south of the Tweed River with a precision of 1000m. Council's NRM Unit has no anecdotal/incidental record (noting that site specific surveys have not been undertaken by

Council) of any of the abovementioned species utilising the foreshore habitat and immediate landward parkland area - within the generally bounds of the proposed festival. Given the duration/temporary nature of the event Council's NRM Unit raise no concerns with respect to potential impact on migratory bird species or other native fauna.

The application was referred externally to the NSW Police Force. The Police advised that they would prefer that a portion of Coral Street fronting Ebenezer Park be closed to improve safety and security for the attendees, this has been incorporated within the amended Traffic Management Plan endorsed by the Police. The Police raised no objection to the proposal.

The application was previously reported to the Tweed Coast Reserve Trust held on Thursday 15 February 2018 seeking landowners consent. The meeting resolved to grant land owners consent by the Executive Manager. Council's General Manager (Executive Manager) provided landowners consent 22 February 2018. The Department of Land and Property Management Authority has provided land owners consent for the use of the three sites being; Ebenezer Park, Old Aquatic Centre Park and Hill Street Park.

The proposed development is recommended for conditional approval.

#### **RECOMMENDATION:**

**That Development Application DA18/0099 for the Drop Music Festival to be held on 17 March 2018 at Ebenezer Park at Lots 7339-7344 DP 116619, Lot 704 DP 877249, Lot 448 & 653 DP 755740, Lot 703 DP 877250, Coral Street, Lot 7038 DP 1055266 Hill Street, Tweed Heads be approved subject to the following conditions:**

#### **GENERAL**

- 1. The development shall be completed in accordance with the Statement of Environmental Effects and Plan Nos sheet 1 of 1 REV B Site Plan and Lighting Plan, prepared by Phoenix and dated 08.12.17, Plan LP v 3 and 6925 v3 prepared by Traffic Plan Professionals dated 04/03/2018, Plan titled Vegetation Protection Plan, prepared by Phoenix and dated 08.12.17 except where varied by the conditions of this consent.**  
[GEN0005]
- 2. This consent is for the Drop Music Festival to be held on 17 March 2018 at Ebenezer Park.**
- 3. Prior to bump in for the event, the event organiser is to arrange a site meeting with Council's Park Supervisor to address any access and layout requirements and to establish the general condition of the ground. It is the responsibility of the organisers to arrange this meeting in a timely manner.**
- 4. The event organiser shall keep the said area and buildings clean and tidy and all papers and other rubbish shall be collected and removed. The organiser shall immediately repair and make good damage occasioned by their use of the said area.**
- 5. The event organiser shall indemnify and keep indemnified the Trust and the Minister administering the Crown Lands Act against all actions, suits, claims, debts, obligations and other liabilities during the continuation of the Licence and**

further. The Licensee shall take out a public risk insurance policy with reputable insurance office, approved by the Trust, in the names of the Licensee, the Trust and the Minister administering the Crown Lands Acts insuring them against such of the said matters as can be insured against to the sum of not less than \$10,000,000 and shall produce at any time when required by the Trust or the Minister the last renewal receipt of payment of such premium thereon.

6. The event organiser shall obtain and maintain all other insurance as may be required by the Workers' Compensation Act or any other Act or Acts of Parliament in regard to the conduct of activities of the licensee on the demise premises. Copy of such is to be forwarded to the Trust.
7. The event organiser shall indemnify the Minister administering the Crown Lands Act and the Trust in respect of any claim which may arise out of the Licensee's use and/or occupation of the area covered by this Licence.
8. No relationship of landlord and tenant is or is intended to be created between the parties hereto by virtue of this licence or in any way whatsoever.
9. The activity shall not be conducted unless supervised by a Manager, being the event organiser or an authorised employee of the Licensee.
10. The Manager or other authorised employee of the Licensee responsible for supervising activities, must be a person approved by the appropriate controlling body.
11. This approval is subject to the provisions of the Crown Lands Act, 1989, including Sections 108 and 109 of that Act.
12. The event organiser shall not interfere with any other person authorised by the Trust to use the reserve or any part thereof.
13. The event organiser shall ensure that all efforts are made to minimise disturbance to local residents or other users of the respective areas.
14. The public address system and amplified music shall be operated so as not to impact the amenity of the area or any residential premises. Use of the system and in particular the volume of the system shall be modified in accordance with any directions of relevant Council officers.
15. Structures shall not be erected in Trust reserves, carparks or beaches without the prior approval of Council (certificates shall be submitted stating that any scaffolding or platforms meet relevant WorkCover requirements.)
16. A person must not:
  - (a) damage, deface or interfere with any structure, flora, fauna or naturally occurring feature on the site; or
  - (b) remain in a reserve / park or any part of a reserve / park or any building, structure or enclosure in the reserve when reasonably requested to leave by an authorised person; or

- (c) leave in a reserve any refuse, waste material, scrap metal (including any vehicle or vehicle part), rock, soil, sand, stone or other such substances.
17. Traffic control and parking shall be undertaken consistent with the approved Traffic Management Plan, and the NSW Police service shall be liaised with regarding implementation of the plan.
18. Current WorkCover licenses shall be provided for any security services used during the event.
19. The licensee shall ensure amusement devices are operated in accordance with NSW WorkCover requirements.
20. All provision for electricity supply or distribution at the event must be consistent with AS/NZ 3002:2008 "Electrical installations - Shows and Carnivals" and related standards as referenced. [GENNS01]
21. Waste generated as a result of the event must be contained in suitable bins and disposed of at a licenced waste or recycling facility. [GENNS02]
22. Event organisers must pay all park use fees as determined by Council. Additionally, a deposit as determined by Council must be paid before bump in for the event. The deposit is fully refundable once use of the park is complete and there has been no damage or other problems with the parks. [GENNS03]
23. **Event Parking**
- i. Ensure clear directions for a safe pedestrian path from the carpark to the event. The path should be off road, well-lit and clearly marked.
  - ii. A night time assessment of lighting should be conducted to ensure the pedestrian path from the event to the designated carpark is adequately lit.
  - iii. Parking marshals should direct motorists to parking spaces to maximise parking and ensure organised and safe traffic flow.
  - iv. Install additional parking directional signs on Hill Street.
  - v. Inform and direct motorists when the carpark is full. Advanced notice is required so they do not enter Eden Street unnecessarily, adding to the congestion. [GENNS04]
24. **Drop off and pick up zone**
- i. Ensure the pedestrian waiting area is clearly marked and does not cross the traffic lane.
  - ii. Maximise space within the drop off zone to prevent queuing on Coral Street.
  - iii. Provisions for taxi and Uber drop off/pick up.
  - iv. During the day, ensure there is a safe space for drivers to drop off or U-turn if they travel down Coral Street and beyond the Hill Street detour. [GENNS04]

