

Bluesfest Community Events Site Regulatory Working Group

Terms of Reference (Version 1)
September 2018

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Introduction

Bluesfest Services Pty Ltd lodged a development application in 2014 for a 'community events facility' on land located at on the eastern side of the Pacific Highway at Tyagarah. The site extends between the old Pacific Highway in the west and Simpsons Creek in the east.

Byron Shire Council approved Development Application 10.2014.753.1 on 29 February 2016. The Development Approval allows for the following stages and activities:

Number of People, Number of Events

Event Type	Number of People	Days Events
Large Events	25,000 people including patrons, staff and performers.	Up to ten event days per calendar year including only one multi-day event (of up to 5 days).
Medium Events	15,000 people including patrons, staff and performers.	Up to ten event days per calendar year including only one multi-day event (of up to 5 days).
Small Events	2000 people	Up to ten even days per calendar year with amplified music. Up to ninety event days per calendar year without amplified music.

Hours of Operation

Event Type	Hours of Operation	Additional Restrictions
Large Events	8am to midnight	Amplified music not to start until 10am.
Medium Events	8am to midnight	Amplified music not to start until 10am.
Small Events	8am to midnight	Amplified music not to start until 10am but to cease by midnight.

Stage 1

- Bluesfest as the only large event;
- 5 medium event days; and
- Small events as approved under this application.

Stage 2

- Increase large events from 5-10 days; and
- Increase medium events from 5-10 days.

The development consent also required the establishment of a Regulatory Working Group (RWG) to oversee certain functions associated with the preparation of the site and the hosting of events.

Condition 57 – Regulatory Working Group

The owners of the land to establish a regulatory working group (RWG) to oversee the environmental performance of events. The RWG must:

- (a) comprise at least one (1) representative of the proponent, Office of Environment and Heritage, Roads and Maritime Service, NSW Police Force, State Emergency Services, Rural Fire Service and Council, where these parties agree to be part of the RWG, or as otherwise agreed to by Council;*
- (b) comprise at least two (2) representatives of the local community nominated by the Council. Community representatives are appointed on a rotational basis with a representative not exceeding four (4) years;*
- (c) be chaired by a chairperson, whose appointment has been approved by Council;*
- (d) meet at least once prior to the first large, first medium and first small event to review the proposed management in relation to:*
 - i. illegal camping;*
 - ii. litter;*
 - iii. provision of security services;*
 - iv. noise;*
 - v. event traffic and car parking;*
 - vi. complaint mechanisms;*
 - vii. koala management*
 - viii. flooding;*
 - ix. bushfires;*
 - x. evacuation procedures; and*
 - xi. any other issues raised by government agencies or Council.*

- (e) meet 6 monthly to review the proponent's performance with respect to environmental management and community relations for events held during a reporting period and where appropriate, make recommendations to the Council on measures or strategies to improve performance for future events;*
- (f) undertake periodic inspections of the site;*
- (g) review community concerns or complaints with respect to environmental management and community relations.*
- (h) the landowner must, at its own expensive:*
 - i. provide the RWG with regular information on the environmental performance and management of events;*
 - ii. provide meeting facilities for the RWG (if necessary);*
 - iii. arrange site inspections for the RWF (if necessary);*
 - iv. take minutes of the RWG meetings;*
 - v. make these minutes publicly available;*
 - vi. respond to any advice or recommendations the RWG may have in relation to the environmental management or community relations;*
 - vii. provide a copy of the minutes to each RWG meeting to members.*

Objectives and Approach

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

1. The government agencies and community members which form the RWG are consultation\advisory bodies to Bluesfest Community Events Site and not decision making bodies;
2. Members shall be guided by the constitution and role of the RWG as stipulated in Condition No.57 of the Bluesfest Community Events Site dated 29 February 2016;

Objectives

The objective of the RWG is to oversee the operational & environmental performance and community relations for events held at Bluesfest Community Events Site covering the following defined aspects:

- i. illegal camping;*
- ii. litter;*
- iii. provision of security services;*
- iv. noise;*
- v. event traffic and car parking;*
- vi. complaint mechanisms;*

- vii. koala management*
- viii. flooding;*
- ix. bushfires;*
- x. evacuation procedures; and*
- xi. any other issues raised by government agencies or Council.*

Approach

A chairperson whose appointment has been approved by Byron Shire Council will chair the RWG. The chairperson shall be responsible for reviewing the relevant Bluesfest Community Events Site conditions of approval (with particular consideration of development consent condition No.57 Regulatory Working Group to determine:

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

Deliverables

The RWG shall undertake to deliver the following outcomes:

1. Meet at least once prior to the first large, medium and small event to review the proposed management in relation to:
 - i. illegal camping;*
 - ii. litter;*
 - iii. provision of security services;*
 - iv. noise;*
 - v. event traffic and car parking;*
 - vi. complaint mechanisms;*
 - vii. koala management*
 - viii. flooding;*
 - ix. bushfires;*
 - x. evacuation procedures; and*

xi. any other issues raised by government agencies or Council.

2. Meet to review Bluesfest Community Events Site performance with respect to environmental management and community relations for events held during a reporting period;
3. Where appropriate, make recommendations on measures or strategies to improve performance for future events;
4. Undertake periodic inspections of the site; and
5. Review community concerns or complaints with respect to environmental management and community relations.

Information Dissemination and Confidentiality

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

Scope Limitations

Condition 57 Regulatory Working Group documents those matters upon which the RWG shall provide relevant advice. Other matters shall be managed through the Bluesfest Community Events Site Environmental Health and Safety Management Manual, which includes but is not limited to:

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

Membership

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

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

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

- RWG Chairperson (as approved by the Secretary);
- At least two representatives of the local community nominated by Byron Shire Council (maximum 4 year tenure); and
- At least one Bluesfest Community Events Site representative and required consultants.

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

The role of the Chairperson is to be a convener, facilitator, and advisor for the Group. The Chairperson is appointed and paid for by Bluesfest Community Events Site, following assessment and approval by Byron Shire Council.

Communications and Administration

The RWG Chairperson is responsible for determining and scheduling meetings as required under development consent condition No. 57. Meeting frequency will be determined by the requirements of the approval conditions, the number of events, their performance, and the issues raised. At this stage, it is envisaged the RWG will formally meet prior to the first large, medium and small event and then meet 6 monthly.

Additional meetings and/or email correspondence to address specific matters may be undertaken with the agreement of members.

Bluesfest Community Events Site shall:

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

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

Communications

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

Process for Handling Recommendations

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

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

Meeting Structure

Meeting agenda matters will typically include:

- Introductions;
- Apologies;
- Discussion of any outstanding matters or matters raised in the previous minutes;
- Confirmation of previous meeting minutes;
- Focus of meeting;
- Bluesfest Community Events Site update and overview of activities;
- Discussion of relevant monitoring data and any complaints;
- Reports to be tabled or previously issued for discussion;
- Performance monitoring and community relations issues reporting and

discussion;

- Suggestions and recommendations relating to issues and performance, including responses from Bluesfest Community Events Site;
- Items for further consideration;
- Other matters and summary of agreed actions;
- Next meeting; and
- Site inspections, where relevant\requested.

Minutes of Meetings

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

Conduct of RWG Members

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

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

Dispute Resolution

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