**25. Intersection of Eden Street and Coral Street**

- i. **Safe area for motorists to U-turn at the end of Eden Street. Cars should not be directed to travel to the northern end of Coral Street to turn around.**

[GENNS04]

**26. General**

- i. **Conformance with a Traffic Management Plan and associated Traffic Control Plans implemented and controlled by Roads & Maritime Services accredited persons.**
- ii. **Community and affected business consultation addressing raised concerns including a letterbox drop to directly affected residents.**
- iii. **The event organiser notifies Tweed residents of the impact of their event by advertising in the Tweed Link at their expense a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.**
- iv. **Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.**
- v. **All signage erected for the event to not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.**
- vi. **Consultation with emergency services and any identified issues addressed. Ensure a clear path for emergency services is maintained at all times.**
- vii. **VMS 1, Message 3- delete third frame "take next left screen". This message is confusing as motorists may associate it with the first frame. Arrows are adequate.**
- viii. **VMS 3, Message 4 - to be revised to arrow direction signs not required.**

[GENNS04]

**27. The two areas of vegetation identified on the Vegetation Protection Plan are to be fenced off (chain mesh, barrier mesh style) in accordance with the plan to ensure the protection of the vegetation during the event.**

[GENNS05]

**28. The approved development shall not result in any clearing of native vegetation without prior approval from the relevant authority.**

[GEN0290]

**USE**

**29. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.**

[USE0125]

**30. A community liaison officer and community liaison contact phone number shall be available on a 24-hour basis on the days of the event (including 24 hours pre- and post-event). Details of the name and contact person and the contact telephone number must be locally advertised a minimum of fourteen (14) days prior to the event and local, directly affected, residents notified by means of an individual letter drop to each household.**

[USE0215]

31. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises. [USE0225]
32. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval. [USE0835]
33. All activities shall be carried out in accordance with the requirements of the NSW Office of Liquor, Gaming and Racing (OLGR). [USE1085]
34. The playing of live amplified music shall be restricted to 17 March 2018 during the approved festival event hours 4pm to 10pm. Amplified music sound checks are also permissible on 16 and 17 March 2018 between 10am and 4pm.
35. The maximum noise level at a residential premise shall not exceed 65db(A).
36. The sale of food shall comply with the NSW Food Authority's Food Handling Guidelines for Temporary Events and the NSW Food Act 2003 to the satisfaction of the General Manager or his delegate. All food businesses and vendors shall be registered with Council not less than 14 days prior to the event.
37. Fireworks shall not be utilised except by a licensed pyrotechnician in accordance with the provisions of SafeWork NSW and the Explosives Regulation 2013.
38. Toilets shall be serviced during the event at intervals sufficient to ensure they remain hygienic, clean and safe for the duration of the event. [USENS01]
39. Appropriate arrangements to the satisfaction of Council's General Manager or delegate shall be made for the collection and disposal of waste materials generated by the event. [USENS02]



**REPORT:**

**Applicant:** The Drop Music Festival Pty Ltd  
**Owner:** Tweed Shire Council  
**Location:** Lots 7339-7344 DP 116619, Lot 704 DP 877249, Lot 448 & 653 DP 755740, Lot 703 DP 877250, Coral Street, Lot 7038 DP 1055266 Hill Street, Tweed Heads  
**Zoning:** RE1 Public Recreation; R3 Medium Density Residential; B4 Mixed Use  
**Cost:** \$300,000

**Background:**

The site is known as Ebenezer Park, Hill Street Park and the Old Aquatic Centre Park. Ebenezer Park is mostly level with some minor undulating areas with frontage to Coral Street and the Tweed River, the site is considered suitable for the proposed festival. The Hill Street Park is mainly clear of vegetation and slopes down towards the east, south and west, the site is considered suitable for the parking of vehicles. The Old Aquatic Centre Park is level clear of vegetation and contains a large concreted area, the site is considered suitable for the use as a proposed drop off area.

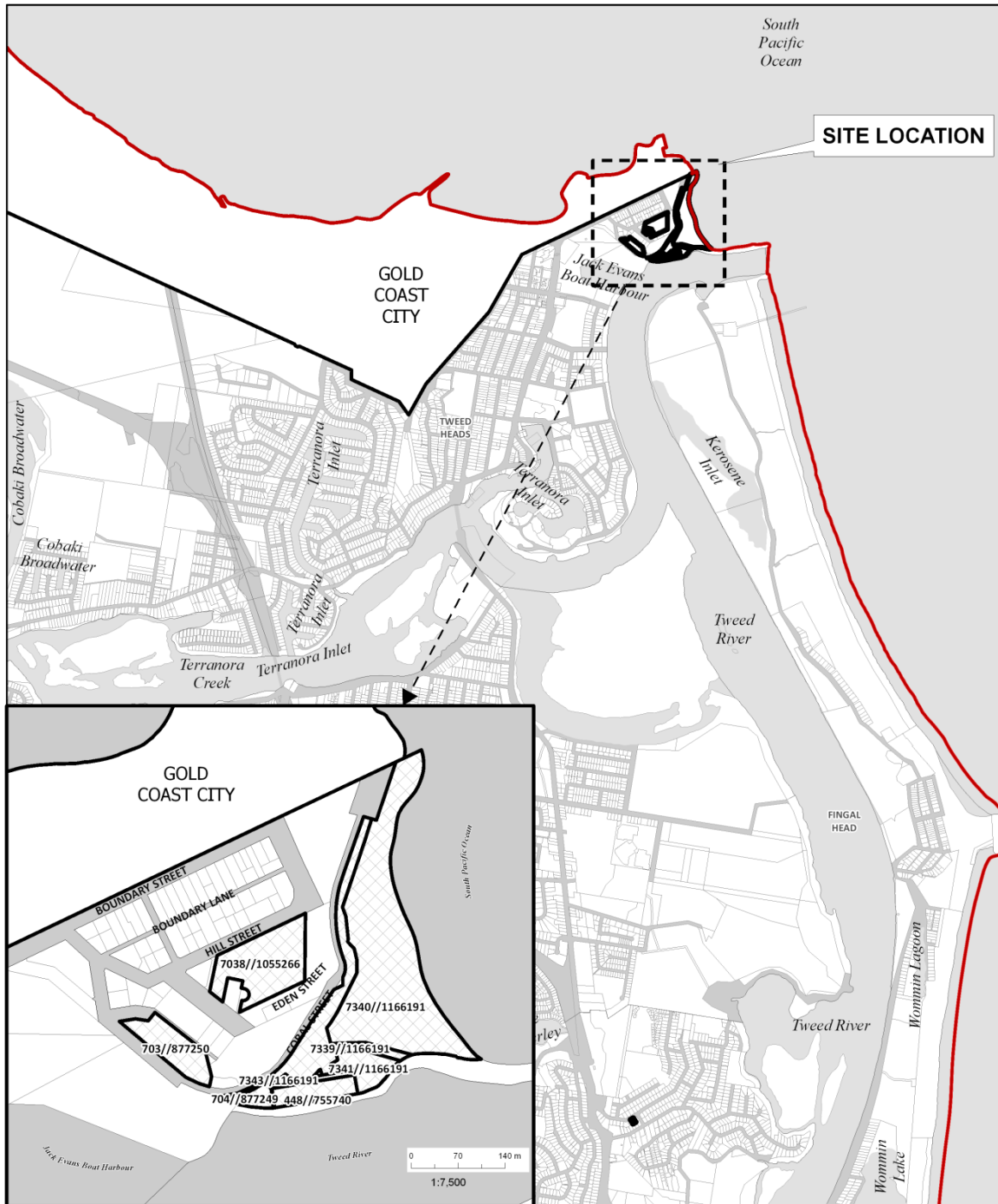
The Music Festival is to be held on Saturday 17 March 2018, commencing at 4.00pm and concluding at 10.00pm. The Music Festival is expected to host 5000 people, aimed towards the spectators of the Quicksilver Pro Surfing Event and the general public.

The development application was advertised development for a period of 14 Days from 21 February 2018 to 7 March 2018. Council received one submission which did not object to the proposal, however the submission requested that Council consider allowing the use of adjoining parklands for the use of car parking for the Music Festival. Parking is proposed on Hill Street parkland and a drop off area is proposed within the Old Aquatic Centre Park on Coral Street.

Within Council, the application will be referred to Tweed Shire Council officers in the Building, Environmental Health, Traffic, Recreation Services, Natural Resource Management and Waste Units. No objection was raised subject to recommended conditions.

The application was referred externally to the NSW Police Force. The Police advised that they would prefer that a portion of Coral Street adjacent to Ebenezer Park be closed to improve safety and security for the attendees, this has been incorporated within the amended Traffic Management Plan endorsed by the Police. The Police raised no objection to the proposal.

**SITE DIAGRAM:**



**Site Plan**

0 0.35 0.7 Km  
1:30,000

Lot 7339-7344 DP 116619, Lot 704 DP 877250,  
Lot 448 & 653 DP 755740, Lot 703 DP 877250, Coral Street,  
Lot 7038 DP 1055266 Hill Street, Tweed Heads

Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.

**GDA** Cadastre: 09/03/2018  
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Coordinate System - MGA Zone 56  
Datum - GDA 94

DO NOT SCALE  
COPY ONLY - NOT CERTIFIED

Civic and Cultural Centre  
3 Tumbalgun Road  
Murwillumbah NSW 2484  
PO Box 816  
Murwillumbah NSW 2484

T: (02) 6670 2400 / 1300 292 872  
F: (02) 6670 2483  
W: www.tweed.nsw.gov.au  
E: planningreforms@tweed.nsw.gov.au

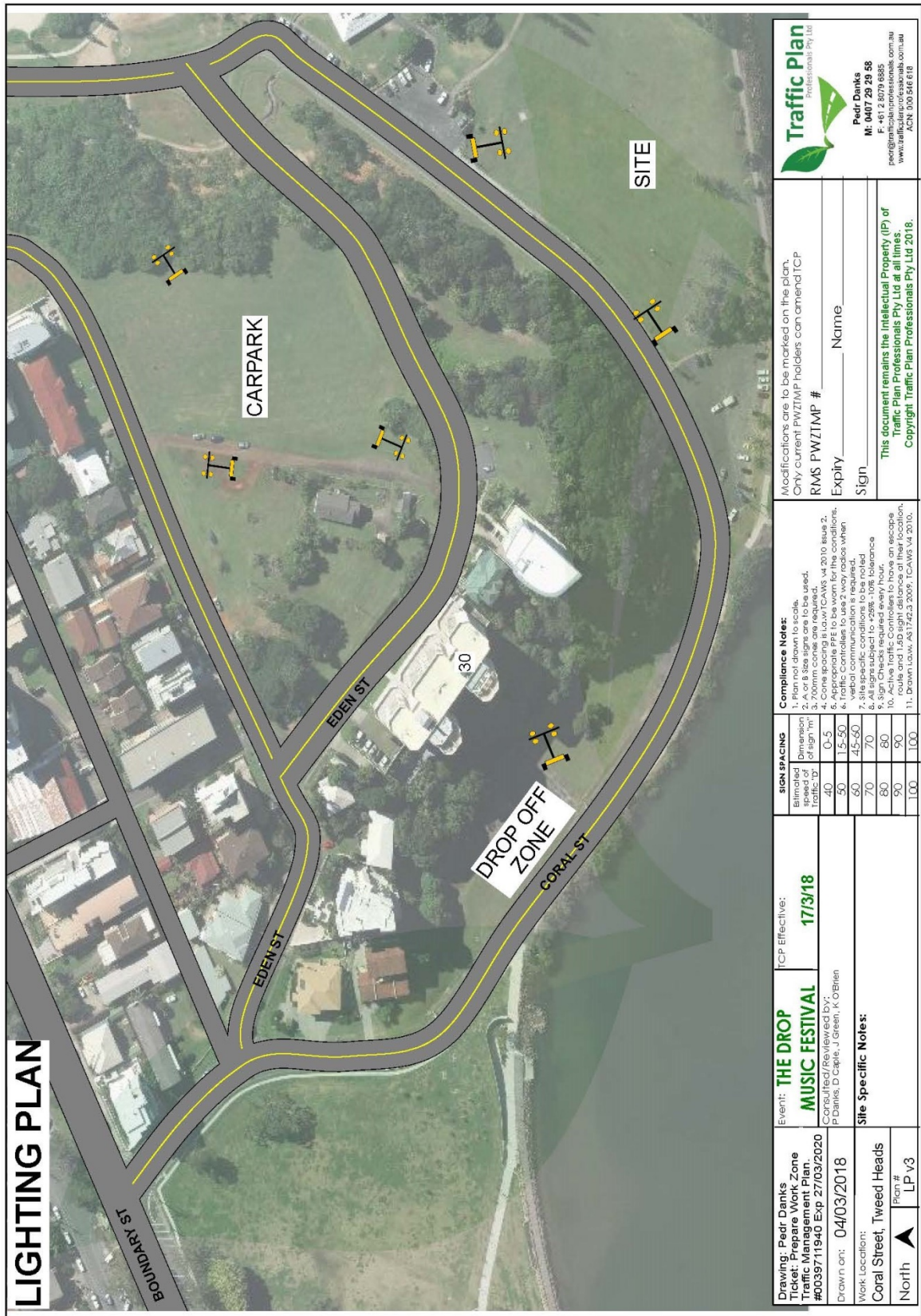


Date Printed: 09 March, 2018

DEVELOPMENT PLANS:







**Traffic Plan**  
Professionals Pty Ltd

**Peir Danks**  
M: 0407 29 58 58  
F: 451 2 6778 6885  
peir@trafficsignprofessionals.com.au  
www.trafficsignprofessionals.com.au  
ACN: 900 516 618

Modifications are to be marked on the plan.  
Only current PWZTMP holders can amend TCP  
RMS PWZTMP # \_\_\_\_\_ Name \_\_\_\_\_  
Expiry \_\_\_\_\_  
Sign \_\_\_\_\_

This document remains the Intellectual Property (IP) of  
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**Compliance Notes:**

1. All signs must be illuminated.
2. All signs must be used as shown on the plan.
3. 700mm cones are required.
4. Cone spacing is low (TCAMS v4.2010 issue 2).
5. Signs must be placed in accordance with the conditions.
6. Traffic Controllers to be used when required.
7. Verbal communication is required.
8. Site specific conditions to be noted.
9. Sign Check required every hour.
10. Active Traffic Controller to have an escape route and 1.6B sight distance at their location.
11. Drawn in accordance with TCAMS v4.2010.

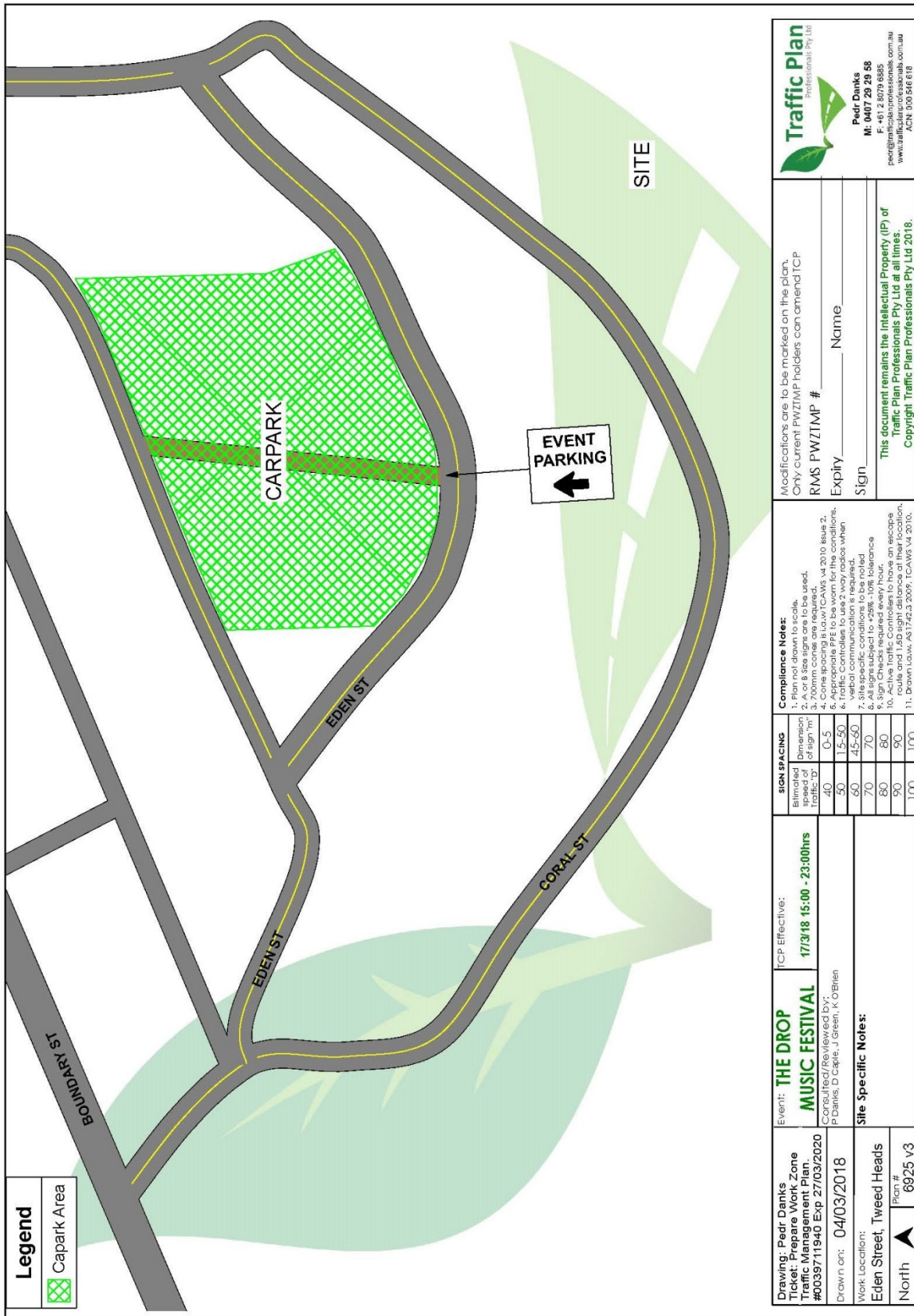
sign spacing	Dimension of sign 'm'	Estimated Traffic 'TP'
40	0-5	40
50	1.5-50	60
60	4.5-60	70
70	70	80
80	80	90
90	90	100
100	100	100

Event: **THE DROP MUSIC FESTIVAL**  
TCP Effective: **17/3/18**  
Consulted/Reviewed by:  
P Danks, D Caple, J Green, K O'Brien

**Site Specific Notes:**

Work Location:  
Coral Street, Tweed Heads  
North ▲  
Plan # LP v3

Drawing: Peir Danks  
Traffic Sign Work Zone  
Traffic Management Plan  
#0039711940 Exp 27/03/2020  
Drawn on: 04/03/2018



**Legend**  
 Carpark Area

<b>Drawing:</b> Pedr Danks <b>Ticket:</b> Prepare Work Zone Traffic Management Plan. #0039711940 Exp 27/03/2020 <b>Drawn on:</b> 04/03/2018		<b>Event:</b> THE DROP MUSIC FESTIVAL TCP Effective: 17/3/18 15:00 - 23:00hrs Consulted/Reviewed by: P.Danks, D.Caire, J.Green, K.O'Brien		<b>Compliance Notes:</b> 1. Plan not drawn to scale. 2. A or B size signs are to be used. 3. 700mm cones are required. 4. Cone spacing is to be 10m for the carpark. 5. Traffic Controllers to use 2 way radios when verbal communication is required. 6. All specific control notes are to be used. 7. Sign Checks required every hour. 8. Active Traffic Controllers to have an escape route and 1st Aid kit. 9. Down Road 431742 3 2008, Tables 4.4, 2010.		Modifications are to be marked on the plan. Only current PWZTMP holders can amend TCP RMS PWZTMP # _____ Expiry _____ Name _____ Sign _____		<b>Traffic Plan Professionals Pty Ltd</b> <b>Pedr Danks</b> M: 0407 29 29 58 F: +61 2 8079 8885 www.trafficplanprofessionals.com.au pedr@trafficplanprofessionals.com.au ABN 300 548 678	
<b>Work Location:</b> Eden Street, Tweed Heads North		<b>Site Specific Notes:</b>		This document remains the Intellectual Property (IP) of Traffic Plan Professionals Pty Ltd at all times. Copyright Traffic Plan Professionals Pty Ltd 2018.		This document remains the Intellectual Property (IP) of Traffic Plan Professionals Pty Ltd at all times. Copyright Traffic Plan Professionals Pty Ltd 2018.		This document remains the Intellectual Property (IP) of Traffic Plan Professionals Pty Ltd at all times. Copyright Traffic Plan Professionals Pty Ltd 2018.	
		<b>Sign Spacing</b>		Dimension of sign in traffic: m		Estimated speed of traffic: km/h			
		40		0-5		50			
		50		15-50		60			
		70		45-60		80			
		90		70		90			
		100		100		100			



REV	DESC	DATE	BY
B	SECOND ISSUE	08.12.17	J.G

DESIGNER	J.GREEN
DATE	08.12.2017
SCALE	1:1000 @ A3
PROJECT	THE DROP 2018
SHEET	1 of 1

STUDY	THE DROP MUSIC FESTIVAL 2018
CLIENT	D'BAH EBENEZER PARK
DESIGNER	JOSH GREEN

**PHOENIX**  
ENTERTAINMENT LIVE

**Vegetation Protection Plan**

Document Set ID: 507837  
Version: 1, Version Date: 13/02/2018

## CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### (a) (i) The provisions of any environmental planning instrument

#### Tweed City Centre Local Environmental Plan 2012

##### Part 1 Preliminary

##### 1.2 Aims of Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows;

(1) This Plan aims to make local environmental planning provisions for land in Tweed City Centre in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

- (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents,
- (b) to promote employment, residential, recreational, arts, social, cultural and tourism opportunities in Tweed City Centre,
- (c) to encourage the responsible sustainable management and conservation of Tweed City Centre's natural and environmentally sensitive areas, the built environment and cultural heritage,
- (d) to promote development that is consistent with the principles of ecologically sustainable development,
- (e) to promote the economic revitalisation of Tweed City Centre,
- (f) to strengthen Tweed City Centre as a multi functional and innovative regional centre that encourages employment and economic growth,
- (g) to protect and enhance the vitality, identity and diversity of Tweed City Centre,
- (h) to facilitate building design excellence appropriate to a regional city in Tweed City Centre.

The proposed development is considered to be generally in accordance with the aims of this plan having regard to its nature, permissible at this location.

##### 1.4 Definitions

Under this Plan, the proposed development would be a '*recreation facility (outdoor)*' which is defined as follows:

*Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle*



*range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

The above use is permitted with consent in the RE1 Public Recreation zone, B4 Mixed Use and R3 Medium Density Residential.

## **Part 2 Permitted or prohibited development**

### 2.1 Land use zones

The proposed development area where the music event is held is zoned RE1 Public Recreation. The proposed parking area is located on land zoned R3 Medium Density Residential and the proposed drop off area is located on land zoned B4 Mixed Used under the provisions of this plan. The music festival is defined as a recreation facility (outdoor) which is permissible with consent in each of these zones.

### 2.3 Zone objectives and Land Use Table

The objectives of the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The objectives of the Zone R3 Medium Density Residential are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The objectives of the Zone B4 Mixed Use are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposed development is considered to be consistent with the objectives of these zones through the provision of using the land for recreational purposes which will be returned to public open space once the festival is completed.

## 2.7 Demolition requires development consent

This clause states that '*the demolition of a building or work may be carried out only with development consent.*' The submitted application does not seek development consent for the demolition of structures. No further consideration is required with respect to this clause.

## **Part 4 Principal development standards**

### 4.3 Height of buildings

The objectives of this clause include provisions to establish the maximum height for which a building can be designed and ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity.

This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. In this instance the proposed development site is identified as having a maximum building height of 10m (Control K) as identified on the building height map.

The proposed development consists of temporary structures such as stage with roof (9m height) marquee areas and demountable offices. The proposed temporary structures are less than the maximum height and considered to be compliant with the provisions and objectives of this control.

### 4.4 Floor space ratio

The objectives of this clause are as follows:

- (a) to define the allowable development density of a site and for particular classes of development,
- (b) to enable an alignment of building scale with the size of a site,
- (c) to provide flexibility for high quality and innovative building design,
- (d) to limit the impact of new development on the existing and planned natural and built environment,
- (e) to encourage increased building height and site amalgamation at key locations in the area of Tweed City Centre.

This clause goes on to further state that the maximum floor space ratio (FSR) for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. In this instance the site does not have a applicable floor space ratio. As the proposal is for temporary use of the site the proposal is considered to be acceptable within regards to the clause.

### Clause 4.6 Exceptions to development standards

The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

This clause provides a mechanism by which development standards may be varied under the local planning instrument. In this instance the applicant has proposed to vary the controls contained within Clause 4.4 – Floor Space Ratio. The proposal does not require a variation to a development standard.

## **Part 5 Miscellaneous provisions**

### 5.5 Development within the coastal zone

This clause states that development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered the following:

- (a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*
  - (i) *maintaining existing public access and, where possible, improving that access, and*
  - (ii) *identifying opportunities for new public access, and*

The subject application does not propose any amendments to existing public access to or along the coastal foreshore.

- (b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*
  - (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
  - (ii) *the location, and*
  - (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*

The proposed development is permissible on the subject site and is generally consistent with the prescribed development requirements as outlined throughout this report. As such the proposal is considered to be acceptable at this location.

- (c) *the impact of the proposed development on the amenity of the coastal foreshore including:*
  - (i) *any significant overshadowing of the coastal foreshore, and*
  - (ii) *any loss of views from a public place to the coastal foreshore,*

The proposed development is located approximately 160m from the coastal foreshore (to the east) and it therefore considered not likely to impact on the

amenity of the foreshore by virtue of overshadowing or a loss of views. The subject application is considered to be acceptable having regard to the above considerations.

- (d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

The proposed development is considered not to compromise the scenic qualities of the coast as it represents an acceptable development on appropriately zoned land. Beyond this, the subject development is considered not to generate any specific opportunities to protect the visual amenity and scenic qualities of the coast due to its nature and scale.

- (e) *how biodiversity and ecosystems, including:*

- (i) *native coastal vegetation and existing wildlife corridors, and*
- (ii) *rock platforms, and*
- (iii) *water quality of coastal waterbodies, and*
- (iv) *native fauna and native flora, and their habitats, can be conserved, and*

The proposal is to be undertaken on a previously developed land which does not require any vegetation removal. It is considered that the proposal will have a minimal impact on the local biodiversity or ecosystems in this regard.

- (f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*

The proposed development is considered not to result in an unacceptable cumulative impact on the coastal catchment given the sites zoning and the permissibility of the development at this location.

This clause goes on to further state:

- (3) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:*
- (a) *the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and*

As outlined elsewhere in this report, the proposal will not impede or diminish the right of access of the public either to or along the public foreshore.

- (b) *if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

The development proposes portable toilets that will not have a negative impact on water quality.

- (c) *the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and*

The proposal is for a temporary use that will not increase the permeable area that will impact on existing stormwater levels.

In any event, it is considered that the subject application would be in accordance with the above controls, with no untreated stormwater being discharged to the sea, beach or the like.

- (d) *the proposed development will not:*
- (i) *be significantly affected by coastal hazards, or*
  - (ii) *have a significant impact on coastal hazards, or*
  - (iii) *increase the risk of coastal hazards in relation to any other land.*

The proposed development is considered to be acceptable having regard to coastal hazards as outlined above due to its nature, permissibility and the spatial separation between the site and coastal hazards at this location.

#### 5.10 Heritage conservation

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of Tweed City Centre,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The subject site is not mapped as being within an area of heritage significance or a heritage conservation area. Furthermore, the site is not mapped as being within a known or predictive aboriginal Cultural Heritage Area. The subject application does not result in any works which require consent under the provisions of part (2) of this clause. The application is considered to be acceptable.

### **Part 6 Additional local provisions**

#### 6.1 Acid sulfate soils

The subject site demonstrates Class 5 Acid Sulfate Soils (ASS) in accordance with the provisions of this clause. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The proposal does not require disturbance of the natural ground and is therefore unlikely to disturb acid sulfate soils, no further consideration or conditions are required.

## 6.2 Flood planning

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

This clause goes on to further state that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

With respect to the abovementioned matters, it is noted that the proposed area of use is located above the Q100 flood level (2.6m AHD) and is affected only by the PMF level. The site has an existing ground level of 4m AHD. Having regard to the above, the proposal is considered to be in accordance with the provisions of this clause and flooding is considered not to be a constraint for the proposal.

## Clause 6.9 - Airspace Operations

The objectives of Clause 6.9 are to provide for the effective and ongoing operation of the Gold Coast Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport and to protect the community from undue risk from that operation.

The proposal is for a temporary use for one day with the highest structure being 9 metres. The proposed development is considered to be in accordance with this Clause.

## Clause 6.10 - Design excellence

This clause applies to development involving the erection of a new building or external alterations to an existing building and in particular applies to land identified as being on the 'key sites map' and development in respect of a building that will be higher than 35 metres.

The proposal is not relevant to this clause.

### **State Environmental Planning Policies**

#### **SEPP No. 64 – Advertising and Signage**

No permanent advertising or signage devices are proposed. However it is noted that temporary traffic management signage will be required for the duration of the event being held on Saturday 17 March 2018. As such, no further assessment is required with respect to signage.

#### **SEPP No 71 – Coastal Protection**

#### **SEPP 71 – Matters for Consideration**

*(a) The aims of this Policy set out in Clause 2:*

The proposed development is considered to be consistent with the aims of the policy as set out in clause 2.

*(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved*

The proposal development will not alter or restrict the public's access to the foreshore reserve areas.

*(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability*

The proposal does not generate any additional opportunities to improve public access to foreshore reserve areas and the like, nor is it considered that there be a requirement to do so given the proposal is for a one day music festival.

*(d) The suitability of the development given its type, location and design and its relationship with the surrounding area*

The proposed development is temporary, sited and designed in general accord with the relevant Council controls and is considered unlikely to create any form of adverse imposition upon the immediate area in terms of size, scale or design.

*(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore*

The proposed development is considered not likely to create an impact on the amenity of the coastal foreshore, given the site will be separated from the foreshore and is for a temporary use. In particular there is considered to be no loss of views or overshadowing associated with this application.

- (f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities*

The proposal is unlikely to impact upon the scenic quality of the NSW coast, with the development being spatially separated from the coastal foreshore.

- (g) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats;*

The proposal is considered not to impact negatively animals or their habitats. The subject development site has been previously developed for recreational purposes with minimal disturbance required for the proposed music festival.

- (h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Act), and their habitats*

The proposal is unlikely to have an adverse impact upon marine environments or habitats.

- (i) *existing wildlife corridors and the impact of development on these corridors,*

It is considered that there are no wildlife corridors impacted by the proposed development.

- (j) *the likely impact of coastal process and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards;*

The subject site is not located within an area affected by Coastal Erosion and is landward of the defined Coastal Erosion Zones. The development is therefore unlikely to have an adverse impact upon Coastal Processes or be affected by Coastal Processes

- (k) *measures to reduce the potential for conflict between land-based and water-based coastal activities;*

The proposal is not considered to cause any conflict between land-based and water-based activities.

- (l) *measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals;*

The subject site is not identified as a cultural place or the like.



*(m) likely impacts of development on the water quality of coastal waterbodies,*

The subject application is not considered to have any significant impact upon the water quality of coastal waterbodies.

*(n) the conservation and preservation of items of heritage, archaeological or historic significance,*

The subject site is not identified as land containing items of heritage, archaeological or historical significance.

*(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities;*

Not applicable to the subject application.

*(p) only in cases in which a development application in relation to proposed development is determined:*

*(i) the cumulative impacts of the proposed development on the environment; and*

The proposed development is not considered to have a negative cumulative impact on the environment.

*(ii) measures to ensure that water and energy usage by the proposed development is efficient.*

The subject application has not provided measures in relation to the minimisation of water and energy usage. It is noted that the proposed development does not require a BASIX certificate be submitted as the development is not residential in nature. The subject application is considered to be acceptable in this regard.

The proposal is generally consistent with the matters for consideration as it does not impede public access to the foreshore nor result in any unacceptable loss of view or overshadowing. The proposal has a minimal impact on flora or fauna and the proposed development site is not known to contain any items of Aboriginal significance. The provisions of SEPP 71 are considered satisfied.

**(a) (ii) The Provisions of any Draft Environmental Planning Instruments**

**Draft Coastal Management SEPP**

The subject site is mapped under the Coastal Use Area map and Coastal Environment Area Map.

It is noted that the subject site is currently mapped as SEPP 71. The Draft Coastal Management SEPP will repeal this policy.

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016* by:

- (a) *managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) *establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) *mapping the 4 coastal management areas which comprise the NSW coastal zone, in accordance with the definitions in the Coastal Management Act 2016.*

### **Division 3**

#### **Coastal environment area**

##### **14 Development on land within the coastal environment area**

- (1) *Development consent must not be granted to development on land that is wholly or partly within the coastal environment area unless the consent authority is satisfied that the proposed development:*
  - (a) *is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment, and*
  - (b) *is not likely to significantly impact on geological and geomorphological coastal processes and features or be significantly impacted by those processes and features, and*
  - (c) *is not likely to have an adverse impact on the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes, and*
  - (d) *is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, and*
  - (e) *will not adversely impact Aboriginal cultural heritage and places, and*
  - (f) *incorporates water sensitive design, including consideration of effluent and stormwater management, and*
  - (g) *will not adversely impact on the use of the surf zone.*
- (2) *In this clause, sensitive coastal lake means a body of water identified in Schedule 1.*

The subject application is for the temporary use of the site for a music festival, within a developed area of Tweed Heads. The development is not considered to cause adverse impacts in relation to geological and geomorphological coastal processes, the environment (including flora and fauna and their habitats) or Aboriginal culture or the surf zone.

Further to the above, the proposed development provides acceptable effluent and stormwater management.

Accordingly, the proposed development is consistent with the aims of clause 14(1).

**Division 4 Coastal use area**

**15 Development on land within the coastal use area**

*Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:*

- (a) is satisfied that the proposed development:*
  - (i) if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and*
  - (ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*
  - (iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*
  - (iv) will not adversely impact on Aboriginal cultural heritage and places, and*
  - (v) will not adversely impact on use of the surf zone, and*
- (b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.*

The subject proposal will not impede public access to the foreshore, create overshadowing, adversely impact on the visual amenity and scenic qualities of the coast on coastal land (including the surf zone) or Aboriginal cultural heritage or places.

The proposed development is considered in keeping with the existing and future intended development or the location and surrounds.

The proposed development is considered in keeping with the aims of Clause 15 of the draft Coastal Management SEPP.

Summary

The proposed development is not considered to increase the risk of coastal hazards.

The proposed development is consistent with the overall aims of the draft Coastal Management SEPP.

The proposed development is consistent with the aims of the coastal use areas and coastal environment area.

There are no specific coastal management programs applicable to the subject site.

There is no coastal zone management plan (*Coastal Protection Act 1979*) applicable to the subject site.

**(a) (iii) Development Control Plan (DCP)**

Tweed Development Control Plan

Section A2-Site Access and Parking Code/Section B2

The application provided a Traffic Management Plan (as amended) which has been reviewed by Council's Traffic Engineer and the NSW Police. The Traffic Management Plan proposes the partial closure of Coral Street, a drop off area on the Old Aquatic Club site on Coral Street and a parking area on the Hill Street Park. No objections were raised subject to the implementation of the Traffic Management Plan.

It has been estimated that approximately 50% of the patrons will be arriving from the surfing event located at Snapper Rocks. The Music event will commence after the surfing event finishes for the day, with the reminding patrons of the surfing event leaving the area as the music event patrons arrive.

The proposal is considered to be acceptable in terms of site access and parking.

Section A3 - Development of flood liable land

Council's GIS mapping identifies the area of the being used for the music festival as being prone to PMF. The closest Q100 level is 2.6m AHD with a minimum habitable floor level of 3.1m AHD. The site contours are around 4 meters AHD.

Considering the above and that the proposal is a temporary use for a music event, no issues are raised in relation to the proposal from a flooding perspective. It is considered that the proposal is consistent with the controls established within A3.

Section A4 – Advertising Signs Code

Advertising is not proposed, temporary traffic management signs are required. No further consideration is required against the policy.

Section A11-Public Notification of Development Proposals

The application was advertised for 14 days from Wednesday 21 February 2018 to Wednesday 7 March 2018. During the advertised period Council received one submission, however the submission did not object to the proposal, rather the submission requested that Council consider permitting parking on surrounding park lands.

### Section A15 – Waste Minimisation and Management

Council's DCP Section A15 aims to minimise the generation of construction/demolition waste and facilitate effective ongoing waste management practices consistent with the principles of Ecologically Sustainable Development.

The applicant has provided a Waste Management Plan, which was reviewed by Council's Waste Unit. No objections were raised subject to a recommended condition to be added to the consent if approved. The following condition should be applied to any consent with respect to the proposal "*Waste generated as a result of the event must be contained in suitable bins and disposed of at a licensed waste or recycling facility.*"

The proposal is considered to be acceptable having regard to waste management and the provisions of this section of the DCP.

### Section B2-Tweed Heads

The site is located within the area which is covered by this site specific development control plan, however do to the nature of the proposal being for a music festival with no permanent structures that plan is not applicable.

#### **(a) (iv) Any Matters Prescribed by the Regulations**

##### Clause 92(a) Government Coastal Policy

The proposed development is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. It is considered that the proposed development does not contradict the objectives of the Government Coastal Policy, given its permissible nature on a site identified for development works.

#### **(a) (v) Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*)**

##### Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure.

The proposed development is not considered to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline (Clause 2.4.1) including: recreation; water quality; heritage; land use and development potential; coastal ecology and, social and economic demand.

The subject site is located within the Point Danger- Fingal Head Area identified under the Plan at Clause 3.1.3. The subject site is not identified for specific development or issues within this plan and it is not considered to be directly impacted upon by the issues identified for that area.

Under this plan, the subject site is not identified as having any key management actions or specific management strategies. The proposal is assessed as being consistent with the objectives of the Management Plan.

#### Tweed Coast Estuaries Management Plan 2004

The subject site is not located within an area that is affected by the Coastal Zone Management Plan for the Tweed Coast Estuaries 2013.

#### Coastal zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)

The subject site is located approximately 3.8km from the Terranora Broadwater to which this management plan relates. It is noted that the site is not located within any of the Broadwater catchment areas identified under this plan.

The proposal is not considered to result in a significant or unacceptable impact on the Broadwater given its spatial separation from the areas identified in this plan. Furthermore the application relates to a development in an area zoned for this type of development, only minor and temporary works are required for the proposal. The proposal is not considered to impact upon coastal zone management strategies for Cobaki and Terranora Broadwater.

**(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

The proposal is considered to create acceptable impacts on the natural and built environment due to its temporary nature and subject to recommended conditions.

#### Traffic

A Traffic Management Plan (as amended) was submitted by the applicant, which was assessed by Council's Traffic Engineer and the NSW Police. No objections were raised subject to recommended conditions to be added to the consent if approved.

#### Waste

The proposal was assessed by Council's Waste unit, no objections were raised subject to one recommended condition will be added to the consent if approved.

#### Amenity - noise

The proposal was assessed by Council Environmental Health unit, no objections were raised subject to conditions which will be added to the development consent

if approved. The following comments were noted; Live amplified music will be played during the event 17 March 2018 4pm – 10pm, as well as during set up and preparation periods. The 10pm festival finish time for playing amplified music is noted and is not considered excessive or likely to cause unreasonable impacts, provided reasonable sound levels are maintained.

It is noted that similar events have been conducted in this location historically. The Jack Evans Boat Harbour (JEBH) precinct is also the venue for other community events such as ANZAC celebrations, public markets, food truck events, Tweed River Festival, circus etc. In relation to noise impacts the Community is more tolerant of one off celebrations and events.

#### Lighting

General restrictive conditions are recommended to be applied regarding lighting.

#### Pyrotechnics

The Statement of Environmental Effects indicates the festival may have intermittent stage effect pyrotechnics. Council's Environmental Health unit have recommended standard conditions to be applied to the consent.

### **(c) Suitability of the site for the development**

#### Surrounding Landuses/Development

The subject site is immediately surrounded by public open space land and the Tweed River to the south. Residential development is located further to the north and west. The proposed development is temporary in nature with the event to run for one day only from 4.00pm to 10.00pm. The proposal is not considered to result in an unacceptable impact on surrounding development as outlined throughout this report and recommended conditions and is considered to be appropriate at this location by virtue of being a permissible use on appropriately zoned land. Accordingly the proposal is recommended for conditional approval.

### **(d) Any submissions made in accordance with the Act or Regulations**

The application was advertised for 14 days from Wednesday 21 February 2018 to Wednesday 7 March 2018. During the advertised period Council received one submission, however the submission did not object to the proposal, rather the submission requested that Council consider permitting parking on surrounding park lands.

#### **Public Authority Submissions**

The proposal was referred to the NSW Police. The Police advised that their preference would be that a portion of Coral Street be closed to provide added safety and security to the public attending the music event. The applicant amended the Traffic Management Plan to incorporate comments made by the Police. The amended Traffic Management Plan has been reviewed by the Police with no objection raised.

**(e) Public interest**

The proposed development is consistent with relevant environmental planning instruments and Council policy requirements. The proposal is considered suitable for the subject site, given the sites zoning and proposed uses permissibility at this location. The subject site is zoned RE1 Public Recreation, where use of the site of this nature is anticipated. The proposal was advertised for a period of 14 days no objections were made in relation to the proposal, subject to surrounding park land being used for parking. As such the proposal is considered to be in the public interest.

**OPTIONS:**

1. Approve the application in accordance with the recommendation; or
2. Refuse the application with reasons for refusal.

Option 1 is recommend.

**CONCLUSION:**

The Drop Music Festival is considered unlikely to create significant adverse impacts on the natural or built environments with the site considered suitable. The proposal is considered to be within the public interest subject to recommended conditions.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

The applicant has the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

**d. Communication/Engagement:**

**Consult-**We will listen to you, consider your ideas and concerns and keep you informed.

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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